

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

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

MEMBERS:

Ryan Eisele	Councilmember
Ryan Hankins	Councilmember
Bridget Sperl	Councilmember
Katherine Weier	Councilmember

STAFF:

Alan Kantrud	City Attorney
Marcus Johnson	City Engineer

REGRETS:

Jennifer Arsenault	Mayor
--------------------	-------

Minutes prepared by Jolene de Jager of Minutes Solutions from a video recording.

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA (0:02:00)

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

The following changes were made to the agenda:

- Remove Item C under City Business;
- Move items A, D, E, F, and J from the consent agenda to City Business.

4. OPEN PUBLIC FORUM (0:02:35)

Deputy Mayor Weier opened the public forum.

Barton Winter, 1 Five Oaks Lane, discussed the need to purchase new nets for the hockey rink due to degradation, proposing a budget of approximately \$500, with a request for the council to consider funding half of that amount. He also expressed concerns regarding communication issues with council members about the rink. He felt that he was not allowed to present his views on maintenance rules during a meeting of the Parks Committee.

Deputy Mayor Weier closed the public forum.

5. ANNOUNCEMENTS (0:06:03)

6. CITY BUSINESS (0:07:00)

1.12 Variance Review (0:07:12)

1.1.1 Undersized Lot – 131 Wildwood Avenue

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to approve the variance for the 131 Wildwood Avenue construction project on the undersized lot, subject to a specific condition. The condition requires that the two lots comprising the property be merged before permits are issued. All in favor. Motion carried.

Len Pratt discussed variances for constructing a new home at 131 Wildwood Avenue. The variances included an undersized lot of 7,590 square feet, setbacks of 5 feet instead of the required 10 feet, and a road setback of 16 feet instead of the required 30 feet. The Planning Commission had mixed opinions on the 8.5-foot west side setback, which was ultimately approved by a 2-1 vote. The applicant, Joe Galatowitsch, received support from neighbors. The Council approved the variances, subject to the condition that the two lots be merged before issuing permits.

1.2.1 Garage East Side Yard Setback of 5 Feet – 131 Wildwood Avenue

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the variance for 425 Lake Avenue, which involves reducing the setback for the garage to five feet. The condition specified that the variance or the reduction in setback applies only to the garage structure along the east property line. All in favor. Motion carried.

The variance request pertains to the garage's east side setback, which is proposed to be reduced from 10 feet to five feet. The Council suggested limiting the setback reduction to the distance the garage spans along the east property line, emphasizing that the variance should apply solely to the garage structure. The discussion included considerations about wording and documentation, leading to a motion to approve the variance with the specified conditions.

1.3.1 Garage Road Right of Way Setback at 16 Feet – 131 Wildwood Avenue

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the variance request for a garage right-of-way setback of 16 feet, provided that the setback reduction applies only to the garage from the property line along the street. All in favor. Motion carried.

The variance request concerning the setback of a garage from the property line proposed moving the garage back 16 feet instead of the required 30 feet. The motion to approve this variance was made, specifying that the setback reduction applies solely to the garage.

1.4.1 House West Side Yard Setback at 8.5 Feet – 131 Wildwood Avenue

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the variance request for the house's west side yard setback at 8.5 feet, with the condition that no structure other than the proposed garage be constructed or expanded within 11.2 feet of the east property line. All in favor. Motion carried.

The layout of the proposed house was discussed, highlighting that it would maintain access to the lake while improving the property's aesthetic appeal. The applicant confirmed that neighbors were supportive of the plans after reviewing the site plan and details. The Council proposed a condition to maintain a minimum setback of 11.5 feet on the east side of the house, which was agreed upon by the applicant. The topography of the lot was discussed, noting that the elevation change on the west side makes it impractical to walk along that edge, necessitating the variance for better access.

1.5.1 House Height Exceeding 30 Feet – 131 Wildwood Avenue

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to grant a variance for the house height such that the new house fully conforms to the zoning code's height limit. All in favor. Motion carried.

A variance request was proposed concerning the height of a house that exceeds 30 feet, suggesting a maximum height of 35 feet, which is higher than the previous structure's

height of approximately 25 feet. The applicant noted that the building permit will include calculations based on the ordinance methods. Although the request is for a height variance, it is not an attempt to exceed the ordinance; rather, it is intended to accommodate an expansion of a non-conforming structure. It was noted that a variance is required if the new structure exceeds the previous height of the nonconforming building.

