



AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
JANUARY 10, 2012
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the December 13, 2011 Regular Meeting (see exhibit)
2. Acceptance of the Financial Report and Approval of Disbursements (see exhibit)
3. Approval of hiring Corey Johnson as Level 2 Rink Attendant (see exhibit)
4. Approval of the list of scheduled dates and times for monthly regular Council meetings (see exhibit)
5. Approval of the list of observed 2012 City holidays (see exhibit)
6. Approval of RESOLUTION 2012-## Implementing the Expected Sign Life Sub-Method of the Management Method of Maintaining Sign Retroreflectivity Per the Standards of the Federal Highway Administration (see exhibit)

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – REGULAR ORDER

7. 7:15 Warming House Grant> Consideration of Authorizing a Public Hearing (John Lund)
Time Budget: 10 minutes
8. 7:25 Approval of the Mayor's 2012 Council Appointments (Mitchell - see exhibit)
Time Budget: 10 minutes
9. 7:35 Approval of the 2012 Appointments and Assignments (Mitchell - see exhibit)
Time Budget: 10 minutes
10. 7:45 Ordinance Relating to Interim Use Permits> Review of Draft and Consideration of Scheduling a Public Hearing (Mitchell – see exhibit)
Time Budget: 10 minutes
11. 7:55 Ordinance Relating to Complaints> Review of Draft and Consideration of Scheduling a Public Hearing (Mitchell – see exhibit)
Time Budget: 10 minutes
12. 8:05 Ordinance Relating to Ordinance Enforcement and Penalties>Review of Draft and Consideration of Scheduling a Public Hearing (Mitchell – see exhibit)
Time Budget: 10 minutes

13. 8:15 Ordinance Relating to Fees/Approval of 2012 Fee Schedule>Review of Draft and Consideration of Scheduling a Public Hearing (Harper – see exhibit)
Time Budget: 10 minutes
14. 8:25 Review of Proposals for Provisioning of Shared Services (Elfering – see exhibit)
Time Budget: 15 minutes
15. 8:40 City Engineer’s Report (Elfering – see exhibit)
Time Budget: 5 minutes
16. 8:45 City Attorney’s Report (Sandstrom – see exhibit)
Time Budget: 5 minutes
17. 8:50 City Council Reports
Time Budget: 5 minutes
18. 8:55 Next Meeting – February 14, 2012 – Topics
Time Budget: 5 minutes
19. 9:00 Adjourn



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

EXECUTIVE SUMMARY – JANUARY 10, 2012 CITY COUNCIL MEETING

NOTE: This executive summary is provided to give a broader detail on the various agenda items. This summary is to be used as an adjunct to the agenda packet, and should not be considered a substitute for reading the agenda packet.

CITY BUSINESS - CONSENT CALENDAR: There are six items on the consent calendar, as follows:

1. Approval of the Minutes of the December 13, 2011 Regular Meeting
2. Acceptance of the Financial Report & Approval of Disbursements
3. Approval of hiring Corey Johnson as a Level 2 Rink Attendant. Corey passed a background check as required by Council directive.
4. Approval of the list of scheduled dates and times for monthly regular Council meetings. This list reflects the Mayor's recommendation that only 1 regular meeting be scheduled each month. Please note that the 2nd Tuesday in August is Primary Election Day and, as such, no Council meeting could be scheduled. Staff took the liberty of moving the date to the 1st Tuesday of August as a suggested alternative date.
5. Approval of the list of observed 2012 City holidays. This was omitted last year; staff thought it was important for the Council to approve this list and for the public to have notice of these impending closures.
6. Approval of RESOLUTION 2012-___ Implementing the Expected Sign Life Sub-Method of the Management Method of Maintaining Sign Retroreflectivity Per the Standards of the Federal Highway Administration: City Engineer Kristie Elfering forwarded an e-mail she received from MN/DOT that requires local units of government to adopt a method of maintaining sign retroreflectivity before the end of January 2012. Staff believes that the proposed resolution memorializes the direction given it by the Council in 2011 on this matter. An exhibit is attached to the resolution that details the maintenance methods and sub-methods, as well as what work is required for each method and sub-method.

CITY BUSINESS – REGULAR ORDER:

7. **WARMING HOUSE GRANT>CONSIDERATION OF AUTHORIZING A PUBLIC HEARING:** The Parks and Natural Resources Committee has been reviewing potential funding sources to pay for a new warming house by the Tighe-Schmitz hockey rink. The Committee found out that the project may be eligible for a grant from the Minnesota DNR Outdoor Recreation Grant Program. At the November 2011 meeting, the City Council authorized Parks to proceed with the project; however, it withheld formal support for the project. The Committee conducted a public informational meeting in December to "roll out" the proposal and the solicit community input. John Lund, chair of the Committee, will address the Council on the results of that meeting.

As part of the submittal requirements, the City is required to conduct a public hearing and also adopt a resolution of financial support for the project. The Parks Committee is requesting Council approval for scheduling a public hearing during the February 14th council meeting.

QUESTION: Should the Council authorize a public hearing as required by MN/DNR?

8. APPROVAL OF THE MAYOR'S 2012 COUNCIL APPOINTMENTS: Annually at the January meeting, the Council organizes itself, with the Mayor assigning Council members responsibility over five broad functional areas: Administration, Planning, Parks, Public Works, and Public Safety. The Mayor's recommended assignments are noted in the exhibit included in the agenda packet. The Mayor is recommending changes to the composition of the Personnel and Budget Committees, and those changes are reflected in the draft document. The draft reflects the desire of the Mayor to change the composition of the Personnel and Budget Committees so as to include one member whose term extends into 2013 (Peterson and Sampair). The Mayor advised staff that he did not have the time to contact individual council members to gauge your interest in these assignments, and asks that each of you be prepared to reflect on what particular assignment(s) you are interested in for 2012.

9. APPROVAL OF THE 2012 APPOINTMENTS AND ASSIGNMENTS: Annually at the January meeting, the Council makes various appointments for positions such as City Engineer and City Attorney that are filled by independent contractors. Positions such as City Clerk and City Treasurer – which have been appointed in the past – increasingly have been excluded from the appointment process in other cities due to their status as employees of the City. These appointments and assignments include Council committees such as Personnel, Budget, and Finance; appointments to City commissions such as Planning and Parks; appointments as City representatives to regional boards such as the Cable Commission and White Bear Lake Conservation District; and formal re-appointing of the City's police, fire, animal control, etc. providers. As with Agenda Item # 7, this draft reflects the desire of the Mayor to change the composition of the Personnel, Finance, and Budget Committees so as to include one member whose term extends into 2013 (Sampair and Peterson). The Mayor advised staff that he did not have the time to contact individual council members to gauge your interest in these assignments, and asks that each of you be prepared to reflect on what particular assignment(s) you are interested in for 2012.

10. ORDINANCE RELATING TO INTERIM USE PERMITS>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: This matter emanates from the 2011 conditional use request involving a cabinet-making business in an accessory structure. At the time of Council deliberation of this request, Mayor Mitchell expressed a desire to have the option of an interim use permit available in these cases, in order to take away the property right for future owners of the property. Mayor Mitchell has prepared a cover memo on this item which is included in the agenda packet as an exhibit.

QUESTIONS: Should the City Council schedule a public hearing on the proposed ordinance change? Should the City Council refer the proposal to the Planning Commission for review and comment before scheduling a public hearing? Should there be any changes to the draft document?

11. ORDINANCE RELATING TO COPMPLAINTS>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: This matter emanates from the investigation of a complaint pertaining to exterior storage. The current ordinance places the responsibility of investigating the complaint in the hands of the Mayor or his/her designee. Staff previously expressed an opinion that having elected officials investigate complaints unnecessarily politicizes the process and could possibly taint the outcome. Additionally, the process for complaint investigating was located in Section 615 of the City Code, which addresses exterior storage. Staff and the Mayor each feel that a process for complaint investigation should be separated from the exterior storage ordinance, in order to provide a clear direction for staff for the investigation of all complaints, not just those pertaining to exterior storage. Mayor Mitchell has prepared a cover memo on this item which is included in the agenda packet as an exhibit.

QUESTIONS: Should the City Council schedule a public hearing on the proposed ordinance change? Should the City Council refer the proposal to the Planning Commission for review and comment before scheduling a public hearing? Should there be any changes to the draft document?

11. ORDINANCE RELATING TO ORDINANCE ENFORCEMENT AND PENALTIES>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: As with the previous agenda item, this matter emanates from the investigation of a complaint pertaining to exterior storage. Mayor Mitchell recommends a separate ordinance that addresses investigation of alleged violations of the City Code that are not generated by a complaint. Mayor Mitchell has prepared a cover memo on this item which is included in the agenda packet as an exhibit.

QUESTIONS: Should the City Council schedule a public hearing on the proposed ordinance change? Should the City Council refer the proposal to the Planning Commission for review and comment before scheduling a public hearing? Should there be any changes to the draft document?

12. ORDINANCE RELATING TO FEES & APPROVAL OF 2012 FEE SCHEDULE>REVIEW OF DRAFT AND CONSIDERATION OF SCHEDULING A PUBLIC HEARING: This matter comes before the Council due to a desire to have a single document that states all of the fees charged by the City. Council Member Harper recommends taking the specific amount of the fee out of the ordinance, referencing only that a fee schedule exists and listing the fees that are on the fee schedule by broad category.

A benefit of adopting the City of White Bear Lake fee schedule "as may be amended from time to time" is that when White Bear Lake changes its fee schedule, Birchwood Village's is automatically changed. Per the opinion of City Attorney Kevin Sandstrom, Birchwood Village will not be required to publish notice and conduct a public hearing on those subsequent changes.

QUESTIONS: Should the City Council schedule a public hearing on the proposed ordinance change? Should the City Council refer the proposal to the Planning Commission for review and comment before scheduling a public hearing? Should there be any changes to the draft document?

13. REVIEW OF PROPOSALS FOR PROVISIONING OF SHARED SERVICES: Per the direction of the City Council, since February 2011 City Engineer Kristie Elfering has discussed with the City of White Bear Lake (WBL) the potential of WBL providing a range of public works services to the City. When WBL advised the City to locate backup provider of emergency water services in the event it could not respond in a timely manner, Ms. Elfering discussed with Saint Paul Regional Water Services (SPRWS) the potential of providing that level of service. The quote received from SPRWS was so competitive that the City voted to make SPRWS its primary provider of emergency water services. In addition, SPRWS prepared a summary bid for being the City's certified water operator, as well as providing other related water services. The City Council reviewed the summary at its December 2011 meeting and was generally impressed with the offer. On the other hand, the Council was disappointed that WBL had not yet forwarded its proposal. The City Council, in keeping with its desire to foster a more collegial relationship with WBL, directed staff to communicate to WBL its interest in receiving a proposal from WBL for review and consideration at tonight's meeting. The Council also directed staff to assure WBL that a decision on this matter would be made at tonight's meeting – with or without a WBL proposal.

On Thursday, January 5, the City received a formal proposal from WBL. City Engineer Kristie Elfering prepared a cover memo comparing and contrasting each proposal. A copy of the cover memo is included in the agenda packet as an exhibit.

QUESTION: Which proposal should the Council approve – Saint Paul Regional Water Services or the City of White Bear Lake?

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
December 13, 2011

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, and Tony Sampair.

MEMBER ABSENT: Council Member Mark Peterson

STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, City Treasurer Cindie Reiter, and City Attorney Kevin Sandstrom

OTHERS PRESENT: Kristine Goodrich, Gene Ruehle, Larry Walker, and Mary Wingfield

Mitchell called the regular meeting to order @ 7:00pm, and the Pledge of Allegiance was recited.

AGENDA APPROVAL: *Mitchell/Harper 4-0 (Peterson absent) to approve the agenda for the November 8, 2011 Regular Meeting, amended to add Caitlyn Howe to Item # 4 (Approval of the hiring of rink attendants), and to move Item # 4 from the Consent Calendar to Regular Order.*

COMMUNITY EVENTS AND ANNOUNCEMENTS: Mitchell noted that the annual Christmas party is scheduled for Saturday, December 17th, and Santa will be there at 11am; and also that St. Lucia Day is today, and in honor of that there is Swedish almond cake in the back of the room.

OPEN PUBLIC FORUM: Ruehle thanked the Council for serving the Village beautifully.

CONSENT CALENDAR: *Harper/Sampair 4-0 (Peterson absent) to approve the following consent calendar items:*

1. *Approval of the Minutes of the November 8, 2011 Regular Meeting.*
2. *Acceptance of the Financial Report and Disbursements Register as prepared by the City Treasurer and presented to the City Council on December 13, 2011, including Check #'s 26863-26895, 26898-26906, and Electronic Funds Transfers FED102011, MN102011, PERA103111, FEDfee2009, SBOX 2011, EFT1123211, FED112011, MN112011, PERA111511, and PERA113011.*
3. *Approval of Resolution 2011-24 abating the portion of a previously paid special assessment bill that exceeds the amount owed.*

APPROVAL OF THE HIRING OF NICHOLAS HOVLAND, JACK KIPPEN, JOSEPH MORGAN, AND CAITLYN HOWE AS SEASONAL RINK ATTENDANTS AT AWAGE OF \$8.00 PER HOUR EACH: Mitchell requested that this item be removed from the consent calendar to raise the issue that two of the applicants are in their 20s and one is in his 30s, and that it would be prudent to do a background check since they will be working with kids.

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46 **Mitchell/Carson 4-0 (Peterson absent) to approve the hiring of Nicholas Hovland, Jack Kippen, Joseph**
47 **Morgan, and Caitlyn Howe as rink attendants on the condition that Hovland, Kippen, and Morgan go**
48 **through a background check.**

49
50 **Harper alerted Mitchell to a follow-up to Item # 2 on the Consent Calendar. Harper/Sampair 4-0**
51 **(Peterson absent) to authorize staff to pay the bills through the end of the year that are routine,**
52 **within budget, and authorized by contract, and they be brought back in January as part of the**
53 **disbursement list.**

54
55 **CANCELLATION OF THE DECEMBER 27, 2011 REGULAR MEETING: Sampair/Carson 4-0 (Peterson**
56 **absent) to cancel the December 27, 2011 regular meeting.**

57
58 **TRUTH IN TAXATION PUBLIC MEETING: Mitchell related that the City Council established a preliminary**
59 **levy of \$365,000 on September 13th and that is the maximum amount we could levy in 2012. Mitchell**
60 **continued by saying that the Council now has before it a revised proposed final levy of a little over**
61 **\$331,000 and a proposed budget of \$458,000. Mitchell concluded his opening remarks by stating that**
62 **the Council's task tonight is to hold a Truth In Taxation meeting and adopt a final levy and a final budget**
63 **for 2012. Harper asked whether the resolutions at the table approving the final levy and final budget are**
64 **replacements; Mitchell replied that they are replacements with slight modifications from those in the**
65 **packet.**

66
67 **Harper noted that the proposed changes reflect items discussed at the workshop, including removing**
68 **\$4,000 for the desk audit, adding \$2,000 for insurance, reducing \$1,700 for Music In The Park, and**
69 **removing funding for Hockey Day In Minnesota. Sampair stated he reviewed the work done by the**
70 **Council and thought it was very well done. Harper related that the sewer projects were moved from the**
71 **levy and placed in the Capital Projects Fund and noted that the City contracted with Shelly Rueckert to**
72 **review the sewer and water rates and make recommendations on changing the rates to ensure funding**
73 **for those capital projects and to cover operating expenditures that have exceeded revenue in the last**
74 **couple of years.**

75
76 **The following comments were made during public comment:**

77
78 **Walker said he attended the workshop and thought the budget was very well done, and shared that he**
79 **sent an e-mail to individual Council members on suggestions on what to remove or reduce on the**
80 **proposed budget. Walker continued by stating that one item that was not discussed at the workshop**
81 **was Line 240 (Miscellaneous), and noted that in the past Miscellaneous was in the \$1,000 range and**
82 **should be kept at that level for 2012. Walker concluded his remarks by stating that maintaining the 2011**
83 **levy of \$323,000 for 2012 is achievable. Mitchell responded by going over some items noted in Walker's**
84 **e-mail, as follows:**

