

CITY OF BIRCHWOOD VILLAGE
CITY COUNCIL MEETING AGENDA
October 8, 2013
7:00 P.M.

I. CALL TO ORDER (Roll Call for attendance)

II. PLEDGE OF ALLEGIANCE

III. APPROVE AGENDA

IV. PUBLIC FORUM

V. CONSENT AGENDA (motion only)

- a. Minutes from the August 13, 2013, City Council meeting.
- b. Minutes from the September 10, 2013, City Council meeting.
- c. Treasurer's Report and Disbursements for September, 2013.
- d. Work shop on October 22, 2013.
- e. Resolution 2013-20; Approving the Tree Removal Policy.
- f. Resolution 2013-21; Authorizing Ken Johnson to perform yard repair at 9 Oakridge.

VI. PUBLIC HEARINGS. (None.)

VII. REPORTS FROM COMMISSIONS & COMMITTEES.

- a. Roads Committee.
- b. Finance & Budget Committee.
- c. Parks Committee.
- d. Personnel Committee.

VIII. GENERAL BUSINESS OF COUNCIL.

- a. Presentation from White Bear Lake Area Public Schools.
- b. Birchwood Dock Association presentation. (*information*)

IX. STAFF REPORTS.

X. INFORMATION & ANNOUNCEMENTS.

XI. ADJOURNMENT.

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**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
AUGUST 13, 2013**

MINUTES

MEMBERS PRESENT: Mayor Wingfield, Councilmember Randy LaFoy, Greg Donovan and Kevin Woolstencroft

MEMBERS ABSENT: Bill Hullsiek

STAFF PRESENT: Interim City Clerk & City Treasurer, Cindie Reiter

OTHERS PRESENT: John Manship, Certified Water Operator, Manship Plumbing & Heating, Inc., Bob and Sue Pavsek, Mary Kay Hauser, Carole Ranen, James and Margie Nelson, Van Johnson, Mary Sue Simmons

Mayor Wingfield called the regular meeting to order @ 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL

Councilmember LaFoy requested an item concerning brush that needs to be picked up on Owl Street be added to Item #7. Mayor Wingfield agreed.

John Manship was added under the item regarding the Hockey Hut funding.

Mayor Wingfield added an Item regarding dealing with the poison ivy in town and leaf vacuuming.

There were some changes in the agenda order.

MOTION WAS MADE BY MAYOR WINGFIELD TO ADOPT THE AMMENDED AGENDA AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM

Carole Ranen, 157 Birchwood. . She wanted to let the City Council know she was strongly in favor of the handling of nuisance houses in the city.

Mayor Wingfield stated the issue will be addressed for the first time at tonight's meeting. If the council decides it wants to proceed, there will be a notice posted in the newspaper so other people can weigh in on this issue. It will probably be addressed again in the September city council meeting.

1. CITY BUSINESS – CONSENT AGENDA

47 Mayor Wingfield asked if there were any changes to the Consent Agenda. She then stated she
48 would like to remove Item H and add it to Item #11. She would also like to pull the yards mowing
49 contract Item F and would like that to be a separate item. She then pulled Item B and moved the
50 approval of the Consent Agenda with the understanding that the June 11th meeting minutes
51 become part of the official record.

- 52
53 A. Approval of June 11, 2013 Regular Meeting FULL Minutes
54 B. Approval of July 9, 2013 Regular Meeting Minutes
55 C. Approval of July 17, 2013 Special Meeting Minutes
56 D. Approval of August 5, 2013 Special Meeting Minutes
57 E. Approve ISD#624 Election to be held at Birchwood Village Hall November 5, 2013
58 F. Approve Mayor & Clerk to sign REVISED Yard Works mowing contract.
59 G. Accept private donations for Warming House (Fund #225).
60 H. Accept resignation of Park & Open Space Committee members Bea Krinke, Jim
61 Ecker and announce vacancy
62 I. Accept renewal term of Katie Cavenor, Karleen Corliss and John McCormick.

63
64 MOTION MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER
65 WOOLSTENCROFT TO ACCEPT THE AMMENDED CONSENT AGENDA. ALL AYES. MOTION
66 PASSED.

