

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

**MINUTES OF THE CITY COUNCIL MEETING
APRIL 8, 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
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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

The Pledge of Allegiance was recited.

3. APPROVAL OF AGENDA (0:00:34)

On a motion made by Councilmember Weier, 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:

- Add to City Business – New: Resolution 2025-38
- Add to City Business – New: Resolution 2025-40
- Remove items A, B, F, and H from the consent agenda.

4. OPEN PUBLIC FORUM (0:02:50)

Mayor Arsenault opened the public forum.

Barton Winter, 1 Five Oaks Lane:

Reported vegetation growing at the plastic linked surface at the tennis courts and tears on each side of the tennis court nets. The nets were otherwise in good shape and could likely last another year with some minor repairs.

Mayor Arsenault closed the public forum.

5. ANNOUNCEMENTS (0:04:40)

The Board of Appeal and Equalization Meeting will now be held on April 21, 2025, from 6:00 p.m. to 6:30 p.m.

The new 20 miles-per-hour speed limit will take effect on May 1, 2025.

Mayor Arsenault thanked Birchwood residents Cyril and Sue Kapsner, Art Arsenault, and Jamie Eisele, City Clerk Therese Bellinger, and City Maintenance Worker Jim Rydeen for their support and work over the past month.

The City will hold a Clean Up Day at City Hall on April 26, 2025, starting at 10:00 a.m. A treasure hunt will follow. Residents are encouraged to attend the event.

6. CITY COUNCIL UPDATES (0:06:30)

Councilmember Sperl noted that Birchwood Village has 406 followers on Facebook. She has been posting on the City's Facebook page about various matters, including recognitions. She is also working on a resolution for the dock fees to provide to the Parks and Natural Resource Committee.

Councilmember Eisele has started assessing the City's technology needs in the staff office and donated two computer monitors for the City's use. He is currently working on the City's website and reported that the website received 2,500 views in March 2025, of which 597 were unique visitors.

Mayor Arsenault and Councilmember Eisele interviewed candidates for the City Administrator position. Mayor Arsenault has also been corresponding with residents to address various concerns with the assistance of City Maintenance Worker Rydeen, drafting a mission statement for the Council, and making updates at City Hall.

Councilmember Hankins has been working to resolve zoning issues.

Councilmember Weier has been working on the Priebe Lake and Hall's Marsh draining issue, updating the newsletter, collaborating with the Parks and Natural Resource Committee on netting and fencing issues, reviewing signage locations, and exploring forestry and marsh grants.

7. CITY BUSINESS – OLD (0:09:35)

7.1 Approve Resolution 2025-27, Correcting 131 Wildwood Avenue Variance Grant (0:09:40)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve waiving the variance application fee for a variance to allow an increase in the height of a structure at 131 Wildwood Avenue within the ordinary high-water line setback. All in favor. Motion carried.

ACTION – Attorney Kantrud will follow up with the applicant at 131 Wildwood Avenue regarding Council's decision on the variance request and request that the applicant submit a drawing of how the structure is being expanded within the ordinary high-water line (OHWL) as part of their application.

The pre-existing structure at 131 Wildwood Avenue extended into the OHWL setback, and a setback to the height code was requested to increase the height of the OHWL. But as the new proposed structure conformed to the height code, the original variance request was incorrect and should have been a request for a setback variance because the expansion occurred within the setback. The importance of resolving this administrative error was emphasized. The applicant was invited to join the Council meeting but was unable to attend.

Councilmember Hankins suggested the following amendments to Resolution 2025-27:

- In the title, correct “131 Wildood Ave.” to “131 Wildwood Ave.”
- In the paragraph “Whereas the property owner seeks...”, add “and deck” after “existing structure” and “pre-existing structure”
- In the “Now, Therefore, Be It Resolved...” section, Item 1, add “including the deck” after “structure”.

 Attorney Kantrud suggested the following amendment to Resolution 2025-27:

- In the paragraph “Whereas the property owner seeks...”, replace “to the existing structure” with “within the footprint of the pre-existing structure.”

Concerns were raised regarding whether the City could retroactively change the variance request that was originally filed in error by the applicant. Councilmember Hankins confirmed that the applicant is aware of the administrative error, and the applicant confirmed via e-mail that they are amenable to Council’s intent to adopt a resolution to grant the correct variance request. Attorney Kantrud opined that due process by Council in the variance request process was honored and supported by the applicant’s acknowledgement and written agreement. It was noted that the intent of the variance request remains unchanged; however, the justification for granting the variance changed.

Concerns were also raised about setting a precedent by granting a variance through a resolution and about the submission of variance applications without visual supporting documents, which puts the City at risk of granting incorrect variances. It was noted that the City Planner had reported that Council was granting variances based on incomplete drawings. Councilmember Hankins expressed concern about issuing permits based on the City Planner’s opinion, which could be contested in court and put projects at risk of being shut down.