- 85 • **Line 60 (Per Diems) at \$1,560 – note says for Parks and Finance. Harper noted that in the past**
86 **per diems were only for the Planning Commission, and the thought was that the Parks**
87 **Committee should also receive a per diem. Harper advised that this does not mandate that the**
88 **Parks Committee will receive a per diem; that requires a separate act of the Council. The money**
89 **is in the budget if the Council wanted to pay per diems to the Parks Committee.**
- 90 • **Line 90 (Audit) at \$4,000 – Harper noted that this was removed because it was found that the**
91 **cost of a desk audit – which reviews internal control procedures – far exceeds the amount**
92 **budgeted.**

93 • Line 164 (Street Signs) – **Walker** noted that this was put in with the understanding that the City
94 was mandated to adhere to a federal standard that has subsequently been delayed, and
95 mentioned that with the delay there isn't a need to fund this item. **Mitchell** said there was a
96 delay in requiring implementation of the retroreflectivity standards. **Sampair** reminded the
97 Council that it approved a phasing in of new signs over three years.
98

99 **Wingfield** commented that she agreed with Walker that \$323,000 is attainable for next year, and
100 observed that (a) without the \$16,000 expense budgeted in 2012 for an audit, the Council by keeping
101 the levy flat at \$323,000 will actually have approximately 7% more to spend in 2012; (b) noting the
102 discussion on the proposed warming house grant, commented that the City received a grant for the
103 walking path that has not been maintained since it was installed; (c) mentioning the \$30,000 cost for
104 replacement of manhole covers, stated that the Council passed last December a motion mandating the
105 City receive a second opinion for all expenditures over \$5,000.
106

107 Hearing no other requests to speak, **Mitchell** closed the Truth In Taxation meeting at 7:30pm.
108

109 **Harper** clarified that the \$4,000 for the desk audit is to be removed, reducing the proposed levy to
110 \$334,412. **Harper** also made the following comments:

- 111 • Looking at the to-date disbursements, the City is at about \$320,000 in levy-funded expenditures.
112 The City will likely be over budget slightly this year.
- 113 • With regard to the miscellaneous fund, it is typical for an organization to have contingency
114 funds to cover unexpected expenses. As well, the City doesn't receive 100% of the levy; the
115 County collects and distributes typically 97-97.5% of the levy due to delinquencies. If the City
116 levies only the amount required for the budget, it will fall short for this reason. **Sampair** asked if
117 that's why the 2-2.5% amount for contingency fund is used; **Reiter** responded that is the
118 foreclosure rate which tracks with the delinquency rate of the County. **Mitchell** noted that the
119 miscellaneous amount in the budget of \$14,758 is higher than 2-2.5%; **Harper** responded that a
120 portion of the miscellaneous covers the 2.5% of uncollected taxes and the other portion is
121 budgeted to cover cost overruns and unanticipated expenditures.
- 122 • With regard to the street signs, **Harper** noted that there are some signs on Hall Avenue that are
123 in rough shape that need to be replaced, and the City shouldn't be bound by federal mandates.
124 **Sampair** recommends increasing the sign budget to \$3,000 to cover sign replacement in 2012,
125 as agreed to in prior council actions.
- 126 • **Harper** noted that the budget document included in the packet is the incorrect one, as she
127 recalls the Council lowering the proposed levy from \$338,000 to \$331,000 after the workshop
128 meeting. **Harper** said that the budget up for consideration is not what's in the packet but what's
129 in the newsletter.
130

131 **CLERK'S NOTE:** During the compilation of the various items that make up the agenda packet, the City
132 Clerk inadvertently inserted the incorrect version of the proposed budget in the packet. This
133 subsequently created a level of confusion that should not reflect on the professionalism or the
134 preparedness of individual Council members or City staff. The City Clerk regrets this error and the
135 negative impression it may have caused the viewing public, and apologizes for the mistake.
136

137 The meeting recessed for a brief period of time to allow Reiter time to update the budget document for
138 the Council and for Powers to print off a copy of the budget summary that was in the newsletter.
139

140 **Harper** walked the Council through the following changes to the budget document that was included in
141 the council packet:

142

- 143 • Line 5 (General Property Taxes) and Line 39 (Total Receipts/Revenues): From \$338,412 to
144 \$331,312
- 145 • Line 90 (Auditing Services) reduced from \$4,000 to \$0 with the removal of the desk audit
146 expense
- 147 • Line 102 (Insurance) increased to \$10,524
- 148 • Line 134 (Total General Government) reduced from \$121,259 to \$118,359
- 149 • Line 182 (Total Public Works) reduced from \$47,900 to \$45,400
- 150 • Line 187 (Community Events) reduced from \$1,900 to \$200
- 151 • Line 188 (Recreation - Culture and Recreation Subtotal) reduced from \$2,200 to \$500
- 152 • Line 214 (Total Culture and Recreation) from \$15,200 to \$13,500
- 153 • Line 248 (Total Operating Expenditures) from \$348,412 to \$331,312

154

155 **Sampair** expressed a desire to have sign replacement restored to \$3,000.00 in keeping with the three-
156 year plan for sign replacement, and noted that originally \$4,000 was budgeted for this activity and was
157 subsequently reduced to \$1,000. **Harper** responded that the Council made the reduction at the budget
158 workshop in November. **Sampair** responded that he did not think the amount should be touched
159 because the Council previously agreed to the expenditure, and recommended that the budget be
160 restored to \$3,000 with the funds coming out of the contingency fund, reducing the contingency item
161 to \$12,750. The consensus of the Council was to make that change, which **Elfering** said would pay for 10
162 signs. **Harper** noted that this action changes Line 240 (Miscellaneous, Contingency) and Line 247 (Total
163 Unallocated Expenditures) to \$12,750; any further changes to these categories would involve reducing
164 the levy. **Harper** continued by stating that the contingency fund could be reduced to \$8,500, which still
165 would cover our uncollected taxes, and asked the Council what it wants to see for a contingency fund.
166 **Sampair** asked Harper if she was comfortable with the \$8,500 contingency fund; **Harper** said she was
167 comfortable with that amount, which will result in a levy of \$325,062. **Walker** shared with the Council
168 his experience with the levy was to submit a round figure, and recommends a levy of \$325,000 by
169 reducing the contingency fund by \$62 to \$8,438.

170

171 **Harper** then walked the Council through the capital projects fund, and stated that these projects are
172 paid by user fees and fund balance not the 2012 levy. **Harper** reminded the Council that Shelly Rueckert
173 had been hired to recommend new fees for the water and sewer fund, and these calculations will be
174 worked into her calculations. **Walker** commented that there is no urgency for the \$15,000 for City Hall
175 improvements. **Sampair** responded that the City has a thorough inspection of the structure and that to
176 take care of this building the \$15,000 is needed. **Powers** noted that there have been several
177 improvements made to the structure over the past year, and the remaining items are the handicapped
178 ramp and making the upstairs restroom handicapped-accessible. **Powers** further stated that the
179 estimates for the ramp have all been over \$20,000, and perhaps it would be prudent to wait to see if
180 there is grant money available for that improvement; and that an estimate for the restroom will be
181 forwarded to the Council in early 2012. **Powers** concluded by stating that even if the \$15,000 was
182 reduced to zero it would not impact the levy.

183

184 **Harper/Carson 4-0 (Peterson absent) to approve Resolution 2011-22 approving a Final Levy amount of**
185 **\$325,000.00.**

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187 *Harper/Carson 4-0 (Peterson absent) to approve Resolution 2011-23 approving a Final Budget amount*
188 *as indicated in the attached exhibit.*

189

190 **UTILITY LATE FEE INTEREST ORDINANCE:** Mitchell opened the public hearing at 8:23pm. Seeing as
191 there was no one in the audience to speak on the proposed ordinance, Mitchell closed the public
192 hearing at 8:24pm.

193

194 Harper asked whether the Council still had a concern about whether the late fee is subject to
195 compounding, and if it does compound that should be stated in the resolution. Mitchell responded that
196 might be helpful and asked the City Attorney if he had any suggestions on how to address that issue.

197 Sandstrom responded that he recommends adding the following clause to the end of the proposed
198 701.095: "and said late fee shall be added to the delinquent balance", noting that the change will clarify
199 that compounding will take place. Mitchell also wanted to clarify the actions of the Council in the
200 resolution and recommends the following clauses added after the second "whereas" clause: WHEREAS,
201 the City determined that a late fee of 5% of the outstanding delinquent balance is reasonable and
202 consistent with what other municipalities charge; and WHEREAS, the City held a public hearing on
203 December 13 to provide the public an opportunity to comment on the proposed ordinance amendment.

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205 *Mitchell/Carson 4-0 (Peterson absent) to approve Resolution 2011-25 as amended adopting Ordinance*
206 *2011-05 as amended amending Chapter 701 of the Birchwood City Code to Establish a Late Fee for*
207 *Delinquent Utility Bills.*

208

209 **REVIEW OF PAY SCALE REPORT FOR THE CITY CLERK:** Harper reviewed with the Council the enclosed
210 salary survey for the City Clerk position prepared by MPS Staffing, noting that as part of the clerk's
211 performance review the Personnel Committee recommended, and the Council approved, the
212 undertaking of a market survey to determine whether the clerk's salary is in line with comparable
213 positions. Harper continued by stating that the results of the survey indicated the clerk's salary is
214 appropriate and the Personnel Committee does not recommend any additional pay increase at this
215 time; however, Harper noted that only 10% of those surveyed did not offer any health benefits. Harper
216 concluded by remarking that sometime in 2012 that the Council should explore the issue of offering
217 health insurance to employees.

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219 **CITY CLERK'S REPORT:** Powers updated the Council on his progress in achieving his assigned 2011-2012
220 performance goals, and informed the Council on the status of the chimney repair. Powers also noted
221 that the contract with KEJ Enterprises for locates, general road repair, sign repair and replacement,
222 emergency tree removal, etc. expires at the end of December and asked for direction from the Council.
223 Powers related that there is an issue with KEJ performing locating services for the City in that since the
224 City purchased the locating wand for KEJ that potentially an employer-employee relationship could exist.
225 Powers also stated that there are times when KEJ responds to a locate request by driving out to the site
226 and, if it is determined that the locating work has already been done that he leaves the scene without
227 billing the City; while KEJ is to be applauded for not overbilling the City, it does create an issue of
228 establishing a paper trail in situations where the City may be liable for failure to locate. Powers
229 concluded his remarks by stating that the current proposal for providing water services by Saint Paul
230 Regional Water Services also offers locating services for sewer and water and perhaps subsequent
231 contract with KEJ would exclude locating services. Harper requested the City Clerk to provide the
232 Council with a list of contracts, when they were bid, and when they expire.

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234 *Sampair/Mitchell 4-0 (Peterson absent) to request of KEJ Enterprises that the current contracts for*
235 *locates, general road repair, sign repair & replacement, emergency tree removal, street sweeping,*
236 *parks maintenance and mowing [all services currently provided by KEJ Enterprises except snow*
237 *plowing] be extended until February 29, 2012.*
238

239 *Mitchell/Sampair 4-0 (Peterson absent) to authorize the City Clerk to bid out the services currently*
240 *provided by KEJ Enterprises (except snow removal) and to report back to the City Council at its*
241 *February 2012 regular meeting.*
242

243 **CITY ENGINEER'S REPORT:** Elfering provided her monthly update on the discussions with Saint Paul
244 Regional Water Services (SPRWS) as it relates to the provisioning of water operator services, and noted
245 that she is also talking with the City of White Bear Lake (WBL) at the same time. Elfering said when she
246 talked to WBL they said they hadn't had time to provide a bid and called on the City Clerk to see what
247 could be done to expedite the matter. Elfering did say that her conversations with WBL indicate that it
248 would bid for the work at an hourly basis when staff time becomes available, while SPRWS proposed a
249 monthly rate for a menu of services, including mapping and hydrant services. Mitchell lamented the lack
250 of an "apples to apples" comparison, and Elfering agreed and attempted to provide some measurable
251 basis in the enclosed memo; however, some items like the cost of meter installation were difficult to
252 find. Carson noted that the City currently pays \$35,600 for these services, and the City is comparing
253 \$18,000 to \$35,000. Sampair asked Elfering if there are any services the City currently is paying for that
254 it will not get from SPRWS; Elfering responded there are not and actually the City would be receiving
255 more services from SPRWS. Harper wanted to clarify with the Council that with the action of the Council
256 earlier tonight in setting the levy and the budget that we do not have any funds to cover any of these
257 costs; we had \$14,000 but that was taken out. Harper noted that there is \$22,000 for hydrant repair and
258 maintenance, but no other funds are available if the cost of the contract and the hydrant repair exceeds
259 \$22,000; Elfering confirmed with SPRWS that the \$18,000 would cover those costs and advised the
260 Council that the SPRWS proposal is for a one-year contract. Sampair asked Elfering whether the Council
261 should approve the SPRWS proposal; Elfering responded that the City has worked closely with WBL in
262 the past, and there has been a perception of alienation between our two cities in the past and in trying
263 to work with WBL we want to tread lightly on this issue. The Council directed the City Clerk to
264 communicate with WBL regarding the City's desire to receive a bid from WBL on providing services to
265 the City, and that the City Council will act on this matter at the January 10th meeting.
266

267 **COUNCIL MEMBER REPORTS:** Mitchell commented that the Clerk sent to the Council draft revisions to
268 Chapters 203 and 205 regarding the building code and building fees, and said he has been working with
269 White Bear Lake Chief Building Official Ben Egan on these revisions. Mitchell continued by saying the
270 intention of these revisions is to make the City's building code and fees consistent with White Bear
271 Lake's.
272

273 Harper noted that she has worked with the City Attorney on revisions to the City's fee ordinance, and
274 that she recommends that the fees be established in a separate schedule so that the Council can change
275 them by motion or resolution and not be bound by the restrictions of having them in an ordinance, such
276 as publication requirements, etc. Mitchell would like to have all the fees in one location and not spread
277 out. The Council concurred that the fees should be a separate schedule and that staff should compile a
278 fee schedule for consideration at the January meeting.
279

280 **NEXT MEETING – JANUARY 10, 2012 - TOPICS:** Mitchell said that the next meeting on January 10 will be
281 the Council's annual organizational meeting, and a list of the current Council appointments is included in

282 the packet for the Council's review. **Mitchell** also noted that since Council Members Peterson and
283 Sampair are the only two members guaranteed to be on the Council in January 2013, he thinks that one
284 of them should be on the Personnel Committee and one should be on the Budget Committee. **Harper**
285 said the fee ordinance revisions should be ready for the January meeting. **Mitchell** also wanted the
286 Council to consider going to one regular meeting each month; if there is a need for an additional
287 meeting that can be scheduled as a special meeting.

288

289 **ADJOURN: Harper/Sampair 4-0 (Peterson absent) to adjourn the meeting @9:25pm.**

290

291

292

293 _____
Dale Powers

294 City Clerk

DRAFT

**Birchwood Village Treasurer's Report
1-5-12 (Year End 2011 Reports)**

2

To: City Council
From: Cindie J Reiter, Treasurer

Financial Report

Attached are the CTAS reports:

The **Interim Financial Report** shows the year to date totals for each revenue and expense of each Fund. The report is presented by ACCOUNT code. Fund 100 is the operating fund (General Fund) for which property taxes are levied. In the disbursement section you will find a running total (YTD) and variance (remaining balance) of the budgeted amount for each category of expense. THIS REPORT REPRESENTS THE 2011 YEAR END (all transfers or code updates may not be final as of this date).

Disbursement Register is presented for period of **December 14 thru December 31, 2011** for items paid post December council meeting. **Receipt Register** is presented for same period.

The **Cash Balance Statement** is the beginning balances (same as: prior year-end). The beginning balances are all cash balances – which reside at US Bank (checking for operating funds & savings) and at Piper Jaffray (money market accounts for various fund reserves & savings) For 2011 final interest entries (minimal) are outstanding.

Current Items of Interest-

- REMINDER-AUDIT ITEM – recall by year end &/or early next year there are certain designations to be made for the various city fund balances. (i.e. committed, designated, reserved, etc)
- Year End financial Report do to State Auditor's office by End of March 2012.
- Other required Annual reports (ex: Report of Outstanding Indebtedness, Summary Budget Report, Lobby Report, PERA Exclusion, etc. due by end of January 2012 expected to be submitted by Jan. 15, 2012)
- Any 2012 invoices (few) to be paid will be provided on excel spreadsheet at meeting on Tuesday 1/10/12.