67
68 CITY BUSINESS – REGULAR AGENDA

69
70 PUBLIC HEARING

- 71
72 2. Planning Commission Items – Amended Structure Ordinance Code Section 300.010(51) and
73 302.020(4)

74 MOTION WAS MADE BY MAYOR WINGFIELD TO OPEN THE PUBLIC HEARING FOR THE
75 AMENDED STRUCTURE ORDINANCE AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES.
76 MOTION PASSED.

77
78 Mayor Wingfield asked if anyone had any comments on the definitions of structures.

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80 Councilmember LaFoy stated the city is trying to clean up the city. What precipitated this issue
81 was someone wanted to put up a mini-library. The amended structure ordinance would clarify
82 what people can and can't do. This clarification would allow the mini-library.

83
84 There were no comments from the public.

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86 MOTION WAS MADE BY MAYOR WINGFIELD TO CLOSE THE PUBLIC HEARING FOR THE
87 AMENDED STRUCTURE ORDINANCE AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES.
88 MOTION PASSED.

- 89
90 • Approve Amendment of 300.101(51) and 302.020(4) Structure and Nominal Structure
91

92 MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE THE AMENDED STRUCTURE
93 ORDINANCE 300.101(51) AND 302.020(4) AND SECONDED BY COUNCILMEMBER DONOVAN.
94 ALL AYES. MOTION PASSED.
95

96 3. Planning Commission recommendation to City Council July, 2013 for approval of Ordinance
97 #2013-17

98 a. Proposed Ordinance for Chickens Code Section 605.028
99

100 MOTION WAS MADE BY MAYOR WINGFIELD TO OPEN THE PUBLIC HEARING FOR THE CHICKEN
101 CODE ORDINANCE PROPOSAL AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES.
102 MOTION PASSED.
103

104 Mayor Wingfield asked for comments on this proposal.
105

106 James Nelson, 256 Wildwood stated he would like to see the City of Birchwood Village allow
107 residents to have chickens.
108

109 Mayor Wingfield stated that during last month's meeting, this issue was addressed which
110 included consents of neighbors.
111

112 Councilmember Donovan asked Mr. Nelson what is done with the waste.
113

114 Mr. Nelson stated he takes his waste to a garden on an island one mile from Canada. In the
115 summer, there is no collection problem. The waste is generally collected in the winter months.
116

117 Councilmember Donovan asked if this was something could be hauled away with the trash as
118 well?
119

120 Mr. Nelson stated most people use it as fertilizer for their garden but he hauls his away. He
121 further stated he didn't think that would be a problem.
122

123 Mayor Wingfield asked how much waste was involved, volume wise.
124

125 Mr. Nelson stated he estimated a five gallon pail a week in the winter and more than half of that
126 is compost i.e. leaves mud etc.
127

128 Ralph Ebbott, 409 Birchwood Avenue stated that his next door neighbor keeps chickens. He
129 wanted to know what led to the proposed ordinance. He stated he has no problem with his
130 neighbor having chickens.
131

132 Mayor Wingfield explained that technically, under the current code, chickens are illegal. The
133 code currently states that farm animals and chickens are not allowed. The police were informed
134 which brought this to the attention of the city council. The council is trying to remedy the
135 situation and bring the law up to date so that the people who currently have chickens are doing
136 so legally. The fee would be the same as it is for dogs; \$10 for two years.
137

138 **Councilmember LaFoy** stated that the ordinance will also allow the council to revoke the license
139 from people who are abusing their chickens or who don't pick up after them, etc.

140
141 **Margie Krons, 256 Wildwood** read aloud a letter she received from her neighbor, Rebecca
142 Jones, and Tony Sequin are in support of the city allowing chickens.

143
144 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO CLOSE THE PUBLIC HEARING FOR THE**
145 **CHICKEN CODE ORDINANCE SECTION 605.028 PROPOSAL AND SECONDED BY**
146 **COUNCILMEMBER DONOVAN. ALL AYES. MOTION PASSED.**

147
148 **Mayor Wingfield** brought up the issue of definitions of restraint i.e. restraint by fence,
149 electronic or physical barrier. The restraint law doesn't currently conform to what the city
150 already has in place. She stated that Bill Hullsiek added "or controlled by electronic collar". She
151 suggested the words, "on the owner's property" be added to the definition. This could be an
152 issue regarding abiding by the 6' lease law. She asked the council if they wished to address this
153 issue in tonight's meeting or leave it undone.