The Council emphasized the importance of understanding the limits of the variance to prevent future non-compliance with zoning regulations and expressed the need for clarity on the legal aspects of the variance and the specific conditions under which it can be granted.

1.6.1 Retaining Walls Requested Within the 50-Foot OHW Setback Requirements – 131 Wildwood Avenue

On a motion made by Deputy Mayor Weier, seconded by Councilmember Eisele, it was resolved to approve the variance for the retaining walls within the 50-foot OHW setback requirement contingent upon the issuance of a permit from the Rice Creek Watershed District. All in favor. Motion carried.

The proposal included replacing existing structures and adding new retaining walls to manage erosion and improve stormwater runoff infiltration. The retaining walls will be made from natural stone, ensuring durability and aesthetic appeal. A rain garden was mentioned, designed to effectively manage stormwater runoff, with specific dimensions for the retaining walls associated with it. It was noted that a permit from the Rice Creek Watershed District is required for the project, which has already been submitted.

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to include Mr. Galatowitsch's findings of fact from his application at 131 Wildwood Avenue into the record of findings of fact, with respect to the proper practical difficulties, as the property is an undersized lot of record for current zoning requirements. It is among the smallest properties in Birchwood. The lot size is 7,590 square feet, whereas the minimum lot size required by the zoning code is 15,000 square feet. This makes the property non-conforming. The property features a steep slope towards the lake, presenting challenges for development and erosion control. The applicant did not create these practical difficulties but rather are inherent to the property. With respect to reasonableness, the proposal permits the redevelopment of a nonconforming property in a manner consistent with the surrounding neighborhood. The reduced setback would allow for 11% wider access between the garage and the side yard. At the garage, the reduced setback would result in fewer nonconformities compared to the existing garage. It would create off-street parking spaces on the west side of the house to reduce setbacks and eliminate pinch points that limit emergency or practical access on both sides of the house. The retaining walls will facilitate the required 40% repair and buffer area and improve stormwater infiltration. The lots will be merged, improving the

nonconformity. The proposal brings the property into compliance with the impervious surface code and is expected to reduce runoff. With respect to the essential character of the locality, the proposed development will not alter its character. Many shoreline properties in this area, including those in Birchwood, have a six-foot setback on one side of the property, as required by the ordinance. This proposal strikes a balance between the nonconforming code and the setback code, and the shoreline is stabilized with retaining walls. The repairing and rain gardens offset the retaining walls' effects. With respect to consistency with the comprehensive plan, the addition preserves the city's low-density, single-family character, as discussed in the comprehensive plan. The project will require the removal of some trees, but the impact will be minimized to preserve the tree canopy, and there will be no negative impacts on traffic, public services, or property values. It also maintains water quality and improves erosion control. Motion carried.

1.7.1 Variance Review – 425 Lake Avenue

The application for 425 Lake Avenue has not been withdrawn; the applicant needs more time to provide the requested information. The Council agreed to send a 60-day extension letter to the applicant to cover the city's needs and avoid automatic approval of variances.

2.12 Lift Station Updates (1:21:32)

Marcus Johnson reported that the Environmental Protection Agency (EPA) has designated personnel to assist with the project, and the necessary pump components are expected to be discussed at a pre-construction meeting scheduled for the end of March 2025. Challenges have been noted regarding sourcing materials from the United States. Once the pump components are available, all other preparations are complete, ensuring minimal disruption during installation. The contract stipulates that excavation will only commence once all components have been confirmed as ready.

3.12 Review Bids for Siding, Window, and Foundation Repair at City Hall (1:35:54)

On a motion made by Deputy Mayor Weier, seconded by Councilmember Eisele, it was resolved to authorize Andy Sorensen to make repairs up to \$1,000. This includes repairing woodpecker damage, window leaks, and cement repairs at a rate of \$75 per hour. All in favor. Motion carried.

Bids are being sought for repairs at City Hall, specifically addressing issues related to woodpecker damage, window leaks, and foundation repairs. Various contractor estimates were presented for consideration, and the need for prompt action was emphasized to prevent further damage.

4.12 Review Bids for Radon Mitigation of Lower Level of City Hall (1:39:36)

4.1.1 Adopt Resolution 2025-27: A Resolution Authorizing Staff to Commit to Radon Mitigation Birchwood Village Hall

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to adopt Resolution 2025-27, which authorizes staff to commit up to \$3,000 for radon mitigation at Birchwood Village Hall. All in favor. Motion carried.