Water Fund & Sewer Fund – To be reviewed for fee structure in this month (January 2012).

Note: The invoices for Qtr 4 Utility Billing from Little Canada is outstanding and will be entered in 2011 books if received by time of council meeting.

Please call/email with any questions.

Cindie J Reiter.

Birchwood City Treasurer

Special Assessment – Pay 2011 REFUND IN 2012

Resolution of over calculation of interest for Pay 2011 is to refund all PAID debt service special assessment for Pay 2011. This refund will be sent to property owners after the county provides report of those properties paid for 2011. ***The report should be available in the first quarter 2012 – refunds to be issued shortly after.***

As of 12/31/2011

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$323,000.00	\$315,353.96	(\$7,646.04)
Total Acct 310	\$323,000.00	\$315,353.96	(\$7,646.04)
Building Permits	\$0.00	\$10,669.07	\$10,669.07
Dog Licenses	\$0.00	\$25.00	\$25.00
Zoning App Fee	\$0.00	\$206.00	\$206.00
Total Acct 322	\$0.00	\$10,900.07	\$10,900.07
State Grants and Aids	\$0.00	\$119.00	\$119.00
Total Acct 334	\$0.00	\$119.00	\$119.00
Recycle Grant	\$0.00	\$1,678.00	\$1,678.00
Cable Comm. Grant	\$0.00	\$7,595.06	\$7,595.06
Local Agency Grants	\$0.00	\$13,404.00	\$13,404.00
Total Acct 336	\$0.00	\$22,677.06	\$22,677.06
City Hall & Garage Rent	\$0.00	\$360.50	\$360.50
Total Acct 341	\$0.00	\$360.50	\$360.50
Fines	\$0.00	\$555.29	\$555.29
Total Acct 351	\$0.00	\$555.29	\$555.29
Miscellaneous	\$0.00	\$2,741.02	\$2,741.02
Total Acct 361	\$0.00	\$2,741.02	\$2,741.02
Interest Earnings	\$0.00	\$600.13	\$600.13
Contrib. & Donations-Private	\$0.00	\$820.00	\$820.00
Refunds and Reimbursements	\$0.00	\$1,791.61	\$1,791.61
Total Acct 362	\$0.00	\$3,211.74	\$3,211.74
Total Revenues	\$323,000.00	\$355,918.64	\$32,918.64
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,000.00	\$1,774.80	\$225.20
Total Acct 411	\$2,000.00	\$1,774.80	\$225.20
City Council	\$2,800.00	\$4,414.65	(\$1,614.65)
Total Acct 413	\$2,800.00	\$4,414.65	(\$1,614.65)
Clerk - Treasurer	\$52,855.00	\$57,732.05	(\$4,877.05)
Elections	\$470.00	\$470.00	\$0.00
Office Operations/Supplies	\$4,500.00	\$5,692.51	(\$1,192.51)
Postage/Postal Permits	\$0.00	\$642.09	(\$642.09)
Total Acct 414	\$57,825.00	\$64,536.65	(\$6,711.65)
Financial Administration	\$16,000.00	\$15,528.55	\$471.45
Assessing	\$5,200.00	\$5,323.85	(\$123.85)
Total Acct 415	\$21,200.00	\$20,852.40	\$347.60

City of Birchwood Village Financial Report by Account Number (YTD)

01/05/2012

Legal Services	\$8,000.00	\$7,004.13	\$995.87
Engineer Service	\$6,000.00	\$5,491.45	\$508.55
Total Acct 416	\$14,000.00	\$12,495.58	\$1,504.42
Per Diem	\$495.00	\$475.00	\$20.00
Total Acct 418	\$495.00	\$475.00	\$20.00
Grants	\$0.00	\$200.00	(\$200.00)
Planning and Zoning	\$0.00	\$46.00	(\$46.00)
City Training & Development	\$7,590.00	\$4,870.89	\$2,719.11
City Hall-Gov't Buildings	\$17,300.00	\$15,266.36	\$2,033.64
City Insurance	\$7,600.00	\$13,133.00	(\$5,533.00)
Cable Eqpmnt and Service	\$0.00	\$1,064.00	(\$1,064.00)
Newsletter	\$1,000.00	\$300.00	\$700.00
Total Acct 419	\$33,490.00	\$34,880.25	(\$1,390.25)
Police	\$88,500.00	\$88,505.00	(\$5.00)
Total Acct 421	\$88,500.00	\$88,505.00	(\$5.00)
Fire	\$20,100.00	\$20,078.00	\$22.00
Total Acct 422	\$20,100.00	\$20,078.00	\$22.00
Building Inspection	\$0.00	\$8,581.98	(\$8,581.98)
Total Acct 424	\$0.00	\$8,581.98	(\$8,581.98)
Animal Control	\$0.00	\$857.00	(\$857.00)
Total Acct 428	\$0.00	\$857.00	(\$857.00)
PUBLIC WORKS	\$3,000.00	\$0.00	\$3,000.00
Total Acct 430	\$3,000.00	\$0.00	\$3,000.00
Streets & Road Mntnc	\$21,500.00	\$10,291.72	\$11,208.28
Ice and Snow Removal	\$0.00	\$10,318.73	(\$10,318.73)
Tree Care/Inspection	\$1,500.00	\$449.93	\$1,050.07
Tree Removal	\$4,000.00	\$3,989.90	\$10.10
Drainage - Structure Care	\$2,000.00	\$2,159.25	(\$159.25)
Street Signs	\$1,000.00	\$265.74	\$734.26
Street Lights	\$13,800.00	\$14,679.00	(\$879.00)
Water Utility	\$0.00	\$473.90	(\$473.90)
Sewer Utility	\$0.00	\$269.90	(\$269.90)
Total Acct 431	\$43,800.00	\$42,898.07	\$901.93
Weed Control	\$0.00	\$135.00	(\$135.00)
Total Acct 432	\$0.00	\$135.00	(\$135.00)
Sanitation - Recycling	\$12,000.00	\$11,047.58	\$952.42
Total Acct 441	\$12,000.00	\$11,047.58	\$952.42
Lawn Care/Mntnc	\$7,000.00	\$5,065.00	\$1,935.00
Total Acct 450	\$7,000.00	\$5,065.00	\$1,935.00
Recreation	\$1,500.00	\$1,421.42	\$78.58
Total Acct 451	\$1,500.00	\$1,421.42	\$78.58
Parks	\$13,000.00	\$16,420.22	(\$3,420.22)
Total Acct 452	\$13,000.00	\$16,420.22	(\$3,420.22)
CONSERVATION - NATURAL RESOURC	\$1,609.00	\$1,609.16	(\$0.16)
Total Acct 461	\$1,609.00	\$1,609.16	(\$0.16)

City of Birchwood Village Interim Financial Report by Account Number (YTD)**01/05/2012**

Unallocated Expenditures	\$681.00	\$579.89	\$101.11
Total Acct 492	\$681.00	\$579.89	\$101.11
Total Disbursements	\$323,000.00	\$336,627.65	(\$13,627.65)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$13,139.00	
Beginning Cash Balance		\$513,678.05	
Cash Balance as of 12/31/2011		\$519,830.04	

As of 12/31/2011

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$9,535.00	\$9,535.00
Total Acct 322	\$0.00	\$9,535.00	\$9,535.00
Interest Earnings	\$0.00	\$0.46	\$0.46
Total Acct 362	\$0.00	\$0.46	\$0.46
Total Revenues	\$0.00	\$9,535.46	\$9,535.46
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$1,400.00	(\$1,400.00)
Total Acct 451	\$0.00	\$1,400.00	(\$1,400.00)
Parks	\$0.00	\$1,426.62	(\$1,426.62)
Total Acct 452	\$0.00	\$1,426.62	(\$1,426.62)
Total Disbursements	\$0.00	\$2,826.62	(\$2,826.62)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$7,550.65	
Cash Balance as of 12/31/2011		\$14,259.49	

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

01/05/2012

As of 12/31/2011

Sewer 2004 Bonds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$12,881.59	\$12,881.59
Total Acct 361	\$0.00	\$12,881.59	\$12,881.59
Total Revenues	\$0.00	\$12,881.59	\$12,881.59
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$2,511.47	(\$2,511.47)
Total Acct 471	\$0.00	\$2,511.47	(\$2,511.47)
Unallocated Expenditures	\$0.00	\$164.71	(\$164.71)
Total Acct 492	\$0.00	\$164.71	(\$164.71)
Total Disbursements	\$0.00	\$2,676.18	(\$2,676.18)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		\$10,205.41	

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

01/05/2012

As of 12/31/2011

Birchwood In Re-hab Bond

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$985.07	\$985.07
Total Acct 361	\$0.00	\$985.07	\$985.07
Total Revenues	\$0.00	\$985.07	\$985.07
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		\$985.07	

City of Birchwood Village Financial Report by Account Number (YTD)

01/05/2012

As of 12/31/2011

Sewer Re-hab 2008 Debt

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$31,796.16	\$31,796.16
Total Acct 361	\$0.00	\$31,796.16	\$31,796.16
Total Revenues	\$0.00	\$31,796.16	\$31,796.16
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$53,684.17	(\$53,684.17)
Total Acct 471	\$0.00	\$53,684.17	(\$53,684.17)
Unallocated Expenditures	\$0.00	\$502.00	(\$502.00)
Total Acct 492	\$0.00	\$502.00	(\$502.00)
Total Disbursements	\$0.00	\$54,186.17	(\$54,186.17)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		(\$22,390.01)	

As of 12/31/2011

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$41,571.00	
Cash Balance as of 12/31/2011		\$41,571.00	

City of Birchwood Village Financial Report by Account Number (YTD)

01/05/2012

As of 12/31/2011

Capital Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Interest Earnings	\$0.00	\$579.00	\$579.00
Total Acct 362	\$0.00	\$579.00	\$579.00
Total Revenues	\$0.00	\$579.00	\$579.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$6,000.00	
Beginning Cash Balance		\$65,527.99	
Cash Balance as of 12/31/2011		\$60,106.99	

As of 12/31/2011

Cap Proj - Catchbasin

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Local Agency Grants	\$0.00	\$13,404.00	\$13,404.00
Total Acct 336	\$0.00	\$13,404.00	\$13,404.00
Total Revenues	\$0.00	\$13,404.00	\$13,404.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$19,139.00	
Disbursements:			
Engineer Service	\$0.00	\$4,735.00	(\$4,735.00)
Total Acct 416	\$0.00	\$4,735.00	(\$4,735.00)
Drainage - Structure Care	\$0.00	\$27,808.00	(\$27,808.00)
Total Acct 431	\$0.00	\$27,808.00	(\$27,808.00)
Total Disbursements	\$0.00	\$32,543.00	(\$32,543.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		\$0.00	

As of 12/31/2011

Water Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$51,972.76	\$51,972.76
Penalty - Late Water/Sewer	\$0.00	\$1,470.17	\$1,470.17
State & Misc fees	\$0.00	\$2,304.03	\$2,304.03
Total Acct 341	\$0.00	\$55,746.96	\$55,746.96
DELQ - Water-Sewer fees	\$0.00	\$3,814.23	\$3,814.23
Total Acct 361	\$0.00	\$3,814.23	\$3,814.23
Interest Earnings	\$0.00	\$379.80	\$379.80
Total Acct 362	\$0.00	\$379.80	\$379.80
Total Revenues	\$0.00	\$59,940.99	\$59,940.99
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$472.00	(\$472.00)
Total Acct 416	\$0.00	\$472.00	(\$472.00)
Other Protection	\$0.00	\$1,375.00	(\$1,375.00)
Utility Locates	\$0.00	\$237.40	(\$237.40)
Total Acct 428	\$0.00	\$1,612.40	(\$1,612.40)
Water Utility	\$0.00	\$43,574.71	(\$43,574.71)
Wtr/Swr Emergency	\$0.00	\$23,408.37	(\$23,408.37)
Sewer Utility	\$0.00	\$62.79	(\$62.79)
Total Acct 431	\$0.00	\$67,045.87	(\$67,045.87)
Unallocated Expenditures	\$0.00	\$92.34	(\$92.34)
Total Acct 492	\$0.00	\$92.34	(\$92.34)
Total Disbursements	\$0.00	\$69,222.61	(\$69,222.61)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$45,623.45	
Cash Balance as of 12/31/2011		\$36,341.83	

City of Birchwood Villagegerim Financial Report by Account Number (YTD)

01/05/2012

As of 12/31/2011

Sewer Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$81,858.66	\$81,858.66
Total Acct 341	\$0.00	\$81,858.66	\$81,858.66
Sewer Re-hab A&B	\$0.00	\$18.25	\$18.25
Sewer Lift	\$0.00	\$18.31	\$18.31
DELQ - Water-Sewer fees	\$0.00	\$3,506.62	\$3,506.62
Total Acct 361	\$0.00	\$3,543.18	\$3,543.18
Interest Earnings	\$0.00	\$515.26	\$515.26
Total Acct 362	\$0.00	\$515.26	\$515.26
Total Revenues	\$0.00	\$85,917.10	\$85,917.10
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$594.00	(\$594.00)
Total Acct 415	\$0.00	\$594.00	(\$594.00)
Utility Locates	\$0.00	\$237.40	(\$237.40)
Total Acct 428	\$0.00	\$237.40	(\$237.40)
Water Utility	\$0.00	\$62.79	(\$62.79)
Wtr/Swr Emergency	\$0.00	\$8,542.31	(\$8,542.31)
Sewer Utility	\$0.00	\$64,110.14	(\$64,110.14)
Total Acct 431	\$0.00	\$72,715.24	(\$72,715.24)
Total Disbursements	\$0.00	\$73,546.64	(\$73,546.64)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$173,186.41	
Cash Balance as of 12/31/2011		\$185,556.87	

Fund Name: All Funds
Date Range: 12/14/2011 to 12/31/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
12/15/2011	Payroll Period Ending 11/30/2011		26896	\$1,062.36	100-41400-100	\$1,062.36
12/15/2011	Payroll Period Ending 11/30/2011		26897	\$376.59	100-41400-100	\$376.59
12/15/2011	Payroll Period Ending 12/31/2011		26907	\$566.10	100-41310-100	\$566.10
12/15/2011	Payroll Period Ending 12/31/2011		26908	\$566.10	100-41310-100	\$566.10
12/15/2011	Payroll Period Ending 12/31/2011		26909	\$566.10	100-41310-100	\$566.10
12/15/2011	Payroll Period Ending 12/31/2011		26910	\$566.10	100-41310-100	\$566.10
12/15/2011	Ronnan, Kenny	Videographer - Service Nov 2011 (7.5)	26911	\$105.00	100-41950-305	\$105.00
12/15/2011	Menards - Maplewood	Parks - Hockey Rink Supplies	26912	\$65.81	100-45200-210	\$61.77
					100-45200-210	\$1.29
					100-45200-210	\$2.75
12/15/2011	Infratech Technologies, Inc	Vac Storm Sewer Service (2)	26913	\$440.00	605-43190-305	\$440.00
12/15/2011	Qwest/CenturyLink	Phone/Fax linesDec 2011	26914	\$112.92	100-41940-321	\$112.92
12/15/2011	Xcel Energy	Street Lights -Dec 2011	26915	\$1,223.04	100-43160-381	\$1,223.04
12/15/2011	Mobile Mini, Inc	Warm House /Rental 2011-2012	26916	\$534.84	100-45200-520	\$534.84
12/15/2011	Waste Management of WI-MN	Recycle - Nov 2011	26917	\$936.90	100-44100-305	\$936.90
12/15/2011	Eckberg, Lammers, Briggs, Wolff	Legal Service -Nov 2011	26918	\$363.00	100-41600-300	\$44.00
					100-41600-300	\$319.00
12/15/2011	Schwaab, Inc.	Notary Stamp - cjr	26919	\$30.64	100-41420-200	\$30.64
12/15/2011	Steve Dean	Removal - Diseased Tree - Kay Easmt .5 cost share	26920	\$267.81	100-43135-305	\$267.81
12/15/2011	Pratt, Len	Planning Commission - Per Diem 2011	26921	\$95.00	100-41800-180	\$95.00
12/15/2011	Felt, Randy	Planning Comm - Per Diem 2011	26922	\$95.00	100-41800-180	\$95.00
12/15/2011	Winters, John	Planning Comm. Per Diem 2011	26923	\$95.00	100-41800-180	\$95.00
12/15/2011	Danks, Doug	Planning Comm - Per Diem 2011	26924	\$95.00	100-41800-180	\$95.00