154
155 **Councilman Donovan** stated he felt the issue should be left undone and brought up later, as
156 necessary.

157
158 Discussion followed.

159
160 **b. Adoption of Code 605.028 Chickens**

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162 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE AMENDING ORDINANCE**
163 **605.028 CHICKENS, 605.055 ODOR, 605 1.35 REVOCATION BE AMENDED WITH THE CHANGES**
164 **AS NOTED IN THE ATTACHMENT TO THIS DOCUMENT BY THE CITY COUNCIL. AND SECONDED**
165 **BY COUNCILMEMBER DONOVAN. ALL AYES. MOTION PASSED.**

166
167 • **Direct publication &/or draft Summary Publication of ordinances if approved. Item 2013-**
168 **17**

169
170 **MOTION WAS MADE BY MAYOR WINGFIELD TO APPROVE 2013-17 FOR SUMMARY**
171 **PUBLICATION OF THE ORDINANCE PREVIOUSLY PASSED AND SECONDED BY COUNCILMEMBER**
172 **DONOVAN. ALL AYES. MOTION PASSED.**

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174 **MOTION WAS MADE BY COUNCILMEMBER LAFOY FOR DIRECT PUBLICATION OF THE**
175 **ORDINANCE PREVIOUSLY PASSED AND SECONDED BY COUNCILMEMBER DONOVAN. ALL**
176 **AYES. MOTION PASSED.**

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178 **4. CERTIFIED WATER OPERATOR**

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180 **a. HYDRANT REPORT:**

181
182 **John Manship** stated during the past month, he has gone through the entire city and
183 checked every hydrant. They were all tested to be sure everything was working properly.
184 The water system and the hydrants were all flushed. The water looked clean.

185

186 Some that were leaking or stiff were repaired. There is a problem with the hydrant on Five
187 Oaks Lane and Oakridge. The hydrant is thirty years old, the seal on the bottom is leaking
188 and the bleeders on the side are leaking. He suggested this hydrant should probably be
189 replaced with a valve and a newer breakaway hydrant.

190
191 The remainder of the fire hydrants appear to be in pretty good shape. He also checked the
192 valves throughout the city because of the new paving and seal coating project and located
193 them all. Some need to be raised to grade level. Schifsky is going to work on a couple of
194 them.

195
196 John then stated he checked with Capra about the cost of replacing the hydrant. The
197 estimated cost is about \$3,000 for the hydrant and the connections and hardware and things
198 that go with that. It would approximately be an additional \$2,800 to \$3,000 for the labor.
199 The hydrant is located in a grass area next to a black top driveway. Some utilities are in the
200 way.

201
202 The cost would include replacing the hydrant, replacing the valve and bringing it up to
203 standards to make it a breakaway hydrant, a traffic hydrant like the code the city would want
204 to have. He then explained that they would dig and put a valve in so the city would have
205 control over that hydrant. After that, the new hydrant would be installed to make it a
206 breakaway for traffic safety. This would most likely be an eight hour project. The water
207 would have to be off from Five Oaks Lane and Oakridge over to Cedar... from Five Oaks to
208 Cedar.

209
210 The water would be off for a two-block area for most of the day. John would see to the
211 notification to the residents which would be done at least a week in advance with flyers. He
212 emphasized this should be done before winter because it's a freeze-up hazard. The seat of
213 the valve at the bottom is leaking. Water is oozing up into the hydrant, it stays full of water
214 and if it freezes solid, it's not going to work.

215
216 The work shouldn't involve any pavement of the home owner's driveway or the roadway. It
217 depends upon the soil conditions. It's clay so the walls are fairly good, it's 8 feet deep so it
218 will be a pretty good sized hole. The gas and electric utilities would be in the way. John
219 stated that it's one of those things where we will have to dig it up and do what has to be
220 done. Hopefully, there won't be any driveways or paving involved.

221
222 The cost includes restoring the grass to that point. The overall total cost is approximately
223 \$6,000. Capra's bid is an estimate. Once they get the utilities marked and actually get down
224 in there, they'll know better how involved the job will be. John said he felt the cost shouldn't
225 go over \$6,000.