Council was amenable to requesting that the applicant submit a new variance application for the correct variance, which would be reviewed by the Planning Commission, to ensure that the variance request procedure is followed. Council affirmed its intent to grant the variance and to waive the variance application fee for the applicant. It was noted that the Planning Commission and Council can hold emergency meetings as needed to expedite the approval of the variance request and mitigate any delays to the applicant’s project.

Attorney Kantrud advised that Council proceed with requesting the applicant to follow the standard procedure for a variance request and submit a new application. This will require a notice and a public hearing with the Planning Commission.

Councilmember Hankins requested that the applicant submit a drawing of how the structure is being expanded within the OHWL as part of their application.

7.2 Amend Animal Fees and Animal Code Section 605 (0:32:45)

On a motion made by Councilmember Sperl, seconded by Councilmember Eisele, it was resolved to approve the first reading of An Ordinance Amending the Animals Section of the Fee Schedule and An Ordinance Amending Ordinance No. 605 Adopted on March 12, 2019 and Titled “Animals”. All in favor. Motion carried.

ACTION – Councilmember Hankins will revise the second reading of An Ordinance Amending Ordinance No. 605 Adopted on March 12, 2019 and Titled “Animals” to clarify that Ordinance No. 605 is being repealed and replaced by the amended ordinance.

The proposed amendments remove the requirement for residents to obtain chicken licenses and eliminates the provision that residents can be searched for dog waste pick-up devices.

Attorney Kantrud advised that the existing Ordinance No. 605 needs to be repealed if being completely replaced with the amended ordinance. This should be documented in the second reading.

7.3 Amendment of Ordinance No. 310 Administrative Appeals (0:36:15)

On a motion made by Councilmember Sperl, seconded by Councilmember Eisele, it was resolved to approve the second reading of Amendment of Ordinance No. 310 Administrative Appeals. All in favor. Motion carried.

The revisions clarify the requirements and procedures for the appeals process.

7.3.1 Amend Ordinances No. 2024-01-02 and No. 2025-01-01

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to adopt Ordinance No. 2024-01-02, An Ordinance Amending the Fee Schedule. All in favor. Motion carried.

7.3.2 Approve Resolution 2025-28, A Resolution Approving Summary Publication of Ordinance No. 2025-01-01, An Ordinance Amending Ordinance No. 310 Titled “Administrative Appeals”.

On a motion made by Councilmember Hankins, seconded by Mayor Arsenault, it was resolved to approve Resolution No. 2025-28. All in favor. Motion carried.

8. CITY BUSINESS – NEW (0:42:00)

8.1 Interview New Applicants for Parks and Natural Resource Committee (0:42:05)

On a motion made by Councilmember Sperl, seconded by Councilmember Eisele, it was resolved to appoint Margaret Ford to fill the vacant position on the Parks and Natural Resource Committee. All in favor. Motion carried.

The City received applications from Margaret Ford and Barton Winter to fill one vacant position for a two-year term on the Parks and Natural Resource Committee

Barton Winter was invited to address Council.

Margaret Ford was not in attendance, but her letter to Council was read.

Council acknowledged Barton Winter for his continued volunteer work. There was a preference for Margaret Ford based on her experience as the previous Mayor of Birchwood Village and her expertise with tree grants.

8.2 Review Quote for Additional Rear Fencing on Ash Path (1:19:05)

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve an expenditure not to exceed \$1,050, including tax, for City maintenance workers Ron Koehnle and Jim Rydeen to install two corner posts and rails and four 8-foot fence sections on one side of Ash Path. All in favor. Motion carried.

A quote was received from City maintenance workers Koehnle and Rydeen to install corner posts and rails and a few fence sections on the other side of Ash Path. Councilmember Weier recommended allocating the expense to the special revenue fund.

Councilmember Weier will remove the barbed wire fencing on Clean Up Day, with the consent of the property owner and once approval for the rear fencing is received.

8.3 Review Street Sweeping Estimates (1:24:30)

On a motion made by Councilmember Weier, seconded by Councilmember Eisele, it was resolved to approve the quote from Mike McPhillips for spring street sweeping plus vacuuming at a cost not to exceed \$4,000. All in favor. Motion carried.

ACTION – Councilmember Weier will follow up with City Clerk Bellinger to request that Mike McPhillips vacuum the culverts along the drainage areas as well as the rain garden on the easement.