City of Birchwood Village

Disbursements Register

01/05/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
12/15/2011	Hankins, Donald	Planning Comm - Per Diem 2011	26925	\$95.00	100-41800-180	\$95.00
12/19/2011	Walfoort, Susan	Assessment Pay 2011 return	26926a	\$251.00	305-49200-810	\$251.00
12/19/2011	Robert Graham	Assessment - Pay 2011 return	26927	\$415.71	301-49200-810	\$164.71
					305-49200-810	\$251.00
12/20/2011	U S Bank	Service Charge - December 2011	SC122011	\$27.95	100-41500-430	\$27.95
12/21/2011	City of White Bear Lake Bldg Inspec	Bldg Inspections -Nov 2011	26930	\$1,528.00	100-42401-305	\$1,528.00
12/21/2011	City of White Bear Lake Public Work	Lift Stn Mntnc /Wtr shut off	26931	\$947.90	601-43185-305	\$131.90
					605-43190-305	\$816.00
12/21/2011	On-Site Sanitation Inc	Rental Unit - Tighe Schmidt Dec 2011	26932	\$108.33	100-45200-305	\$108.33
12/21/2011	Xcel Energy	Warm House/Park - Dec 2011	26933	\$91.50	100-45200-381	\$91.50
12/21/2011	Xcel Energy	City Hall Gas & Electric -Dec 2011	26934	\$209.77	100-41940-381	\$209.77
12/21/2011	Menards - Maplewood	City Bldgs - garage door supplies	26935	\$77.84	100-41940-210	\$77.84
12/21/2011	Menards - Maplewood	Sales Tax Due	26936	\$43.15	100-41940-210	\$21.99
					100-45200-210	\$0.20
					100-45200-210	\$5.84
					100-45200-210	\$5.70
					100-45200-210	\$4.93
					100-45200-210	\$0.09
					100-45200-210	\$4.40
12/21/2011	PERA	Staff Retirement PE 11/30/11	PERA121511	\$276.22	100-41400-120	\$152.97
					100-41400-121	\$123.25
12/29/2011	Lund, John	REimb - city garage debris removal	26937	\$44.00	100-41940-220	\$44.00
12/29/2011	TSE, INC	City Hall Janitorial - 12/6/2011	26938	\$19.00	100-41940-305	\$19.00
12/29/2011	Menards - Maplewood	Garage Supplies	26939	\$33.77	100-41940-220	\$33.77
12/29/2011	Ken Johnson	Street Sand/Plow Dec 2011	26941	\$830.00	100-43100-305	\$830.00
12/29/2011	Ken Johnson	Locates Dec 2011	26942	\$90.00	100-43100-305	\$90.00
12/29/2011	Ken Johnson	Garage Door - labor	26943	\$315.00	100-41940-305	\$315.00
12/30/2011	Payroll Period Ending 12/15/2011		26926	\$404.20	100-41400-100	\$404.20
12/30/2011	Payroll Period Ending 12/15/2011		26928	\$1,062.36	100-41400-100	\$1,062.36
12/30/2011	Payroll Period Ending 12/15/2011		26940	\$45.28	100-45200-100	\$45.28
12/30/2011	Ronnan, Kenny	Videographer - Service Dec 2011 (4)	26944	\$56.00	100-41950-305	\$56.00

Total For Period **\$15,135.29**

Total Year To Date **\$590,767.87**

City of Birchwood Village

Receipts Register

01/05/2012

Fund Name: All Funds
 Date Range: 12/14/2011 to 12/31/2011

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
12/19/2011	Residents - via LC	Utility Billing LC JE#33	613	\$4,839.95	601-34105 601-34115 601-34120 605-34110	\$2,038.02 \$41.84 \$77.46 \$2,682.63
12/21/2011	McNamara & Patt	Artisit Group Donation 2011	599	\$125.00	100-36230 100-36230	\$115.00 \$10.00
12/21/2011	Sutherland, Phillip	Ash Lift Storage 2011	600	\$100.00	210-32260	\$100.00
12/21/2011	Churchhill, Chris & Angela	Birch Boat Lift Storage	601	\$100.00	210-32260	\$100.00
12/21/2011	Fisher, Wendy & Adam	Lift Storage 2011	602	\$100.00	210-32260	\$100.00
12/21/2011	LMCIT	Property/Casualty Dividend 2011	603	\$1,540.00	100-36140	\$1,540.00
12/27/2011	Resdients - via LC	Utiltiy Billing - LC JE#37	614	\$4,935.06	601-34105 601-34115 601-34120 605-34110	\$2,075.19 \$136.83 \$72.40 \$2,650.64
12/28/2011	Residents - via LC	Utility Billing - LC JE#39	615	\$2,375.13	601-34105 601-34115 601-34120 605-34110	\$1,022.13 \$7.75 \$39.75 \$1,305.50
12/30/2011	Lund, John	Boat Lift Storage Fee	606	\$100.00	210-32260	\$100.00
12/30/2011	Manship Plbmg	Bldg permit #WB053936	607	\$10.25	100-32210	\$10.25
12/30/2011	Winters (BWD ck#26923)	Donation - return of per diem	608	\$95.00	100-36230	\$95.00
12/30/2011	Velin, John	Garage Rent - pro-rata	609	\$10.50	100-34101	\$10.50
12/30/2011	White Bear Township	Special Assessments (E Co Line)	610	\$505.28	305-36110 601-36130 605-36130	\$106.28 \$199.50 \$199.50

Total For Period **\$14,836.17**

Total Year To Date **\$590,097.01**

APPLICATION FOR EMPLOYMENT

PERSONAL INFORMATION

DATE OF APPLICATION: 12/5/2011

Name: Johnson Corey Arthur
Last First Middle

Address: 237 Wildwood Ave Birchwood MN 55110
Street (Apt) City/State Zip

Alternate Address: _____
Street City/State Zip

Contact Information: _____
Home Telephone Mobile Telephone

How did you learn about our company?

POSITION SOUGHT: Rink Attendant

Available Start Date: 12/4/2011

Desired Pay Range: \$8
Hourly or Salary

Are you currently employed? No

EDUCATION

	Name and Location	Graduate? - Degree?	Major / Subjects of Study
High School	Mahtomedi High School	YES, YES	N/A
College or University	University of Colorado at Colorado Springs	NO, PGM	Professional Golf Management
Specialized Training, Trade School, etc...			
Other Education			

Please list your areas of highest proficiency, special skills or other items that may contribute to your abilities in performing the above mentioned position.

I have worked at the rink before and have good experience with all the required duties.

PREVIOUS EXPERIENCE

Please list beginning from most recent

Dates Employed	Company Name	Location	Role/Title
5/15/2011 - 11/15/2011	Stone Ridge GC	Stillwater, MN	outside services

Job notes, tasks performed and reason for leaving:

I was in charge of accomodating golfers and performing daily tasks such as putting golf cars, pulling member golf bags, cleaning clubs and organizing the clubhouse

Dates Employed	Company Name	Location	Role/Title
11/30/2010 - 1/15/2011	Birchwood city Hall	Birchwood, MN	Rink Manager

Job notes, tasks performed and reason for leaving:

I was in charge of flooding, organizing and cleaning the huckey rink. I had daily duties that I performed to keep the rink running.

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

2012 SCHEDULE OF REGULAR CITY COUNCIL MEETINGS

(Start time is 7:00 p.m. at City Hall)

January 10, 2012

February 14, 2012

March 13, 2012

April 10, 2012

May 8, 2012

June 12, 2012

July 10, 2012

August 7, 2012 (NOTE: August 14, 2012 is Primary Election Day)

September 11, 2012

October 9, 2012

November 13, 2012

December 11, 2012

2012 SCHEDULE OF OBSERVED CITY HOLIDAYS

Monday, January 16, 2012: Martin Luther King, Jr. Day

Monday, February 20, 2012: President's Day

Monday, May 28, 2012: Memorial Day

Wednesday, July 4, 2012: Independence Day

Monday, September 3, 2012: Labor Day

Monday, November 12, 2012: Veterans Day Observed

Thursday, November 22, 2012: Thanksgiving Day

Friday, November 23, 2012: Day After Thanksgiving

Monday, December 24, 2012: Christmas Eve

Tuesday, December 25, 2012: Christmas Day

Tuesday, January 1, 2013: New Year's Day



Memo

TO: Honorable Mayor and City Council Members
FROM: Kristie Elfering, City Engineer
DATE: December 28, 2011
RE: Federal DOT Requirement for Sign Retroreflectivity

As Council is aware there have been on-going discussions at the Federal, State, and City level regarding the Federal Highway Administration's requirements for traffic signs to meet retroreflectivity standards. There have been recent efforts to modify or delay the Federal requirements for signs to meet the standards by 2015 or 2018 depending on the sign type. However, modifications to the Federal Standard 23 CFR Part 655 will not be enacted prior to the January 22, 2012 deadline of having a method in place to maintain minimum sign retroreflectivity.

Council may remember that there are two main maintenance method options. The first is a management method and the second is an assessment method. Council had previously discussed using a management method based on expected sign life. The reasoning behind this was that the average sign life is 8 to 12 years. The majority of signs were last replaced in 2000; therefore the City could reasonably be assured that the signs would be in need of replacement by the original 2015 deadline. A management program was to be utilized rather than an inspection program to save on annual inspection costs given the age of the signs. Included in the Council packet for this item is an exhibit that describes each of the options in a little more detail.

The Minnesota Department of Transportation is recommending that municipalities adopt a maintenance method option because they feel there is minimal cost and due to the fact that the requirement will not be changed or delayed prior to the January 22, 2012 deadline.

Recommendation

We are recommending that Council formally adopt the management method based on expected sign life as the City's method to maintain the minimum sign retroreflectivity. Any deadlines for implementing this method will be based on Federal requirements.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the January 10, 2012 Council meeting.

RESOLUTION 2012-__

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

**A RESOLUTION ADOPTING THE EXPECTED SIGN LIFE SUB-METHOD OF THE
MANAGEMENT METHOD OF MAINTAINING MINIMUM LEVELS OF
RETROREFLECTIVITY PER THE STANDARDS OF THE FEDERAL HIGHWAY
ADMINISTRATION**

WHEREAS, the Federal Highway Administration (FHWA) has adopted rules regulating the retroreflectivity standards for traffic signage; and

WHEREAS, said FHWA rules require cities to establish and implement either a management method or an assessment method for maintaining minimum levels of retroreflectivity before the end of January 2012; and

WHEREAS, there are three (3) sub-methods that the City can select from, as indicated in the attached exhibit: control signs, blanket replacement, and expected sign life; and

WHEREAS, the City Engineer of the City of Birchwood Village recommends the expected sign life sub-method of the management method.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA, that the City hereby elects to use the expected sign life sub-method of the management method for maintaining minimum levels of retroreflectivity for the traffic signage of the City, as indicated in the attached exhibit.

I certify that the City Council of the City of Birchwood Village adopted the above Resolution on this 10th day of January, 2012.

Alan Mitchell, Mayor

ATTEST:

Dale Powers
City Clerk

2A.9 Maintaining Minimum Retroreflectivity

SUPPORT:

Retroreflectivity is one of several factors associated with maintaining nighttime sign visibility (see Section 2A.22).

STANDARD:

Public agencies or officials having jurisdiction shall use an assessment or management method that is designed to maintain sign retroreflectivity at or above the minimum levels in Table 2A-3.

Assessment or management method

Compliance Date: January 22, 2012

Regulatory, warning and ground-mounted guide signs must meet the minimum retroreflectivity levels.

Compliance Date: January 22, 2015

Street name signs and overhead guide signs must meet the minimum retroreflectivity levels.

Compliance Date: January 22, 2018

SUPPORT:

Compliance with the above Standard is achieved by having a method in place and using the method to maintain the minimum levels established in Table 2A-3. Provided that an assessment or management method is being used, an agency or official having jurisdiction would be in compliance with the above Standard even if there are some individual signs that do not meet the minimum retroreflectivity levels at a particular point in time.

GUIDANCE:

Except for those signs specifically identified in the Option in this Section, one or more of the following assessment or management methods should be used to maintain sign retroreflectivity:

- A. Visual Nighttime Inspection – The retroreflectivity of an existing sign is assessed by a trained sign inspector conducting a visual inspection from a moving vehicle during nighttime conditions. Signs that are visually identified by the inspector to have retroreflectivity below the minimum levels should be replaced.
- B. Measured Sign Retroreflectivity – Sign retroreflectivity is measured using a retroreflectometer. Signs with retroreflectivity below the minimum levels should be replaced.

C. Expected Sign Life – When signs are installed, the installation date is labeled or recorded so that the age of a sign is known. The age of the sign is compared to the expected sign life. The expected sign life is based on the experience of sign retroreflectivity degradation in a geographic area compared to the minimum levels. Signs older than the expected life should be replaced.

D. Blanket Replacement – All signs in an area/corridor, or of a given type, should be replaced at specified intervals. This eliminates the need to assess retroreflectivity or track the life of individual signs. The replacement interval is based on the expected sign life, compared to the minimum levels, for the short-life material used on the affected signs.

E. Control Signs – Replacement of signs in the field is based on the performance of a sample of control signs. The control signs might be a small sample located in a maintenance yard or a sample of signs in the field. The control signs are monitored to determine the end of retroreflective life for the associated signs. All field signs represented by the control sample should be replaced before the retroreflectivity levels of the control sample reach the minimum levels.

F. Other Methods – Other methods developed based on engineering studies can be used.

SUPPORT:

Additional information about these methods is contained in the 2007 Edition of FHWA's "Maintaining Traffic Sign Retroreflectivity" (see Section 1A.11).