226
227 Once the current work need is done, John said he would go through the city once a year and
228 make sure that everything works and take up any issues at that time.

229
230 **Mayor Wingfield** asked John if he needed authorization from the city council for \$6,000 as a
231 cap or does he need 10% on top of that to make it work.

232

233 **John** said he could get a hard price from Capra ?? and a good estimation and come back to
234 the council next month to do it in September.

235
236 **Mayor Wingfield** asked John if Capra's price was going to change. She asked if they going to
237 bid the job based on their cost.

238
239 **John** responded that Capra said the estimate of \$6,000 was a rough estimate. John said he
240 felt it shouldn't change much. The variables come in when the ground is opened up and they
241 dig down 8 feet.

242
243 **Councilman Donovan** asked if there is an expected life on the hydrants.

244
245 **John** said it depends upon the use and traffic. Some of the hydrants in St. Paul are antique
246 yet still in working order.

247
248 **Councilman Donovan** stated it sounds like if the hydrants were properly maintained and
249 serviced, they would last for a considerable length of time. John agreed.

250
251 **Councilman Donovan** then asked John if there was a particular reason that the city was
252 asked to just go with Capra.

253
254 **John** responded that Capra is good, they do White Bear Lake. John has a good working
255 relationship and history with them. Their work has been done with no damage. He is the
256 backup for water main breaks and he is local.

257
258 **Councilmember LaFoy** suggested an amount over the \$6,000 be approved as a cap to allow
259 for any contingencies once the job is started.

260
261 **Councilmember Donovan** agreed and suggested a cap of \$6,000.

262
263 Everyone agreed.

264
265 **MOTION WAS MADE BY COUNCILMEMBER DONOVAN FOR THE CITY TO APPROVE A CAP**
266 **OF \$6,600 FOR CAPRA TO REPLACE THE HYDRANT LOCATED AT FIVE OAKS AND OAKRIDGE**
267 **AND SECONDED BY COUNCILMEMBER KEVIN WOOLSTENCROFT. ALL AYES. MOTION**
268 **PASSED.**

269
270 **b. INVENTORY UPDATE**

271
272 **John Manship** stated that before winter and water main breaks, the city should stock two of
273 each of the sizes. The city has 6" and 4" water mains. The inventory should include a regular
274 repair saddle and a tapped repair saddle; one for each side - one for 4" and one for 2". There
275 should also be an inventory of the various split rings - container rings. John gave a rough
276 estimate of approximately \$1,200 in materials to have on hand in the inventory.

277
278 John stated it is important that he have those items here so they are ready to go and easily
279 accessible in case of an emergency repair. They should be kept in a warm area so that they
280 are ready to go.

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John stated he has checked the current inventory and there are water meters, controllers and some other small items. One of the items he still needs are large 6" clamps, 18" long that are specialty items specifically for water main breaks. They have to be kept in warm storage.

Mayor Wingfield suggested making space in the furnace area so the items are kept in a warm area.

John he only needed a small space, a 4' x 4' area, would probably be sufficient so the items would be readily available. John gave an additional list of small items he would need to have on hand. He estimated that \$1,200 should cover the cost of the items needed.

Councilmember LaFoy made the suggestion that an current/updated inventory with the items and location of the items be kept with the city.

Everyone agreed.

MOTION WAS BY MAYOR WINGFIELD TO AUTHORIZE \$1,200 FOR JOHN MANSHIP TO PURCHASE NECESSARY PARTS TO BE PLACED IN INVENTORY FOR EMERGENCY WATER MAIN REPAIRS AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES. MOTION PASSED.

John then made an inquiry regarding how emergency calls for water main breaks would work.

Councilmember Donovan explained the city will soon have a new phone system that will enable people to have a direct connection. If John wanted the calls to be routed to his cell phone when someone pressed the code for a water emergency, the new system could be set up that way or it could be routed through dispatch in either White Bear Lake or Washington County depending upon what it is or it could go back to the phone tree.

John stated using the phone tree system works best if he has replacement people when he's out of town or out of position. It would be nice if it went through dispatch because they're available 24/7.