Council reviewed quotes for street sweeping from Nugent Sealcoating and Paving at a cost of \$10,400 for spring and fall street sweeping, and from Mike McPhillips at a cost of \$7,000 for spring and fall street sweeping (\$3,500 per season). Mike McPhillips previously provided street sweeping services for the City for many years but stopped after a negative experience with the City, not due to performance issues. The contractor was assured that a similar experience will not occur again.

It was recommended that streets be swept twice a year. The City has a \$4,000 budget for street sweeping, but grants may be available. Mayor Arsenault noted that street sweeping twice a year will align with the City's goal of preserving the lake by preventing debris from contaminating the lake. Council agreed to move forward with spring street sweeping only and to allocate the remaining \$500 from the budget to vacuuming debris. Council will revisit fall street sweeping pending further review of the City's budget after the lift station project.

8.4 Review Estimate for 2025 Top Green Lawn Service (1:30:15)

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve the quote from Top Green for weekly mowing at a cost of \$400 per mow, alternating between Tighe-Schmitz and the rest of the City. All in favor. Motion carried.

Council reviewed a quote for lawn service from Top Green at a cost of \$400 per mow for Tighe-Schmitz Park and \$400 per mow for City Hall, parks, and easements. There is a \$2,000 allowance for mowing per the Tighe-Schmitz Park Field rental agreement between the Mahtomedi Youth Soccer Association and the City. Council agreed on mowing service every other week, alternating between Tighe-Schmitz Park and the rest of the City. Weekly mowing of Tighe-Schmitz Park will be evaluated on an as needed basis.

8.5 Consider a New Waterline Locator for Water Superintendent (1:03:50)

City Water Superintendent John Manship requested approval to purchase a new waterline locator due to an increase in requests for water service locates. This was previously done through outdated equipment and City Water Superintendent Manship's historical knowledge; however, changes in the topography over the past 60 years have made it challenging to locate waterlines. The proposed locator will be more accurate and cost- and time-efficient. There is an estimated lifespan of 15 years and the quote from UtilityLogic includes a lifetime warranty, training and maintenance, which are valuable add-ons per City Water Superintendent Manship. A waterline locator is used on average three times weekly, and some of the neighboring cities are currently using the proposed equipment. Grants may be available to help offset the cost.

City Water Superintendent Manship confirmed the City will own the waterline locator, which will likely be stored under John Manship's control for emergency use as needed. Attorney Kantrud noted the risk associated with storing equipment under the control of a contractor. Concerns were raised about a contractor storing an expensive piece of equipment and having access to a City-owned asset for personal use.

Council agreed to defer action to the next Council meeting, pending further review on where the equipment will be stored, how it will be secured, and pricing.

8.6 Present Candidate Scott Hildebrand as New City Administrator (1:02:50) and (1:37:10)

On a motion made by Mayor Arsenault, seconded by Councilmember Eisele, it was resolved to approve an offer letter to Scott Hildebrand, offering part-time employment with the City of Birchwood Village as the provisional City Clerk/City Administrator for 20 hours per week at a rate of \$36 per hour, for a six-month probation period with a review at 90 days, with the expectation to prepare for and attend Council meetings, to provide Thursday afternoon office hours, and to be available for appointments with residents. All in favor. Motion carried.

Attorney Kantrud informed Council that candidate Scott Hildebrand offered to join the Council meeting as an informal meet-and-greet; however, Council advised that it was not necessary.

Mayor Arsenault, Councilmember Eisele, and City Clerk Bellinger interviewed three candidates for the part-time position of City Administrator. Scott Hildebrand was unanimously selected as the candidate of choice. Council discussed his credentials, experience, and skillsets. It was noted that Scott Hildebrand had no concerns about using the City's software.

Attorney Kantrud provided positive feedback on Scott Hildebrand in his capacity as city administrator for other cities. He suggested a provisional appointment as City Administrator without a formal contract and contingent on periodic reviews. He also recommended deferring any decisions on vacation time and benefits until after a contract has been established following the probationary period.

Council discussed proposed terms for the offer letter, including:

- Pay rate of \$36 per hour
- 20 hours per week
- Six-month probationary period with a review at 90 days
- Mandatory requirement to attend Council meetings in-person
- Thursday office hours and availability to meet for appointments

Council discussed the frequency with which the City Administrator should be on-site, noting a balance between streamlining tasks and providing customer service. Council agreed to explore a more flexible work model that can be re-evaluated at the time of review.

8.7 Approve Funding and 2025 Music in the Park Schedule (0:57:05)

On a motion made by Councilmember Weier, seconded by Councilmember Eisele, it was resolved to approve an expenditure of up to \$300 for the Parks and Natural Resources Committee to purchase indoor/outdoor carpeting and a canopy, for use during the Music in the Park concert series. All in favor. Motion carried.