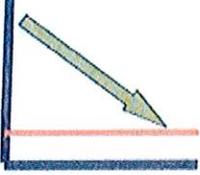
OPTION:

Highway agencies may exclude the following signs from the retroreflectivity maintenance guidelines described in this Section:

- A. Parking, Standing, and Stopping signs (R7 and R8 series)
- B. Walking/Hitchhiking/Crossing signs (R9 series, R10-1 through R10-4b)
- C. Adopt-A-Highway signs
- D. All signs with blue or brown backgrounds
- E. Bikeway signs that are intended for exclusive use by bicyclists or pedestrians

Summary of Sign Retroreflectivity Maintenance Methods

▶ A method must be implemented and in use by January 2012 ◀

			EQUIPMENT NEEDS			INSPECTOR REQUIREMENT		TIME DEMANDS	
			Retro-Reflec-tometer	Must know sheeting type	Inven-tory	Trained	60+ years old	At night	Must stop at signs
ASSESSMENT METHODS	Visual Procedures	Calibration Signs			(1)	✓		✓	Only at Start, To Calibrate Eyes
		Comparison Panels				(1)	✓	✓	Only ✓ Marginal Signs
		Consistent Parameters	Note: Take picture at night of older person in passenger seat of SUV (do at Fargo workshop)			(1)	✓	✓	✓
	Measured Retro	Note: Take picture of digital readout on retroreflectometer	✓	✓	(1)	(2)			✓ Every Sign
MANAGEMENT METHODS	Expected Sign Life			✓	(1)				
	Blanket Replacement	Note: Insert clip of map showing a section		✓	(1)				
	Control Signs	Note: Insert photo of sign with text "control sign" on it.	To Check Control Signs	✓	(1)	(2)			Only ✓ Control Signs

- (1) Not required in MUTCD, but might be beneficial
 (2) Need training on operation of retroreflectometer

2012 COUNCIL APPOINTMENTS

Administration – Alan Mitchell

- Mayor
- Intercommunity Relations
- Personnel Matters
- Contracts

Planning – Jane Harper

- Acting Mayor
- Budget Committee
- Finances
- Sewer and Water
- Planning Commission Liaison
- Comprehensive Plan/Capital Improvement Plan

Parks – Barb Carson

- Parks Committee Liaison
- City Hall Maintenance
- Assistant Weed Inspector
- Invasive Species
- Hockey Rink/Tennis Courts/Tighe Schmidt

Public Works – Mark Peterson

- Budget Committee
- Roads and Streets
- Storm Water and Drainage
- Rain Gardens
- Public Lake Tracts
- White Bear Transit Commission

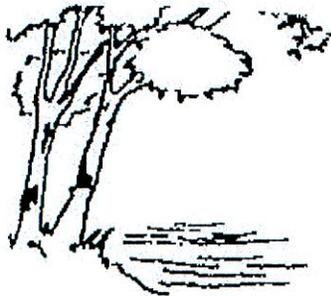
Public Safety – Tony Sampair

- Police and Fire
- Personnel Committee
- Civil Defense/Pandemic Planning
- Hazardous Materials
- Ambulance
- Recycling

CITY OF BIRCHWOOD VILLAGE

2012 APPOINTMENTS AND ASSIGNMENTS

Acting Mayor	Jane Harper
Official Depository	US Bank, N.A.
Official Newspaper	White Bear Press
City Engineer	Elfering & Associates
City Attorney	Eckberg, Lammers, Wolf & Vierling
Planning Commission	Len Pratt, Chair, John Winters, Randy Felt, Don Hankins, Doug Danks
Parks and Natural Resources Committee	John Lund, Chair, John McCormick, Karleen Corliss, Katie Cavenor, Anne Salo, Debbie Harrod, Bea Krinke
Personnel Committee	Jane Harper and Tony Sampair
Budget Committee	Jane Harper and Mark Peterson
Finance Committee	Jane Harper, Mark Peterson, Bob Manke, and Clint Dixon
White Bear Lake Conservation District	Two Vacancies
Cable Commission	Greg Donovan and Randy LaFoy
Transit Commissioner	Milo Haus and Mark Peterson
Water Superintendent	White Bear Lake Public Works
Emergency Water Main and Sewer Services	St Paul Board of Water Commissioners
Planning and Zoning	White Bear Lake Planning Department
Plumbing, Sewer, Water, and Heating Inspections	Lake Area Inspections
Police	White Bear Lake Police Department
Fire	White Bear Lake Fire Department
Animal Control	White Bear Lake Police
Tree Inspector	Steve Dean
Snow Plowing and Street Sweeping	KEJ Enterprises (Ken Johnson)
Grounds and Maintenance	KEJ Enterprises (Ken Johnson)
City Historian	Scott Freeberg



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: January 5, 2012
TO: City Council
FROM: Mayor Alan Mitchell
RE: Explanation of Interim Use Ordinances 301, 305, and 306

=====

INTRODUCTION

The Birchwood City Code provides for the issuance of Conditional Use Permits. Section 301.070 and chapter 306. The Code recognizes six categories of projects for which a Conditional Use Permit may be issued. These include two types of land disturbance activities, swimming pools, tennis courts, solar energy systems, and home occupations. Section 301.070.

According to the League of Minnesota Cities, in a memorandum on Frequently Asked Questions about Conditional Use Permits published on September 8, 2008, "A conditional use is a land use designated in a zoning ordinance that is specifically allowed in a zoning district so long as certain standards are met." Further, "A conditional use permit is a document a city issues to grant a conditional use when the general and specific ordinance standards have been met by the applicant."

Authorization for municipalities to issue Conditional Use Permits is provided in Minnesota Statutes § 462.3595.

The Minnesota Supreme Court has recognized that conditional uses "run with the land." *Northpointe Plaza v. City of Rochester*, 465 N.W.2d 686, 689 (Minn. 1991). That means that CUPs are perpetual in nature and "remain in effect as long as the conditions agreed upon are observed." Minnesota Statutes § 462.3595, subd. 3. CUPs must be recorded with the county. *Id.*, subd. 4.

In 1989, the Legislature passed a new law creating the concept of Interim Use Permits. Minnesota Statutes § 462.3597. The difference between a CUP and an IUP is that Interim Use Permits are not perpetual but authorize a "temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it." *Id.*, subd. 1.

In July 2011 a resident filed a request with the City for a Conditional Use Permit authorizing the maintenance of a cabinetry business in his garage. Home occupations are presently recognized as a land use that the City may authorize through the issuance of a Conditional Use Permit. In the course of its deliberation on the matter, the Council considered whether it was appropriate to authorize a home occupation on a perpetual basis, which is what a CUP would do. An Interim Use Permit seemed like a more appropriate tool for authorizing a home occupation that met certain standards.

The ordinance amendments and new chapter 305 are intended to provide for the issuance of Interim Use Permits. A search of the Internet will show that a number of cities and counties in Minnesota have specific ordinances allowing for the issuance of Interim Use Permits and distinguishing IUPs from CUPs.

The city of Mahtomedi has an Interim Use Permit ordinance. Section 11.01, subd. 8-22. White Bear Lake does not (although White Bear Lake is a charter city, not a statutory city like Birchwood and Mahtomedi). Other examples include the cities of Bloomington (Section. 21.501.05), Lakeville (Title 11, chapter 5), and Woodbury (section 24-45) and the counties of Benton (chapter 11.6.3), Scott (chapter 207), and Sherburne (section 16.2).

With this background in mind, the following discussion addresses the specific changes proposed in the City Code.

Chapter 301 (ZONING CODE: GENERAL PROVISIONS)

301.070 CONDITIONAL USES

Section 301.070 is amended to delete item 1.f. (Home occupation). The intent of the amendments is to eliminate Conditional Use Permits for home occupations because a home occupation is not intended to "run with the land" and continue in perpetuity, so it is necessary to eliminate the reference to home occupations in this provision.

301.090 INTERIM USE PERMIT

Section 301.090 is a new section adding a definition of "Interim Use." The definition is taken from the statute – Minnesota Statutes § 462.3597. In addition to the definition, this section also provides that an Interim Use Permit is not required if a Building Permit, a Conditional Use Permit, or a Zoning Permit is issued for the use. This is similar to the language in section 301.070 saying a CUP is not required if a Building Permit has been granted and to language in section 301.080 saying that a Zoning Permit is not required if a Building Permit or Conditional Use Permit is issued. It makes sense to not require an Interim Use Permit if the project or use qualifies for one of the other permits.

Section 301.070 identifies the projects for which a Conditional Use Permit can be applied for (land disturbance activities, swimming pools, tennis courts, solar energy systems, and home occupations), and section 301.080 identifies the projects that require a Zoning Permit (smaller land use activities). This new section 301.090, however, does not identify the projects that can be authorized through an Interim Use Permit, except for home occupations. Other projects that are not specifically identified as the type requiring a Conditional Use Permit or a Zoning Permit would be eligible for an Interim Use Permit as long as the requirements of chapter 305 are met. Of course, a use that is not permitted by specific ordinances of the city would not be entitled to an Interim Use Permit.

CHAPTER 306 ZONING CODE: CONDITIONAL USE PERMITS

Some minor changes are required in chapter 306 to recognize that a separate chapter will address Interim Use Permits if the new ordinance is adopted.

306.070 HOME OCCUPATIONS

This section is proposed to be deleted in its entirety. Since a Conditional Use Permit is no longer available for home occupations, there should be no provisions in chapter 307 relating to home occupations. Many of the existing requirements in this section, however, are carried over to the new ordinance, as explained below with the explanation of the chapter 305 provisions.

306.080 NOTIFICATION AND PROCEDURES FOR CONDITIONAL USE PERMITS.

Section 306.080 is a procedural provision establishing the requirements for administering an application for a CUP. It is appropriate to add language to part 1 of that section to recognize that the City must also give such notice of a CUP application as may be required by state statute. Minnesota Statutes § 462.3595, subd. 2 requires that a governmental body give the same notice of a CUP application that is required for a zoning ordinance change in section 462.357, subd. 3. Subdivision 3 of section 462.357 requires that notice be published in the official newspaper, in addition to mailing notice to nearby neighbors, at least ten days in advance of a public hearing on the matter.

A new item 10 is also proposed to be added to this section. Item 10 provides that a decision on a Conditional Use Permit must be made within the time limit expressed in Minnesota Statutes § 15.99. That statute requires a decision to be made on a CUP application within sixty days (with some provision for granting an extension). The City does not want a CUP to be issued upon the City's failure to meet the deadline so this is an appropriate provision to include in the ordinance as a reminder of the deadline.

306.090 - REVOCATION

The main intent here is to repeal any reference to home occupations in item 2 since CUPs are no longer the appropriate permitting mechanism for home occupations. Also, language regarding when a CUP becomes null and void for failure to be made use of is clarified to indicate that the City Council could allow a permittee to have more than one year from the time the CUP is issued to implement the permit.

305 ZONING CODE: INTERIM USE PERMITS

Chapter 305 is all new material, and it provides for the issuance of Interim Use Permits.

The next available higher chapter number in the 300 series (LAND USE REGULATIONS) is chapter 309, although chapter 305 has been reserved for future use and is available. Rather than number the new ordinance on Interim Use Permits as chapter 309, it was decided to use chapter 305 for the Interim Use Permits provisions because this would allow Conditional Use Permits (chapter 306) and Zoning Permits (chapter 307) to follow in sequence.

305.010 - GENERALLY

This provision is a general statement that the City Council may issue Interim Use Permits for temporary uses of property. What kind of uses may be authorized on an interim basis is not defined in the ordinance. This is the typical way that local units of government provide for the issuance of Interim Use Permits. As long as the use satisfies the criteria of the ordinance, and is not in violation of another provision of the code, the City Council may elect to authorize an interim use under appropriate circumstances.

305.020 – PERMIT APPLICATION

This section sets forth the information that an applicant for an Interim Use Permit must submit to the City. The City will, after the ordinance is adopted, prepare a form that applicants can use to apply for an IUP.

The categories are self-explanatory. The language was taken from the ordinance adopted by the City of Bloomington, Minnesota. Bloomington city code, section 21.505.01(i). Obviously, the applicant must sign the form and pay the application fee. The City needs information about the use to be made, the schedule, and details of the project including a floor plan or site plan. The information that is required to be submitted in an application will allow the City to begin its evaluation of the project.

305.030 – PROCESS FOR CONSIDERATION OF APPLICATION

The process proposed for consideration of an application for an Interim Use Permit is to refer the matter to the Planning Commission. The Planning Commission is the appropriate body to consider the application since it is familiar with the building code and the zoning code. The ultimate decision, of

course, rests with the Council but a recommendation from the Planning Commission will be helpful to the Council.

A separate item is included stating that the Council must make a decision in a timely fashion, as required by Minnesota Statutes § 15.99. Again, it is important that the Council be aware of its obligation to make a decision within the 60 days, or longer period if properly extended, allowed by the statute.

305.040 – STANDARDS GENERALLY

The standards set forth in this section are the ones that municipalities apply to applications for Interim Use Permits. The language was taken from the City of Bloomington ordinance. Section 21.505.01(e). If an applicant is unable to satisfy these standards, the permit will be denied.

305.050 – PERMIT CONDITIONS

As with other permits the City may issue, it may be necessary and appropriate to impose conditions on the permittee. This section recognizes that fact. In most cases all permit conditions will be developed with the cooperation and acquiescence of the applicant, but in rare cases conditions may have to be imposed over the objection of the applicant.

Four specific permit conditions are recognized in the section. The first is mitigative measures to reduce potential adverse effects. This language recognizes that a permit applicant must consider methods to minimize the impact of the use on the land, the neighbors, and the environment. Without the ability to impose these kinds of conditions, a project may have to be denied rather than approved with mitigation. The second authorizes the City to conduct inspections of the premises. As the property is put to the proposed use authorized by the permit, it may be necessary to periodically inspect the property to ensure that the permit conditions and the code are being followed. The third specific type of condition spelled out is the requirement to post a financial guarantee. This may not be a condition that is required in all Interim Use Permits but if the use is of a type that may result in significant cleanup activities at the end of the permit, it may be appropriate to require the applicant to post some form of financial guarantee to ensure that the City is not stuck with a cleanup bill. The fourth requirement is that various city code provisions might be imposed as conditions in the permit. This approach would not change the permittee's obligation to comply with the city code but would be a reminder that the permit is dependent on compliance.

Finally, a general clause is included to recognize that the City Council may include any conditions that are reasonable and appropriate. In order for a condition to be reasonable and appropriate, the record would have to support the imposition of the condition and it would have to be within the City's authority to impose it.

305.060 – SUSPENSION OR REVOCATION

This is another provision where the language was taken from the Bloomington ordinance, section 21.505.01(g), although it is a common provision with municipal ordinances allowing interim uses. It simply provides that the City Council may suspend or revoke an Interim Use Permit if violations of the city code, state law, or the permit occur. The City could not suspend or revoke the permit without affording the permittee due process, which means the permittee must have notice and opportunity to be heard, but it is a good idea to express in the ordinance that an IUP is subject to suspension or revocation for noncompliance. The specifics of that process are not spelled out in the ordinance but the City will ensure that the proper procedural steps are followed by any IUP is suspended or revoked.

305.070 – TERMINATION

There are five events spelled out in this section that could lead to termination of an Interim Use Permit. The language is worded to make the termination automatic upon the occurrence of any of the events.

The first termination event is the date of termination specified in the permit or the specific event identified in the permit. By definition an Interim Use Permit is an authorization that has a specific

termination trigger – a date or an event. If that date arrives or the event occurs, the permit terminates without any further action by the Council.

The second termination trigger is a change in the zoning regulations that would no longer permit the use. An example would be an IUP for a home occupation that was allowed when the permit was issued but that was later prohibited by a change in the city code.

The third event is a failure on the part of the permittee to begin putting the property to the interim use allowed within six months of issuance of the permit. This is appropriate to give the City the ability to terminate the permit and take a new look at the project if the permittee still wanted to go ahead. Six months should be time enough to at least start a project that has a limited life anyway.

The fourth event that will cause the permit to be terminated is if the permittee begins use of the property as allowed but then stops for a period of one year or longer. Again, if the property is not going to be used for the intended use, then the permit may be properly terminated.

Finally, the last event, which will terminate the permit if no other trigger comes into play, is five years from issuance. This is the same as saying that no Interim Use Permit can be for longer than a five year period. Again, since it is an interim use that is being permitted, five years should be long enough to carry out the project. If more time is needed after five years, there is nothing in the ordinance that prohibits the person from reapplying for a new permit.

HOME OCCUPATIONS

Up to this point, the provisions in chapter 305 apply generally to any interim use to be permitted. However, since the major reason for adopting this new chapter is to address home occupations, it makes sense to specifically address home occupations. The requirements in the 100 series apply only to home occupations.

305.100 – HOME OCCUPATIONS GENERALLY

This paragraph is an introductory provision describing the intention of the new ordinance. The first sentence is presently found in the existing ordinance, section 306.070. The next two sentences simply describes that a person may apply for an Interim Use Permit for a home occupation if the occupation is not allowed by ordinance nor prohibited by the ordinance.

305.110 – ALLOWED HOME OCCUPATIONS

The list of home occupations that are allowed is taken from the existing ordinance, section 306.070, item 1. The only change is to eliminate the phrase “similar occupations as determined by the city staff and city council.” This language was deleted because any additional occupations that are to be allowed should be addressed through an amendment to the ordinance, not by some other process. Also, because home occupations that are not on the list of allowed occupations can now be authorized by the issuance of an Interim Use Permit (if they are not on the prohibited list), the process outlined in chapter 305 will provide an appropriate process for considering the unlisted occupation.

305.120 – PROHIBITED HOME OCCUPATIONS

The list of home occupations that are allowed is taken from the existing ordinance, section 306.070, item 2. Again, the only difference is that the phrase “or other objectionable activities as determined by the city staff or city council.” (The existing language uses the word “or” between staff and council, whereas the language in item 1 described above uses the word “and.”) For the same reasons just discussed above, it is appropriate to require an ordinance amendment if an additional home occupation is to be added to the list of prohibited occupations.