Councilmember Donovan explained the phone system would be a 24/7 system. It's an automated phone system and John's backup could be put in there as well. Once the new system is in place, this can be addressed and set up any way John would like.

c. CITY MAPS

John Manship stated he has been working on the city maps. The city still needs the as-builts for the detailed maps for Five Oaks lane and that area, Oakridge Courts and all that. We don't have the detail maps for that. He is working on upgrading that. **John** went on to say he has located all the valves in that area so the mapping could be put together better.

There was some discussion regarding the age of the maps, content and current storage location.

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d. RESIDENT REQUEST FOR REIMBURSEMENT OF WATER CURB STOP REPAIR AT 618 HALL

Mayor Wingfield asked John for some input and information regarding this issue.

John stated he needs some clarification on this. It is his understanding that the home owner owns the curb stop lifts, the valve, the box that's at their curb and the line into their house. When someone was plowing the owner's driveway, they didn't know the box was there, hit it and bent it. Someone told the home owner it the city would take care of it. John explained to her that if the home owner owns it, it's theirs. It's their responsibility to maintain it and keep it in working order for the city. He explained all this to her ahead of time. He then dug up the box, straightened it, fixed it, put a new top on it, etc. He then sent her a bill for the work. She did send John a check.

John asked for some clarification as far as the city's policy regarding the curb stop. Is that something that the city wants to take on as an expenditure. As he has been working around the city, he has discovered there are a number of them that are full of dirt or broken off and not functional. If the home owner calls up and they need their water shut off and it can't be shut off, a two or three block area would have to be shut off which would inconvenience a lot of residents just to work on it.

Mayor Wingfield asked how many people actually ask John to shut off their water. She assumed everyone has a water shutoff right before the water meter.

John explained that he has seen many valves that are broken, cracked or bent. He said there have been incidents where people crank the valve and break it. If something happens, i.e. there is a flood in their house and the valve is broken or otherwise inoperable, there is no other way to shut off the water other than at the street. Every home has a shut-off valve. It's in the state code. It's in the plumbing code. They have to have a shut-off valve. Curb stops are on private property at the property line. The home owner pays to have it installed and it's theirs.

John said he thought the confusion with the home owner as to who was responsible was because someone had told her the city would take care of it. He said that when she contacted him to repair it, he explained to her that the curb stop was hers. She had to have it fixed that day because she had a sale closing on the house that day so it had to be fixed. John went ahead and repaired it. He went on to say he did another one in the same situation which is why he needed clarification on this issue as to who is financially responsible.

Mayor Wingfield said she felt that until there is any information to the contrary, the city should not take any action on this at this time.

Councilman Donovan asked John if when he found problems with a resident's curb stop, would it would be possible for John to write it up and give it to the resident to serve as notification that the problem is their responsibility to fix. They could then hire whomever they wanted to fix it.

377 **John** responded that he usually does notify the resident of problems he finds with their curb
378 stop that needs to be repaired.

379
380 **Mayor Wingfield** suggested a notice be put in the newsletter regarding what a curb stop is,
381 where it's located and that repairs are the responsibility of the resident because they own it.
382

383 e. **WATER SERVICE ON 704, 6, 8, 10 and 12**
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385 **Mayor Wingfield** brought up the issue of water service on 704, 6, 8, 10 and 12. She
386 explained emails had been received regarding this issue. The service was put in well before
387 the city of Birchwood Village had service in that area so they got their own. They have been
388 receiving their water from Mahtomedi for some time. They are now having problems.
389

390 **John** stated that there are more people now and they are using more water; about 110
391 gallons per person per day. There is more water use today than there ever was before. He
392 worked on that line back in the 1960's. That is a 2" line. It was fine when there wasn't as
393 much water use, but it has now become a capacity issue. He stated he has talked to the
394 residents regarding the possibility of running their own line from Birchwood Avenue into
395 their house. There is plenty of capacity on that main on Birchwood Avenue. He discussed
396 several different alternatives with Bruce Thielen, the Public Works Director from
397 Mahtomedi. They may have a meeting on this issue on the 29th of August.
398

399 **John** stated he has some other workable ideas regarding other ways that would help those
400 home owners.
401

402 **Mayor Wingfield** stated it sounds like until the residents come to the city asking for help
403 with this issue it's a private problem right now and not an issue for the city at the present
404 time.
405