Parks and Natural Resource Committee Secretary Alan Mitchell reported that Council passed Resolution 2023-17 on February 14, 2023, approving an annual budget of \$3,700 for the Music in the Park concert series, of which \$3,000 is allocated to paying the musicians and the

remaining \$700 is allocated to administrative and staff time related to organizing the event. The Parks and Natural Resource Committee is requesting approval of up to \$300 of this \$700 budget for the purchase of indoor/outdoor carpeting and a canopy for the event.

8.8 Approve Hockey Net Donation and \$1,000 Net Budget (0:51:50)

8.8.1 Approve Resolution 2025-29, Allow Donation by Barton Winter

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve Resolution 2025-29. All in favor. Motion carried.

The resolution is to approve the donation of one replacement hockey net in the value of \$247 for the hockey rink.

Mayor Arsenault acknowledged the generosity of residents and expressed gratitude for their donations. However, it was emphasized that the City must be made aware of the intention to purchase and donate items prior to purchasing.

8.8.2 Approve Resolution 2025-30, \$1,000 Budget Cap

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve Resolution 2025-30. All in favor. Motion carried.

The resolution is to approve a budget of \$1,000 to purchase one replacement hockey net and two tennis court nets and to secure the anchors for the tennis court nets. The expense will be allocated to the special revenue fund.

8.9 Approve Resolution 2025-38 (2:47:10)

On a motion made by Councilmember Eisele, seconded by Councilmember Weier, it was resolved to approve Resolution 2025-38. All in favor. Motion carried.

The resolution grants the ability for the Parks and Natural Resource Committee to plan and budget using dock fees.

8.10 Approve Resolution 2025-40

This item was added to the agenda by request of Mayor Arsenault but was not discussed.

9. CONSENT AGENDA (1:59:10)

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

9.1 Approve March 31, 2025, Treasurer's Report (1:59:20)

On a motion made by Councilmember Hankins, seconded by Councilmember Weier, it was resolved to approve the Treasurer's Report for the period ending March 31, 2025. All in favor. Motion carried.

Council reviewed the new format of the interim financial report and provided positive feedback.

Councilmember Weier requested that the account numbers include a note on the purpose of the account and that unspent but earmarked funds be identified.

Councilmember Sperl requested that areas of concern be identified.

It was clarified that check No. 33425 in the amount of \$443 for the window for the warming house was authorized by City staff as it was under the \$500 limit.

9.2 Approve March 11, 2025, City Council Meeting Minutes (2:05:30)

On a motion made by Councilmember Hankins, seconded by Councilmember Eisele, it was resolved to approve the minutes of the Council meeting held on March 11, 2025. All in favor. Motion carried.

9.3 Resolution 2025-33: Approve Purchase and Install of Keyless Entry System (2:05:45)

On a motion made by Councilmember Weier, seconded by Councilmember Hankins, it was resolved to approve Resolution 2025-33. All in favor. Motion carried.

Councilmember Hankins confirmed that a keyless entry system was purchased in the past and subsequently returned.

9.4 Resolution 2025-35: Approve a Request for Bid (RFB) for a Planning Firm and Permit Processing Service (2:08:55)

On a motion made by Councilmember Eisele, seconded by Councilmember Hankins, it was resolved to approve Resolution 2025-35. All in favor. Motion carried.

ACTION – Attorney Kantrud will follow up with the City Planner for a timeline on the retaining wall variance.

Mayor Arsenault emphasized the importance of ensuring that the City's processes are sound and legally defensible. It was suggested to hold a workshop with the City Planner and the Planning Commission to review the City's codes. Concerns were raised about redundancies in the permit approval process, noting that the City already has an existing permit processing service that is being underutilized. There were also concerns about planning and permit processing being a significant portion of City staff's function and a third party having access to the City's records outside of the City.

Councilmember Hankins spoke to measures being implemented by the Planning Commission to triage potential applications. He advised that the Planning Commission needs to be better equipped with information from the City Planner in order to be effective in their decision making. He expressed concern about the lack of City staff capacity to determine whether a zoning application meets code prior to moving the application forward to the Planning Commission and Council.

Council discussed the extent of its responsibility to provide oversight and concerns about the quality of the permit applications being presented to the Planning Commission and to Council.

Attorney Kantrud reviewed the permit application process and advised that the City should request an extension immediately upon receipt of an application, as a safeguard in the event of delays during the permitting process. He suggested implementing a pre-application review process.

Council discussed how to move forward with the variance request for the retaining wall and whether it can be transferred to Bolten & Menk to expedite. Concerns were raised about potential exclusivity clauses in the City Planner's contract. It was agreed to call a special meeting as needed to move the variance forward.

10. **MEETING CLOSE (2:48:20)**

On a motion made by Councilmember Hankins, seconded by Mayor Arsenault, 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