305.130 – HOME OCCUPATIONS ALLOWED BY INTERIM USE PERMIT

This provision recognizes that for those occupations that are not allowed outright, and thus need no permit, or prohibited, so no permit can be issued, an Interim Use Permit can be issued authorizing the home occupation.

305.140 – APPLICATION FOR AN INTERIM USE PERMIT

This section lays out the information the City requires as part of an application for an IUP for a home occupation. This information is in addition to any information required under section 305.020 for any IUP application.

Items 1, 2, 3 and 7 are identical to what is presently found in section 306.070, item 3. Items 4, 5, and 6 are new but the information required by these provisions was always required as part of any application for a home occupation permit in the past anyway, so the obligations are neither unexpected nor burdensome.

The process for acting on an IUP application for a home occupation will be the same as the process for any other IUP application found in section 305.030.

305.150 – PROCESS FOR CONSIDERATION OF APPLICATION FOR HOME OCCUPATION

An application for an IUP for a home occupation will be acted upon in the same manner as any other IUP application. The applicable process is found in section 305.030. It is helpful, however, to include this section so the public knows that an application for an IUP for a home occupation will be referred to the Planning Commission for a public hearing and the creation of an administrative record.

305.160 – REQUIREMENTS AND STANDARDS FOR HOME OCCUPATIONS

The list of requirements and standards for a home occupation in this section is identical to the list already found in 306.070, item 4. The only change was to include an introductory sentence indicating that a permit applicant had to comply with these requirements and to number the requirements rather than to use letters simply to make the format identical to that in other provisions. The requirements are all reasonable limitations on a home occupation that is not specifically allowed under the code. In most cases it is likely that these requirements will also be incorporated into the actual Interim Use Permit as conditions.

305.170 – INSPECTION

This is another provision intended specifically for home occupations that is similar to the general provision in section 305.020, item 2, that the City may make an IUP conditional on the right to inspect the property periodically. However, it is included here to emphasize that the City does intend to maintain the right to inspect property on which a home occupation has been permitted through the issuance of an Interim Use Permit. Also, it is included here because it already exists in the present ordinance, section 306.070, item 6. The only change is to update the reference to the ordinance setting forth the requirements for home occupations.

REPEALER

The present ordinance – section 306.070, item 5 – addresses nonconforming home occupations. This provision provides that any person conducting a home occupation out of compliance with section 306.070 has 90 days to obtain a Conditional Use Permit. Since that 90 day period has long expired, there is no need to include this language. Any person who is presently conducting a home occupation without a permit (unless the occupation is allowed under section 305.110) is in violation of the city code and should immediately apply for an Interim Use Permit. If the home occupation is prohibited under section 305.120, the person should cease immediately with the occupation.

The existing section 306.070, item 5, also establishes that a CUP for a home occupation automatically terminates when the applicant no longer resides in the specific dwelling unit. Since a CUP “runs with the land” it is uncertain whether such a condition is enforceable. That is an important reason why a separate ordinance regarding Interim Use Permits is being adopted and this section is being repealed.

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

ORDINANCE 2011-06

AN ORDINANCE AMENDING CHAPTER 301 (ZONING CODE: GENERAL PROVISIONS) CHAPTER 306 (ZONING CODE: CONDITIONAL USE PERMITS) TO CLARIFY CONDITIONAL USE PERMIT PROVISIONS AND TO ADD A PROVISION ALLOWING FOR THE ISSUANCE OF INTERIM USE PERMITS AND ADOPTING NEW CHAPTER 305 (ZONING CODE: INTERIM USE PERMITS) TO ESTABLISH STANDARDS AND PROCEDURES FOR INTERIM USE PERMITS

WHEREAS, the City of Birchwood has adopted chapter 301 and chapter 306 to allow for the granting of conditional use permits in certain situations, and

WHEREAS, conditional use permits run with the land, and

WHEREAS, the Minnesota Legislature has provided in Minnesota Statutes section 462.3597 that municipalities may allow for the issuance of interim use permits that will terminate under certain conditions, and

WHEREAS, the City of Birchwood is desirous of allowing for the issuance of interim use permits.

NOW, THEREFORE, the City Council of the city of Birchwood Village ordains that chapter 301 and chapter 306 are hereby amended to read as follows and chapter 305 is adopted to read as follows:

301 ZONING CODE: GENERAL PROVISIONS

301.070. CONDITIONAL USES. Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306.
CONDITIONAL USE PERMITS.

1. A Conditional Use Permit shall be required for the following projects:
 - a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such water than the structure setback requirement. See Note at end of Section 301.070.

- b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.
- c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 ½) feet of water.
- d. Any tennis court.
- e. Any solar energy system for heating, cooling, electrical generation or other purposes.
- f. Home occupation:

NOTE: A separate Conditional Use Permit is not required for a land disturbance activity when a building permit has been granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030 and shall follow all provisions of Section 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

301.090. INTERIM USES. An "interim use" is a temporary use of property until a particular date, until the occurrence of a particular event, or until zoning regulations no longer permit it. An interim use permit is not required if a Building Permit or a Conditional Use Permit or a Zoning Permit is issued for the use. An Interim Use Permit is required for a home occupation.

306 ZONING CODE: CONDITIONAL USE PERMITS

\ 306.070 HOME OCCUPATIONS. Section 306.070 is repealed in its entirety.

306.080 NOTIFICATION AND PROCEDURES FOR CONDITIONAL USE PERMITS

1. Notice of Conditional Use Permit application shall be mailed at least 10 days prior to the Planning Commission meeting to each owner of property within 200 feet of the property to which the Conditional Use Permit relates, and when applicable to the Department of Natural Resources. The City Clerk shall mail such notices. The City shall also give such notice as may be required by state statute.

10. The City shall make a decision on a Conditional Use Permit within the time limitation of Minnesota Statutes section 15.99.

306.090 REVOCATION

1. A violation of any condition set forth or required by the City Council in granting a Conditional Use Permit shall be a violation of this Code, and the City Council after Notification and Procedures per Section 306.090, may terminate the Conditional Use Permit.
2. A Conditional Use Permit shall become null and void one year after it was granted, unless made use of within the year, or such a longer period of time if prescribed by the Council at the time the permit is issued. ~~A Conditional Use Permit for a Home Occupation shall become null and void if the Home Occupation is not carried out for any continuous interval of one year.~~

305 ZONING CODE: INTERIM USE PERMITS

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305.010. GENERALLY.

As provided in section 301.090 the City may issue an Interim Use Permit for temporary uses of property including certain home occupations in accordance with the procedures and requirements of this chapter 305.

305.020. PERMIT APPLICATION

Applicants for an Interim Use Permit shall submit an application with the following information:

1. An application form signed by the property owner(s) or authorized representative.
2. The required application fee.
3. A complete description of the use.
4. Schedule for commencement of the use.
5. Size of the facility accommodating the use.
6. Hours and dates of operation.
7. Anticipated employment.
8. Floor plan or site plan.

305.030. PROCESS FOR CONSIDERATION OF APPLICATION.

1. All applications for an Interim Use Permit shall be referred to the Planning Commission for consideration. The City Clerk shall mail notice of the Planning Commission meeting at which the matter will be considered to each owner of property within 200 feet of the property to which the Interim Use Permit relates, at least ten days before the meeting. The City shall also give such notice as may be required by state statute.

2. The applicant for the Interim Use Permit shall appear before the Planning Commission to present the application and answer questions. The Planning Commission may also hear from other interested persons and may receive information in writing.

3. The Planning Commission shall consider possible adverse effects of the proposed interim use and identify mitigative measures that may be taken to reduce adverse effects.

4. The Planning Commission shall make a recommendation to the Council on whether to issue the Interim Use Permit and any conditions that should be included if issuance of a permit is recommended.

5. The matter shall be placed on the agenda for a City Council meeting for the Council to make a final decision. The Council may accept, modify, or reject the recommendation of the Planning Commission.

6. The City shall make a decision on an Interim Use Permit within the time limitation of Minnesota Statutes section 15.99.

305.040. STANDARDS GENERALLY.

No Interim Use Permit shall be issued unless the City Council determines the following:

1. The proposed use will not adversely impact implementation of the City's Comprehensive Plan.
2. The proposed use will not be in conflict with any provisions of the City Code on an ongoing basis.
3. The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.
4. The date or event that will terminate the use has been identified with certainty.
5. The property on which the use is situated is currently in compliance with all applicable City Code standards, property maintenance standards and there are no nuisance characteristics associated with the property or its current use.
6. The applicant has paid the necessary fees established by the City Council for an Interim Use Permit.
7. There are no delinquent property taxes, special assessments, interest, or City utility fees dues upon the parcel of land to which the Interim Use Permit application relates.

305.050. PERMIT CONDITIONS

The City may include with any Interim Use Permit such conditions as the City deems reasonable and appropriate. These conditions may include any or all of the following:

1. Mitigative measures to reduce potential adverse effects.

2. Conditions authorizing City inspection of the premises.
3. The posting of a financial guarantee.
4. Requirements of any city code provision may be included as a condition in the permit.
5. Such other conditions as the City deems are reasonable and appropriate.

305.060. SUSPENSION OR REVOCATION

The City Council may suspend or revoke an Interim Use Permit upon the failure of the permittee, owner, operator, tenant or user to comply with the provisions of this Code, the laws of the State of Minnesota or any condition established at the time of approval of the Interim Use Permit. No suspension or revocation shall be effective without first giving notice to the permittee and providing the permittee with an opportunity to be heard.

305.070. TERMINATION.

An Interim Use Permit shall terminate on the happening of any of the following events, whichever comes first:

1. The date or event stated in the permit occurs.
2. Upon change in the City's zoning regulations the use is no longer permitted.
3. The permittee has not begun the use of the property as allowed by the permit within six months after issuance.
4. The IUP shall expire if the approved use is inactive for one year or longer.
5. Five years after the date of issuance if not terminated earlier.

305.100. HOME OCCUPATIONS. Because Birchwood Village is a residential community, this ordinance and the actions of the City to enforce it are intended to insure that all home occupations shall be unobtrusive to the residents of Birchwood Village. The City has established by ordinance certain home occupations that are allowed and certain home occupations that are prohibited. Home occupations that are neither allowed nor prohibited may be conducted upon the issuance of an Interim Use Permit. The requirements of sections 305.100 to 305.140 shall be construed to be in addition to any other provisions of chapter 305 that are applicable.

305.110. ALLOWED HOME OCCUPATIONS.

The following home occupations are permitted within the city limits of the City of Birchwood, provided the occupation is conducted by a resident of the home and there are not more than two patrons per visitation nor more than six visitations per day. :

1. Telecommuting
2. Home office
3. Art Studio that does not involve a foundry or welding
4. Dressmaking and Tailoring
5. Secretarial Services
6. Licensed family day care
7. Foster care
8. Catering
9. Instruction, including music lessons, of no more than two pupils at a time

305.120. PROHIBITED HOME OCCUPATIONS.

The following home occupations are not permitted within the city limit of the City of Birchwood:

1. Body shops
2. Machine shops
3. Welding
4. Flea markets
5. Escort businesses or any sexually oriented business
6. Headquarters or dispatch centers where persons come to the residence and are dispatched to other locations
7. Sale, lease, trade, transfer, repair, or manufacture of major appliances, internal combustion engines, motor vehicles, watercraft, illegal drugs or substances, firearms or ammunition, hazardous materials or explosives, including fireworks
8. Animal boarding kennels.

305.130. HOME OCCUPATIONS ALLOWED BY INTERIM USE PERMIT.

Any home occupation that is not an allowed home occupation under Section 305.020 or a prohibited home occupation under Section 305.021 shall be allowed to operate only after an Interim Use Permit is issued pursuant to this chapter.

305.140. APPLICATION FOR AN INTERIM USE PERMIT.

Applicants for an Interim Use Permit shall submit an application with the information specified in section 305.020 and the following information:

1. a site plan
2. a floor plan
3. a written narrative describing the home occupation and it's compliance or deviation from the code
4. a description of equipment and vehicles to be used for the occupation
5. a schedule for commencement and conduct of the home occupation, including days and hours of operation
6. conditions and limitations on the occupation that the applicant will comply with if the permit is issued
7. any other information requested by the City

305.150. PROCESS FOR CONSIDERATION OF APPLICATION FOR HOME OCCUPATION.

The City shall act on an application for an Interim Use Permit in accordance with the requirements in section 305.030.

305.160. REQUIREMENTS AND STANDARDS FOR HOME OCCUPATIONS.

No Interim Use Permit shall be granted for a home occupation unless the applicant will comply with the following:

1. The home occupation shall be conducted solely within the principal or accessory structures.
2. The nature of the home occupation shall be clearly secondary and incidental to the use of the building as a dwelling unit. No more than 20% of the gross floor area of the unit shall be dedicated to the home occupation.
3. No more than one person may be engaged in the business on the premises other than those who customarily reside on the premises.
4. Exterior displays or signs, exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.
5. No home occupation shall be noticeable from adjacent properties or right-of-way nor constitute a fire hazard to neighboring residences, adversely affect

neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of traffic, noise, glare, odor, electrical interference, magnetic interference, radio and television interference, laser beams, vibration, dust and other nuisance or safety hazards or other factors that may affect neighbors.

6. No home occupations shall adversely affect government facilities and services, including roads, sanitary sewers, city water, storm drainage, garbage service, police service and fire service.

7. No home occupations shall adversely affect sensitive environmental features, including lakes, surface water, underground water supply and quality, wetlands, slopes, soils or factors as found relevant by the city staff or city council.

8. No home occupations shall involve the use of hazardous materials or activities.

9. Deliveries shall be by single rear axle straight trucks normally used by package delivery services in residential neighborhoods. No more than three delivery/pickup trips per day are allowed.

10. The home occupation shall not cause a noticeable increase in traffic congestion on the lot containing the home occupation or on the streets adjacent thereto as compared to that generated by a typical family in a dwelling. Commercial vehicles associated with the home occupation shall make no more than three trips to/from the lot per day.

11. No motor vehicle or trailer parking related to the home occupation shall be permitted on the street.

12. No more than one commercial vehicle associated with the home occupation may be parked on the lot outside a garage.

13. Commercial vehicles larger than one ton associated with the home occupation may not be parked or stored on the lot.

14. No exterior storage of equipment or materials associated the home occupation is permitted at any time.

15. A full time resident must conduct the business.

305.170 INSPECTION

1. Upon issuing a Conditional Use Permit for a home occupation, the City of Birchwood Village hereby reserves the right to inspect the premises in which the home occupation is being conducted to insure compliance with the provisions of this section or any conditions additionally imposed.

2. If City officials believe that any home occupation is being conducted out of compliance with any requirement of chapter 305, the City reserves the right to inspect or seek inspection of the premises in which the home occupation is being conducted and to bring action for compliance.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: January 5, 2012
TO: City Council
FROM: Mayor Alan Mitchell
RE: Explanation of Complaints Ordinance

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INTRODUCTION

Presently section 615.040 (entitled ENFORCEMENT) establishes certain procedures for responding to complaints about alleged violations of chapter 615. Chapter 615 (entitled EXTERIOR STORAGE) places restrictions on what may be stored outdoors.

New chapter 618 is intended to replace 615.040 and to update the procedures for responding to complaints. In addition, a new chapter 619 is being proposed to provide generally for enforcement of city code requirements. Chapter 619 establishes certain remedies available to the City when violations of the code occur; these remedies are available whether or not a complaint has been filed with the City.

Section 618.010 - GENERALLY

The language in this section is taken from the Note at the beginning of present section 615.040. It simply recognizes that it is in the best interests of the City and its residents to resolve alleged code violations amicably between neighbors and without City involvement. The language is written broadly so it applies to all code violations, not just exterior storage requirements.

Section 618.020 - COMPLAINT

This section provides that any person may file a complaint with the City regarding an alleged code violation. The City will provide a form for a complainant to use in filing a complaint. Because chapter 618 applies to all code violations, not just exterior storage, the complainant must identify the specific code provision that has allegedly been violated. Because it is possible that the violation occurred on public property or on property not owned by the alleged violator, the complainant must also identify the property where the violation occurred or is occurring.

The proposed language recognizes that the City need not accept an anonymous complaint. The staff will decide whether an anonymous complaint warrants acceptance and follow-up.

