

**CITY OF BIRCHWOOD VILLAGE
SPECIAL JOINT CITY COUNCIL / PLANNING COMMISSION MEETING
June 30, 2020**

MINUTES

COUNCIL MEMBERS PRESENT: Mayor Mary Wingfield; Council Members: Jonathan Fleck, Randy LaFoy and Jessi Aakre. **Absent:** Councilmember Kevin Woolstencroft.

PLANNING COMMISSIONERS PRESENT: Chair John Lund, Jozsef Hegedus, Michael Kraemer, Andy Sorenson. **Absent:** Commissioner Mark Foster.

STAFF PRESENT: City Administrator Tobin Lay, City Attorney Alan Kantrud, City Engineer/Planner Steve Thatcher.

OTHERS PRESENT: John Hartman, Danelle Hartman, Debbie Harrod, Matthew Duffy, Judy Duffy, Justin McCarthy, Michael McKenzie, Rick Boschee.

Mayor Wingfield called the special joint council / planning commission meeting to order at 7:04 p.m. and explained the reason for the meeting being conducted virtually via the Zoom platform as is permitted by Minnesota State Statute.

AGENDA APPROVAL:

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE AGENDA. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; ABSTAIN, WINGFIELD; AYE. MOTION PASSED.

COMMISSION REGULAR AGENDA:

A. Review/Approve February 20, 2020 Planning Commission Meeting Minutes.

MOTION WAS MADE BY COMMISSIONER HEGEDUS AND SECONDED BY COMMISSIONER KRAEMER TO APPROVE MINUTES. ROLL CALL VOTE: HEGEDUS; AYE, KRAEMER; AYE, SORENSON; AYE, LUND; AYE. MOTION PASSED.

JOINT COUNCIL/COMMISSION REGULAR AGENDA:

A. Variance Request Procedure.

Mayor Wingfield: She explained the purpose for the joint meeting. She said that it would be helpful to the Council if when considering variance requests, Commissioners would concentrate on the practical difficulties elements of the variance requirements. She also explained that the information provided by the City Planner is meant to guide them in considering both sides of the decision, not as a recommendation for a decision; it is then the Commission's job to decide upon a recommendation.

Commissioner Kraemer: He asked what criteria Commissioners should use to determine if a variance request is "in harmony."

City Attorney Kantrud: He explained that changes in the law have made variances harder to obtain and that they should only be approved as a remedy for extraordinary circumstances.

Council Members & Commissioners: They discussed variance procedure and the importance of

sticking with the standards set in City Code except when no other alternatives are available. When Commissioners see a pattern developing then they should consider recommending changes to the Code.

COUNCIL REGULAR AGENDA:

A. 234 Cedar Street Paver Maintenance Agreement.

Mayor Wingfield: She introduced the agenda item and explained that the City Engineer recommended the City enter an agreement with the Hartmans requiring them to maintain a paver system installed there.

City Engineer Thatcher: He answered questions about the paver system and the agreement.

Council Members & City Staff: They discussed the terms of the agreement.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE THE MAYOR AND CITY CLERK TO SIGN THE MAINTENANCE AGREEMENT ON BEHALF OF THE CITY ONCE THE CITY ATTORNEY PROVIDES THE PROPER WORDING THAT COVERS REMEDIES IN CASE THE GRANTORS FAIL TO COMPLY WITH THE OBLIGATIONS OF THE AGREEMENT. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED.

B. Kay Beach Boundaries.

Mayor Wingfield: She explained that there has been heavy use of Kay Beach and asked to have the picnic table cemented into place as close as is reasonable to the southern property line in an unobtrusive manner to convey to the public that they have more space there than people realize. She said it was in the interest of providing more space for social distancing that this be done now instead of waiting for the survey to be completed. She also explained that the social distancing sign keeps disappearing and the picnic table moved.

Councilmember Aakre: She asked Lay to remind people not to vandalize the signs and that although the City is happy to provide outdoor spaces for their enjoyment, that can only continue if people are respectful of City property and social distancing. Lay will send an email and Mayor Wingfield will put something in the White Bear Press.

Councilmember Fleck: He asked if there was maintenance needed to correct flooding on Kay Beach. Lay explained that he was working with City staff to determine the cause of the flooding. He will provide information on this at the July Council meeting.

Matthew Duffy: He asked that the City respect the Duffy's legal right to ingress/egress and enjoyment of their private easement on Kay Beach.

Mayor Wingfield: She explained that the picnic table is not going into the easement area, just to the northern border of that area. She also explained that the public has a legal right to the easement area at Kay Beach that must also be respected.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ROLL CALL VOTE: LAFOY; AYE, AAKRE; AYE, FLECK; AYE, WINGFIELD; AYE. MOTION PASSED. MEETING ADJOURNED AT 7:58 P.M.

Mary Wingfield, Mayor

ATTEST:

Tobin Lay, City Administrator-Clerk