Resolution 2025-27 was introduced to authorize up to \$3,000 for radon mitigation at Birchwood Village Hall, with the possibility of needing a second round of mitigation depending on the initial results. The importance of ensuring staff safety in the building was emphasized. The preference for a less expensive contractor was noted, with a decision to choose based on cost while ensuring qualifications were met. The urgency of moving forward with the available contractor soon was also highlighted.

5.12 Discuss Birchwood Communications and Strategies for Communication (1:53:27)

Councilmember Sperl discussed a draft communication strategy for Birchwood, intended to encourage community feedback and edits before a meeting on March 31, 2025.

6.12 Discuss the Water Drainage Issues of Birchwood City Streets (1:24:57)

Marcus Johnson discussed drainage issues, particularly for residents of Oak Ridge Drive and White Pine Court. An open house is scheduled for April 7, 2025, at 6:30 p.m. at City Hall to discuss these concerns. The public will be notified through email, Facebook, and the city website. The objective is to consider drainage issues city-wide to prevent shifting problems from one area to another.

7.12 Review Survey Results from “What is the City Looking for in a City Administrator” (1:54:23)

The survey received 104 responses, representing approximately one-third of the households, indicating a decent level of engagement. Most respondents felt that the city was somewhat responsive to their concerns, with 39% preferring to maintain the current administrator hours and 51% being satisfied with city communications. The Council noted areas for improvement while highlighting some positive feedback.

8.12 Approve February Treasury Report (1:59:49)

On a motion made by Councilmember Hankins, seconded by Councilmember Sperl, it was resolved to approve the February 2025 Treasury Report. All in favor. Motion carried.

A reimbursement of \$45 for dog licenses raised questions, as it appeared that some individuals overpaid due to misunderstandings regarding the fee structure. The correct fee for a three-year dog license is \$30, but some paid \$75, prompting the need for clarification on the application verbiage. It was noted that the fee structure was misunderstood, leading to multiple individuals overpaying for their licenses.

A mention of an \$18,000 charge for Capris utilities was incorrectly categorized under escrow refunds, indicating a mistake that needs correction. There was a discrepancy in the city planner's rate, with one entry showing \$1,500 instead of the correct \$1,600, suggesting a need for review and adjustment. Several budget coding issues were identified, including incorrect entries for utilities and engineering expenses, indicating a need for a thorough review of budget classifications. The Council agreed to approve the Treasury Report with noted corrections and a commitment to further review the coding issues.

9.12 Approve Resolution 2025-18 Empower Parks with Docks Fee Authority (2:06:04)

The Council decided to table this resolution for further refinement before bringing it back for a vote, indicating that the proposal is still in development.

10.12 Approve Resolution 2025-19 City Credit Card Implementation (2:12:35)

The Council discussed the implementation of a city credit card, expressing concerns about policies and responsibilities regarding city purchases. The state auditor's guidelines were mentioned, and there was a consensus against using personal cards for reimbursements. A policy draft is to be prepared for further consideration in the next meeting.

11.12 Approve Resolution 2025-20 Additional Office Equipment Needed (2:14:15)

On a motion made by Councilmember Sperl, seconded by Councilmember Eisele, it was resolved to authorize the City Clerk to purchase two large monitors, an adjustable desk, and a two-drawer filing cabinet, with a budget cap of \$800. All in favor. Motion carried.

The Council discussed the need for additional office equipment, with a specific focus on the resolution for purchasing new items. They expressed concerns about the practicality of using a laptop as a desktop replacement, suggesting that a docking station might be a more efficient solution for their needs.

12.12 Approve Resolution 2025-24 Tighe-Schmitz Rental agreement (2:23:35)

On a motion made by Councilmember Sperl, seconded by Councilmember Eisele, it was resolved to strike the reference to any fall dates in the Tighe-Schmitz rental agreement, make the rental agreement applicable only for the 2025 season, and then approve the agreement. In favor: Deputy Mayor Weier, and Councilmembers Eisele and Sperl. Abstained: Councilmember Hankins. Motion carried.

The Council discussed the rental agreement for Tighe-Schmitz, focusing on the need for specific dates and terms before approval. Participants expressed concerns about overlapping schedules and the clarity of the contract. It was mentioned that the fall dates could conflict with planned park work for drainage.

7. CONSENT AGENDA (1:28:01)

On a motion made by Councilmember Sperl, seconded by Councilmember Hankins, it was resolved to approve the consent agenda items B, C, G, H, I, K, and L, as presented. All in favor. Motion carried.

8. MEETING CLOSE (2:33:04)

On a motion made by Councilmember Sperl, 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 at 9:18 p.m. Motion carried.

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