The Minnesota Data Practices Act, Minnesota Statutes chapter 13, provides in section 13.44 that the name of the person who files a complaint regarding the use of real property shall be classified as confidential and not available to the public or to the owner of the real property. A sentence is included in the proposed ordinance stating that the City will maintain the confidentiality of complainants when required to do so under that statute. It should be mentioned that Minnesota Statutes § 13.44 does not apply when the complaint does not involve real property. Because chapter 618 applies to all code

violations, some alleged violations may involve conduct and not real property. A firearm violation under chapter 609 would be an example.

Section 618.030 - INVESTIGATION

This section establishes procedures to be followed after a complaint is filed. The City staff will conduct an investigation of the complaint and report to the City Council. The staff has discretion regarding how extensive an investigation to conduct. It may involve simply contacting the person who allegedly engaged in the unlawful conduct. Hopefully, most complaints will result in an amicable resolution of the situation and there will be no action for the Council to take.

Once the staff completes its investigation, it will file a written summary with the City Council. This written summary will be a public document, with confidential names and other information redacted if required by law.

Section 618.040 – NOTICE OF VIOLATION

In those cases where a situation cannot be resolved at the staff level, the Council has the authority to take action. While the City staff conducts the investigation, it is only the Council that can decide to take action. If the City Council determines that a violation exists, the Council will direct that the violator be sent a Notice of Violation. This is essentially a letter identifying the violation that has been found and directing the alleged violator to comply with the ordinance that the Council determined has been violated within a specified timeframe. The Notice may specify certain actions the Council expects the alleged violator to take.

In the more egregious or serious situations, the City Council could decide to take enforcement action immediately, without going through the steps outlined in chapter 618, and seek an injunction or file criminal charges. See sections 619.010 and 619.020 and 619.040.

Section 618.050 – PUBLIC HEARING

This section provides that the alleged violator who gets the Notice of Violation can ask for a public hearing. In some cases, an alleged violator could ask for the hearing before the Notice of Violation was even issued. The person must request the hearing before the expiration date specified in the Notice of Violation. The hearing must be held within 60 days of the request. The hearing will be conducted by the Planning Commission. The alleged violator must be given notice of the time and date of the public hearing. The language doesn't specify the length of time the alleged violator must have between receipt of notice and the hearing, but the alleged violator must have an opportunity to prepare for the hearing. The hearing can be as formal as the situation demands. In most cases it will likely involve the staff and the alleged violator explaining their sides of the situation. The complainant may or may not appear before the Planning Commission. Reports and other written documentation might be provided to the Planning Commission.

Once the hearing is over, the Planning Commission shall prepare a written report with its findings and make a recommendation to the City Council on what to do.

Section 618.060 – ABATEMENT

This section provides that the City Council has options available to it to abate an alleged violation, whether or not a hearing has been held by the Planning Commission. One specific option is to actually abate the violation itself. Whether or not the City can go on private property and abate a specific violation will have to be determined in consultation with the City's attorneys at the time of the proposed action, but if abatement is appropriate and lawful, that is one tool available to the City. Other options

including issuing an order to undertake specific actions to abate the situation or going to court for judicial remedies.

Section 618.070 – COSTS OF ABATEMENT BILLED TO PROPERTY OWNER

This section provides that if the City is required to go in and abate a particular situation, the City will look to the alleged violator to reimburse the City for the costs it incurred. The City will send an invoice to the responsible person. Oftentimes the responsible person will be the property owner but the violator does not necessarily have to be a property owner. Perhaps a person who littered one of the public beaches could be held responsible for costs in cleaning up the beach. As with the initial decision to abate a situation, the City will consult with its legal advisers in determining its authority to impose these costs on another person.

Section 618.080 – CERTIFICATION ON PROPERTY TAXES

In those cases where the violator is a property owner, and the person fails to pay an invoice for abatement costs, the City will certify its expenses to the county auditor for collection in the same manner as special assessments and property taxes are collected. This language is taken from the existing language in section 615.040, Step 3.

Section 615.040 – ENFORCEMENT

The new chapter 618 takes the place of the provisions in section 615.040 so 615.040 should be repealed to avoid any confusion or inconsistency.

618. COMPLAINTS

618.010. GENERALLY. It is in the best interest of all residents of the City to try to resolve all problems regarding nuisances and other violations of the city code by polite personal contact between neighbors. It is recognized that such personal contact may not satisfactorily correct a particular situation or there may be reasons that a resident may not desire to use that approach. If a resident determines that polite personal contact will not resolve the problem, the following steps are to be followed:

618.020. COMPLAINT. Any person may file a complaint with the City on a form provided by the City. The complaint shall identify the specific ordinance provision that is allegedly being violated and the property at which the alleged violation is occurring. Anonymous complaints may be accepted at the discretion of City staff. The name of the complainant who complains about the use of real property will be classified as confidential data at all times pursuant to the provisions of Minnesota Statutes section 13.44.

618.030. INVESTIGATION. Upon receipt of a written complaint, City staff shall conduct an investigation of the complaint to determine if a violation exists. City staff shall then summarize the results of the investigation in writing and provide copies of the summary to the City Council. The staff report shall be a public document but no confidential or non-public data shall be disclosed.

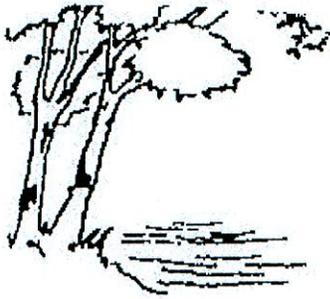
618.040. NOTICE OF VIOLATION. Upon determination by the City Council that a violation exists, the City shall send a "Notice of Violation" to the alleged violator. Said notice shall direct the alleged violator to comply with the ordinance provision or provisions that are being violated within a specific period of time and may specify certain actions to be undertaken.

618.050. PUBLIC HEARING. Within the specified timeframe, the alleged violator may file a written request with the City that the Planning Commission hold a hearing on the matter. The alleged violator shall describe in the request the reasons why no violation has occurred or why no further action should be taken by the City. Upon receipt of a hearing request, the Planning Commission shall conduct the hearing within sixty days of receipt, after giving proper notice of the hearing. Unless directed by the City Council, the hearing held by the Planning Commission shall be open to the public. Upon completion of the hearing, the Planning Commission shall file a written report with the City Council. The report shall contain the findings of the Commission and the Commission's recommendation.

618.060. ABATEMENT. Upon receipt of the report from the Planning Commission, or if the alleged violator fails to cease the violation and also fails to ask for a public hearing within the specified time, the City may take appropriate action to address the situation, including directing the alleged violator to take certain action or, if appropriate, taking action itself to remedy the violation, or pursuing any other enforcement action available to the City.

618.070. COSTS OF ABATEMENT BILLED TO PROPERTY OWNER. After completion of the abatement action, the City shall send an invoice for the cost of the abatement to the responsible person for payment.

618.080. CERTIFICATION ON PROPERTY TAXES. If an invoice for payment of abatement costs is not paid on or before September 1 of any given year, and the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: January 5, 2012
TO: City Council
FROM: Mayor Alan Mitchell
RE: Explanation of Penalties and Enforcement Ordinance

=====

INTRODUCTION

Scattered throughout the city code are provisions describing the enforcement options and penalties available when the city code is violated. See sections 607.910, 610.060, 614.080, and 615.040, for example.

Generally, the City has the authority to go to court and seek criminal misdemeanor penalties on a violator and to seek civil judicial remedies such as an injunction. This new Chapter 619 is designed to put all these penalty and enforcement provisions in one place and to clarify that regardless of the code provision that is being violated, these penalties and remedies are available to the City.

Section 619.010 – MISDEMEANOR

Violation of the Birchwood City Code is a misdemeanor. Misdemeanors are punishable by up to 90 days in jail and a \$1000 fine. Minnesota Statutes §§ 609.03 and 609.033. If the state were to provide in statute that a particular crime was more serious than a misdemeanor, the person could be charged with the more serious offense.

Section 619.020 – INJUNCTION

This section is a recognition that the City of Birchwood could elect to go to court to seek a court order enjoining certain conduct that violates the city code. The City, of course, would have to prove that it was entitled to the injunction, either a temporary one or a permanent one, under applicable law in a court of law.

Section 619.030 – CITY INVESTIGATION

The City does not need to wait for a complaint to be filed under chapter 618 to decide to conduct an investigation into an alleged violation. A matter could come to the attention of the city staff or Council without a complainant first coming forward. The Council could decide to ask the staff or the Parks Committee or the Planning Commission to conduct an investigation on its own initiative. The Council cannot take any administrative action, such as issuing a Notice of Violation or an abatement order, without first providing the alleged violator with an opportunity to be heard. The person could elect to request a hearing before the Planning Commission under section 618.050.

Section 619.040 – CITY OPTIONS

The fact that the City cannot take administrative action without first notifying the person and providing an opportunity for hearing does not mean the City could not elect to go directly to court. In more serious situations, the City could decide to go directly to court, and that is what this section makes clear.

Section 619.050 - COLLECTION

This section is similar to section 618.080 in intent. It makes clear that if a person owes the City money relating to an enforcement action, the City may exercise any available remedies to collect the money owed. If the person is a property owner in the city, the City may certify the amount owed to the County Auditor for collection in the same manner as property taxes and special assessments.

619. PENALTIES AND ENFORCEMENT

619.010. MISDEMEANOR. Any person who violates any provision of the City of Birchwood Code shall be guilty of a misdemeanor, unless state law provides for a different criminal penalty.

619.020. INJUNCTION. The City of Birchwood may seek to enjoin any conduct that is in violation of the City of Birchwood Code.

619.030. CITY INVESTIGATION. Whether or not a complaint has been filed under chapter 618, the City Council may elect to conduct an investigation into any alleged violation of the City Code. The Council may ask the Planning Commission or the Parks and Natural Resources Committee or other city employee to investigate an alleged violation and report back to the Council. After investigation, the Council may ask the alleged violator to implement certain actions or to refrain from certain conduct. The Council shall not take any action without providing the alleged violator notice of the matter and providing the person an opportunity to be heard before the Council. The alleged violator may request that the City hold a public hearing on the matter pursuant to section 618.050 of the Code.

619.040. CITY OPTIONS. The City may at any time elect to commence civil or criminal action against a person who is alleged to have violated any provision of the City Code, regardless of whether an investigation has been conducted or a hearing has been requested and held.

619.050. COLLECTION. The City may, after obtaining a court order directing the violator to pay a fine, fees, costs, disbursements, attorneys fees or any other monies to the City, seek to recover such monies through any method available to the City. If the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
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651-426-3403 tel
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birchwoodvillage@comcast.net

MEMORANDUM

DATE: January 5, 2012
TO: City Council
FROM: Dale Powers, City Clerk-Cordinator
RE: Ordinance Relating to Fees/Approval of 2012 Fee Schedule

=====

This matter comes before the Council due to a desire to have a single document that states all of the fees charged by the City. Council Member Harper recommends taking the specific amount of the fee out of the ordinance, referencing only the existence of a fee schedule. **Council Member Harper will be leading the discussion on this topic.**

A benefit of adopting the City of White Bear Lake fee schedule "as may be amended from time to time" is that when White Bear Lake changes it fee schedule, Birchwood Village's is automatically changed. Per the opinion of City Attorney Kevin Sandstrom, Birchwood Village will not be required to publish notice and conduct a public hearing on those subsequent changes.

City of Birchwood Village
Ordinance No. 2012-__

WHEREAS, the City Council is desirous of establishing a uniform and comprehensive system of fees for requests relating to official controls, information, licenses, permits, applications or other matters handled by the City; and

WHEREAS, the City desires to establish a generalized fee ordinance with a separate and more specific fee schedule to be adopted and amended from time to time by resolution.

NOW THEREFORE, THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

Chapter 701 of the Municipal Code of the City of Birchwood Village is hereby amended to delete the same in its entirety and substitute the following therefore:

701. FEES

701.005. The City of Birchwood Village is authorized to impose fees, rates, or charges.

701.010. Fee Schedule. A schedule of fees shall be established by resolution of the City Council, and may be amended from time to time by the City Council.

701.020. Fee Required. Every person applying for a permit or license or other action from the City shall pay a fee as indicated in the fee schedule.

701.030. Payment of Fee. The fee shall be paid at the time of application of the permit or license. The City will not process the permit or license application until the appropriate fee has been paid, nor will the City issue the permit or license until the fee has been paid.

701.040. Planning, Zoning, Building Permit and Other Building Fees. The City hereby incorporates by reference the fee schedule adopted by the City of White Bear Lake, as may be amended from time to time, with respect to planning, zoning, building permits and other land-use fees. The building permit fees are included in the fee schedule.

701.050. Refunds. Except for permits related to dock and boat permits, the City will refund ½ of the fee for the permit or license if the applicant requests a refund within fifteen (15) days after the fee is paid and no action has been taken by the City on the request for the permit or license. Dock and boat permit refunds are governed by City Code ____.

701.060. Other Requirements. Payment of the appropriate fee does not guarantee that a permit or license will be issued. An applicant for a permit or license must also comply with all other

requirements of the City Code.

EFFECTIVE DATE: This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Adopted by the City of Birchwood Village City Council

This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

CITY OF BIRCHWOOD VILLAGE 2012 FEE SCHEDULE

GENERAL FEES

Compact Disk.....	\$1.00 per disk
Copies (Black and White).....	\$0.10 per page 8 ½ x 11 and 8 ½ x 14 \$0.20 per page 11 x 17
Copies (Color).....	\$0.50 per page
Dog License.....	\$10.00 bi-annual; \$3.00 late fee if paid after February 15
-Replacement Dog Tag.....	\$1.00
Facsimile.....	\$1.00 first page; \$0.50 each additional page
Hall Rental.....	\$25.00 plus \$100.00 refundable deposit
Postage & Envelopes for Mailings & Public Hearing Notices....	\$0.11 plus postage
Returned Check.....	\$30.00

DOCK ASSOCIATION FEES

Boat Lift Storage.....	\$100.00 per lift
Dock Association Boat Slip Permit.....	\$200.00 per slip
Dock Association Dock Permit.....	\$100.00 per dock
Dock Application Review Fee.....	\$150.00

PLANNING AND ZONING FEES

Comprehensive Plan Amendment Application Fee.....	\$500.00
Conditional Use Permit Application Fee.....	\$400.00
Home Occupation Permit Application Fee.....	\$100.00
Interim Use Permit Application Fee.....	\$400.00
Planned Unit Development Application Fee.....	\$650.00
Rezoning Application Fee.....	\$650.00
Subdivision: Minor Subdivision/Lot Split Application Fee.....	\$225.00
Subdivision Preliminary Plat Application Fee.....	\$450.00
Street Vacation.....	\$150.00
Variance Application Fee.....	\$206.00
Zoning Permits: Shed, Driveway, or Fence.....	\$ 30.00

BUILDING PERMIT FEES

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$29.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00

\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

Inspections outside of normal business hours . . . (Minimum charge - two hours)	\$47.00 per hour*
Re-inspection fees	\$47.00 per hour*
Inspection for which no fee is specifically indicated (Minimum charge - one-half hour) . . .	\$47.00 per hour*
Additional plan review required by changes, additions or revisions to Plans (minimum charge - one-half hour).	\$47.00 per hour*
Outside consultants for plan checking and inspections or both	Actual costs**

*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved.

**Actual cost includes administrative and overhead costs.

DEMOLITION AND WRECKING OF BUILDINGS FEES

\$25.00 for the first 1,000 square feet, plus \$10.00 for each additional 1,000 square feet or fraction thereof. The minimum permit fee is \$25.00.

GRADING FEES

Plan Review Fees:

<u>100 cubic yards or less</u>	<u>No fee</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$50</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$50 for first 10,000 cubic yards</u> <u>\$25 for each additional 10,000 or fraction thereof.</u>
<u>101,000 to 200,000 cubic yards</u>	<u>\$300 for first 100,000 cubic yards</u> <u>\$15 for each additional 10,000 or fraction thereof.</u>
<u>200,001 cubic yards or more</u>	<u>\$400 for first 200,000 cubic yards</u> <u>\$10 for each additional 10,000 or fraction thereof.</u>

Permit Fees:

<u>100 cubic yards or less</u>	<u>\$25</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40 for first 100 cubic yards</u> <u>\$25 for each additional 100 or fraction thereof.</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$200 for first 1,000 cubic yards</u> <u>\$20 for each additional 1,000 or fraction</u>

	<u>thereof.</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$350 for first 10,000 cubic yards</u> <u>\$75 for each additional 10,000 or fraction thereof.</u>
<u>101,000 cubic yards or more</u>	<u>\$1,000 for first 100,000 cubic yards</u> <u>\$40 for each additional 10,000 or fraction thereof.</u>

UTILITY CONNECTION FEES

Buildings or dwellings existing or constructed in the City of Birchwood Village must connect to the municipal water and sanitary sewer system so long as it is reasonably available. Prior to connecting to public utilities, the owner or representative must pay the following fees:

(a) Metropolitan Council Sewer Access Charge SAC fee as established by the Metropolitan Council per state statute MN 473.517.

(b.) City Sewer Connection (SAC) Fees.

- | | | |
|-----|-------------------------|------------------------|
| (1) | Single Family Dwellings | \$500.00 per home |
| (2) | Two Family Dwellings | \$1000.00 per dwelling |

(c) Water Connection (WAC) Fees

- | | | |
|-----|-------------------------|-------------------------|
| (1) | Single Family Dwellings | \$500.00 per home |
| (2) | Two Family Dwellings | \$1,000.00 per dwelling |

CERTIFICATE OF OCCUPANCY

If a permit shall require a certificate of occupancy, a fee of \$10.00 shall be paid at the time of issuance.

PLUMBING PERMIT FEES

Plumbing Fixture Unit Fees:

Residential fee (minimum permit fee)	\$25.00
Non-Residential fee (minimum permit fee)	\$35.00
For each fixture or fixture opening	\$10.00
For each gas piping outlet, stove, dryer etc.	\$ 5.00

For each water heater and/or vent	\$30.00
For each lawn sprinkler system backflow protection device	\$20.00
For each atmospheric-type vacuum breaker	\$ 1.00
For each backflow protection device (other than items 6 & 7)	\$20.00
Clothes washers: First five or less	\$20.00
For each additional unit	\$ 7.00
For each flammable waste trap or catch basin	\$ 5.00
For each sewage ejector	\$15.00
For each water softener	\$20.00
For each ground run for existing buildings	\$15.00
For each water distribution piping extension or alteration	\$20.00
For each rainwater leader	\$10.00
Main gas line	\$10.00

Sewer and Water: Unit Fee Schedule:

Street excavation/refundable deposit	\$25.00/\$1,500
For each water tap	\$20.00
For each sewer tap	\$20.00
For each residential water line installation or repair	\$30.00
For each residential sewer line installation or repair	\$30.00
For each non-residential water line installation or repair	\$45.00
For each non-residential sewer line installation or repair	\$45.00
For each hydrostatic and conductivity test	\$45.00
Storm Sewer	\$30.00

Value-Based Repairs/Alterations: Unit Fee Schedule:

Repair or alteration of any plumbing system based on value:	
-First \$100.00 (of value)	\$15.00
-For each additional \$100.00 (of value) or fraction thereof	\$ 2.00

Backflow Protection Test Filing Fee: For each RPZ or double check/double gate valve \$15.00

HEATING PERMIT FEES

For the installation of any new or replacement central heating and/or air conditioning system, or in floor heating with heat source, the permit fee is 1% of estimated cost or the minimum, whichever is greater.

Minimum Fee - Heating system \$60.00

Minimum Fee - Air Conditioning \$30.00

Minimum Fee - Heating and Air Conditioning \$90.00

(a) For alteration or repair to any central heating and/or air conditioning system, the permit fee is 1% of the estimated cost or \$20.00, whichever is greater.

(b) For each appliance or piece of equipment regulated by the code, but not classed in other appliance categories, or for which no other fee is listed in the code, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(c) For the extension or alteration of ductwork in one and two family dwellings whereby the work is supplemental to a current building permit, the permit fee is 1% of the estimated value or \$20.00, whichever is greater.

(d) For the installation, alteration, or repair of each process piping system, the fee is 1% of the estimated value or \$30.00, whichever is greater.

(e) For the installation of a fireplace, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(f) For a review of plans and other data the fee is equal to 25% of the permit fee or \$ ##.00, whichever is greater.

ELECTRICAL FEES

Electrical fees shall be applied as established in Minnesota Statutes Section 326B.37.

FIRE SPRINKLER SYSTEM FEES

(a) For each fire suppression cooking hood extinguisher system \$30.00

(b) For each bath or tank system \$30.00

(c) For each automatic fire suppression system

1 to 10 heads, including risers \$30.00

Each additional 10 heads or fraction thereof \$ 3.00

(d) For each on site fire hydrant \$35.00

(e) Building standpipe systems per building \$50.00

(f) Fire Alarm \$30.00

(g) Fire Permit Plan Review Fee 50% of the permit fee

STATE SURCHARGE FEES

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mil (0.0005) of the fee or \$5.00, whichever amount is greater. For all other permits the surcharge is as follows:

VALUATION OF STRUCTURE, ADDITION OR ALTERATION	SURCHARGE COMPUTATION
\$1,000,000 or less	.0005 x valuation (minimum \$5.00)
\$1,000,000 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,000 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,000 to \$4,000,000	\$1200 + .0002 x (Value - \$3,000,000)
\$4,000,000 to \$5,000,000	\$1400 + .0001 x (Value - \$4,000,000)
Greater than \$5,000,000	\$1500 + .0005 x (Value - \$5,000,000)

BUILDING MOVING FEES

The fee to move a building from its present location in Birchwood to any other site, whether or not the new site is within Birchwood, shall be \$100.00.

WATER AND SEWER RELATED FEES

Infrastructure Water Fee.....\$
Water Use...\$13.25 for the first 800 cubic feet; \$1.65 per additional 100 cubic feet; plus \$1.59 state surcharge
Sewer Fee (metered, quarterly).....\$28.00 for the first 800 cubic feet; \$3.50 per additional 100 cubic feet
Sewer Fee (unmetered, quarterly).....\$40.00
 Outside sewer/water installation or repair permit.....\$60.50
Turning water service on or off at street.....\$150.00
Sewer/Water Inspection.....\$ per hour
Utility Bill Late Fee.....5% of the unpaid balance

ADDITIONAL FEES

Late Fee: In the event a person shall engage in conduct for which a permit or license is required without first paying the appropriate fee and obtaining the permit or license, the fee established shall be doubled.

Investigative Fee: An additional fee, not to exceed actual expenses or the original amount of the fee (whichever is less), shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of reinspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.

Fines: Payment of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

REFUNDS

The City will refund $\frac{1}{2}$ of the fee for the permit or license if the applicant requests a refund within 15 days after the fee is paid and no action has been taken by the City on the request for the permit or license.



Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: January 5, 2012

RE: Water System Services

As directed at the December 2011 Council meeting, staff requested White Bear Lake provide a proposal for operation and maintenance of the water system if so inclined in order for the City Council to make an informed decision in January. White Bear Lake has provided a proposal that attempts to mirror what Saint Paul Regional Water Services (SPRWS) submitted.

The proposal mirrors the SPRWS scope of services in all areas except the following:

- Hydrant flushing would be included as similar to the SPRWS proposal, but all maintenance would be performed on a time and material basis. I have a meeting with SPRWS today where I will attempt to receive clarification on what maintenance was included in their quote so that Council can be more aware of any differences.
- White Bear Lake provided an alternate to cleaning and exercising valves on an annual basis. As detailed below a reduced monthly rate would be received if the valves were operated every third year.
- The base rate includes Gopher State One call response that would be similar to what SPRWS proposed. White Bear Lake did offer the alternative of having all tickets sent directly to them and they would decide if they needed to be responded to or not. All locates under that scenario would be done on an additional time and material basis.
- White Bear Lake did not include any mapping services in their proposal, but would add our current base maps to their electronic devices. As Council may recall, the SPRWS proposal included adding all information to a GIS map.

The proposed fee for White Bear Lake (WBL) and SPRWS are as follows:

	<u>WBL Base</u>	<u>WBL 1/3 Valves</u>	<u>SPRWS</u>
Monthly Rate	\$1,375	\$1,100	\$1,500

As noted above, the reduction of the monthly rate to \$1,100 for the White Bear Lake proposal is if the valves are operated every third year.

White Bear Lake did provide slightly modified rates for 2012. They are shown below as compared to the proposed rates for SPRWS for 2012 on an hourly basis:

	<u>White Bear Lake</u>	<u>SPRWS</u>
Maintenance II	\$37.15	\$48.03
Maintenance III	39.50	52.73
Truck	19.90	9.73
Service Truck	28.20	

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the January 10th, 2012 Council meeting.



Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: December 6, 2011

RE: Water System Services

Staff continues to work towards identifying a means of addressing the water system operation and maintenance items and providing a clearly outlined contract with a provider that would meet those needs. While we continue to remain in contact with White Bear Lake as the current water system operator, Saint Paul Regional Water Services (SPRWS) recently provided a quote for undertaking that responsibility.

The quote provided by SPRWS outlined the following deliverables:

- Provide a Certified Water Operator and complete all required responsibilities associated with that position as required by the Minnesota Department of Health.
- Provide a 24/7 contact number and response to events reported by the City staff and/or residents. The scope would include twelve (12) responses yearly.
- Perform maintenance and flush each hydrant once per year. The City would be provided with a maintenance report.
- Clean and exercise each of the water main line valves on an annual basis.
- Install water meters as requested by the City. The scope includes installation of four (4) meters per year.
- Turn on/off water service valves (curb stops) at the direction of the City. The scope includes six (6) events per year.
- Provide Gopher State One call response and locating services for the water system and sanitary sewer system. The scope includes seventy-five (75) events per year.
- Update the City electronic version of the maps, so that all information is electronic and paper copies of the record drawings are not relied on.

The fee for the above scope of services is \$1,500 per month for a total cost of \$18,000 per year. Currently the City receives these services through multiple vendors. An approximation of the cost is as follows:

- White Bear Lake Public Works - \$7,000/year
 - Water Operator and Testing

- Hydrant Flushing
 - Turning curb stops
- KEJ – 2010 Cost: \$1,600
 - Gopher State One locates
- SI-Serco
 - Meter Installation
- Contractor
 - Valve Exercise/Cleaning – Est. \$5,000
 - Hydrant Maintenance – Est. \$22,000

I have asked SPRWS for additional information on some of the items proposed. I first asked for clarification on what exactly the mapping item would include. Birchwood is not expanding the system and therefore no new mains will need to be added to a map. Their response should provide additional detail on what the City would be getting for including that item in the scope of services.

In addition, I asked SPRWS if they would be willing to undertake the valve exercise/cleaning and hydrant flushing/maintenance on an hourly basis. Both the valve exercising and the hydrant flushing should be done on an annual basis, however it would be difficult to determine how much cleaning and maintenance would be needed each year. Clarification on this item should provide the City with additional assumptions that SPRWS is making on the fee.

SPRWS said that they would provide a response prior to the Council meeting, but not in time for the packets to be distributed. I will provide an update when that information is received.

As noted above, we have also been working with White Bear Lake to gauge their interest in providing services for the water system. In speaking to Mark Burch with White Bear Lake, they would consider continuing to provide services as they have staff availability. He suggested continuing to pay for services on an hourly basis. The following are the hourly rates for Public Works Staff for 2011 compared to the proposed rates for SPRWS for 2012:

	<u>White Bear Lake</u>	<u>SPRWS</u>
Maintenance II	\$37.75/hour	\$48.03
Maintenance III	39.50/hour	52.73
Truck	28.20/hour	9.73

If the City would like to pursue a contract with White Bear Lake I would recommend that the City Clerk contact the City Manager. If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the December 13th, 2011 Council meeting.



City of White Bear Lake
City Manager's Office

MEMORANDUM

TO: Dale Powers
FROM: Mark Sather
DATE: January 4, 2012
SUBJECT: Proposed for Water Utility and related services

This memorandum is intended to serve as a tentative proposal for the City of White Bear Lake to provide water utility and related services to the City of Birchwood Village. White Bear Lake has been advised that Birchwood Village has received a similar proposal from the St. Paul Water Utility and to assist in comparing the two proposals White Bear Lake's will follow the scope of services as outlined in Ms. Kristie Elfeng's memorandum on this subject dated December 6, 2011. The White Bear Lake proposal includes all tasks included in the St. Paul proposal except for mapping and provides a "Time and Material" or "Time and Equipment" option for certain tasks where it is believed to benefit Birchwood Village. The White Bear Lake City Council has authorized its staff to negotiate cooperative agreements with other cities subject to the proposed services not resulting in a reduction in service nor increase in cost to White Bear Lake residents. It is believed this proposal meets those parameters, however, any agreement for such service is subject to the City Council's final approval.

Following the St. Paul Water Utility format the White Bear Lake proposal will provide a base level of service for a fixed monthly or annual fee. Services beyond the base level would be charged on a Time and Material (T&M) basis at the rates stated herein.

The City of White Bear Lake proposes to:

1. As a **Base Service** provide a Certified Water Operator and complete all required responsibilities associated with that position as set forth by the Minnesota Department of Health. It is expected that the Certified Operator will perform general oversight of all activities associated with the operation of the water system including maintenance and repair projects, sampling and testing and other MDH directives and be provided the opportunity to do so. The certified operator will provide assistance in developing and promulgating the Birchwood Village Consumer Confidence Report.
2. As a **Base Service** provide a 24/7 contact number and response to municipal water related events reported by Birchwood City staff and/or residents. The scope would include twelve (12) responses yearly. Emergency responses for other events such as storm damage would be available as requested and billed on a time and equipment basis as would responses in excess of 12.

3. As a **Base Service** flush each hydrant (48) once per year and perform hydrant maintenance on a time and equipment basis. A report of hydrants requiring repairs will be provided following the annual flushing program. Hydrant repairs can be undertaken by private contractors or by the City of White Bear Lake on a time and material basis.
4. As a **Base Service** clean and exercise each of the water main line valves (52) on an annual basis. Repair or replacement of gate valves would be undertaken by the City of White Bear Lake and/or by private contractors on a time and materials basis. As an **option** to exercising each valve annually White Bear Lake proposes exercising each valve every three (3) years (1/3 per year on a rotating basis). The cost savings for this option is illustrated later in this memorandum.
5. As a **Base Service** install water meters as requested by Birchwood Village. The scope includes installation of four (4) meters per year. Additional replacement would be on a time and materials basis.
6. As a **Base Service** turn on/off water service valves (curb stops) at the direction of Birchwood Village. The scope includes six (6) events per year with additional billed on time and equipment basis.
7. As a **Base Service** provide Gopher State One call response and locating services for the water system and sanitary sewer system. The base service scope will include up to 75 locates per year. The City will monitor locate tickets directly from Gopher State. As an **option** White Bear Lake would receive and review all Gopher State One calls as a **Base Service** and perform the necessary locates on a time and equipment basis.
8. As a **Base Service** White Bear Lake will obtain an electronic version of Birchwood utility base maps for downloading onto tablets or other electronic devices used by Public Works personnel in the field during locating activities.

The above described water system **Base Services** will be provided for at the cost of **\$1,375** per month for 2012. If the option identified in item 4 for exercising water main valves every three years selected, the monthly cost for **Base Services** would be **\$1,100** per month. If the time and equipment option is selected for Item 7, Utility Locates, the net cost to Birchwood Village may be less but the total cost would be dependent on the required locates.

For additional service or service billed at time and equipment, the hourly rates would be as follows:

<u>Personnel</u>	<u>Hourly Rate</u>
Maintenance II	\$37.15
Maintenance III	39.50

<u>Equipment</u>	<u>Hourly Rate</u>
Pick-up	\$19.90
Service Truck	28.20
Vac-all	63.50
Generator	42.45
Other	Market or as negotiated

This proposal is based on request for water utility service only, however, White Bear Lake continues to propose routine sanitary sewer service as currently provided.

If this proposal is accepted by Birchwood Village it will be forwarded to the White Bear Lake City Council for final approval and a more specific agreement based on League of Minnesota Cities guidelines for municipal share services would be jointly drafted.