406 **John** responded that he didn't think it was a city issue. The city will probably okay tapping
407 into those mains. There is plenty of capacity in the main, it's fairly straight forward for the
408 first three houses to tie into that main and run similar to the other two houses. An individual
409 line would be run to each house. The way it was previously done in the past was to run one
410 line up then split and run into different houses. It's not code. It's not proper. It's not
411 passable these days to do it that way. If the first three houses run their own service, there
412 should be plenty of capacity for them.
413

414 **Councilmember LaFoy** asked if they are being billed for the water.
415

416 **John** said they are being billed from Mahtomedi.
417

418 **Mayor Wingfield** stated the council would remain in a monitoring status for the time being.
419

420 **John** stated there is a meeting scheduled for the 22nd of August but they are probably going
421 to move it to the 29th.
422

423 **Mayor Wingfield** stated if the meeting was moved to Thursday, August 29th, she would
424 attend the meeting.

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NO FURTHER ACTION WAS TAKEN AT THIS TIME.

5. COTTONWOOD TREE REMOVAL - 600 BIRCHWOOD

Mayor Wingfield asked for an update. She stated she had received a note from Paul Steinhauser that there was a resolution.

Sue Pavek, 612 Hall stated that recently she had a discussion with Paul about the tree removal. She clarified that she, Greg Donovan and Bill Hullsiek are not in favor of cutting down any trees if it isn't absolutely necessary and that keeping neighbors happy was important. She stated she was willing to compromise and agreed to cut down the one tree that was closest to the driveway. She asked if that tree was cut down, could the other trees be left alone. Greg and Bill were both there and heard the conversation. She feels it is a fair compromise.

Councilmember LaFoy stated he had come by and talked to Paul later that same day and that is what Paul told him.

Mayor Wingfield stated that somebody will pay for it even though the tree is on city property. Paul is working that out so whoever is covering the cost is covering it.

Councilmember LaFoy stated that Paul told him he is paying for it.

Councilmember Woolstencroft commented that unfortunately the tree was there long before the driveway was made and that that portion of the driveway is more on the easement that is actually on his own property. He stated he hated to see a beautiful tree cut down just because the driveway was put within a foot of the tree and the tree has continued to grow and has done minimal damage to the driveway. He further stated it wouldn't take much to add onto the side of the driveway and push the driveway over and not impede with cutting the tree down.

Councilmember Donovan stated that he had been there looking over the situation and the surrounding areas. He agreed with Councilmember Woolstencroft. It's not impeding the driveway. As far as the view goes, it doesn't appear that cutting down the tree will impact the view very much. The shade will still be the same if just one tree is cut down. He stated he would not be in favor of cutting them both down. He felt the compromise was fair. He said the thought that Paul had sent emails to the Hausers and a couple of other neighbors.

Mary Hauser, 616 Hall stated she had talked to Paul about a week ago and he informed her he had reached a compromise. She has not heard from him since. She agreed with Sue Pavek that it is important to keep peace and harmony in the neighborhood and the trees intact.

Mayor Wingfield asked Mary Hauser if the compromise works for her and Mary Hauser said that it does.

472 **Bob Pavek, 612 Hall** stated that he also had told Paul that he agreed with his idea of only
473 cutting one tree down, but he agreed only to preserve peace in the neighborhood and the
474 community. He went on to say that in retrospect, it's sad that we have to sacrifice a tree
475 that is not doing any harm to anyone as far as he's concerned. He stated he has looked over
476 the cracks in the pavement of Paul's driveway. It doesn't look to be very bad. He just
477 wanted the city council to know how he felt about this issue.

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479 **Councilmember Woolstencroft** stated the cracks in Paul's driveway were normal cracks that
480 happen in any driveway or any street. It's not caused because of the tree. He then stated
481 that he did not realize there were two trees that are very close to one another. He asked if
482 Paul is going to be able to guarantee that when he takes the one tree down that there will
483 not be any damage to the existing tree that is next to it.

484
485 **Councilmember Donovan** stated he assumed that would depend upon who Paul hires to
486 take the tree down.

487
488 **Councilmember LaFoy** stated that when he was there looking over the situation, it looked
489 like the two trees are different trees. One could lean and cleanly fall to the side.

490
491 **Mayor Wingfield** asked John if he was the one who was going to take the tree down. She
492 asked if John could assure the city that when the tree is taken down that it will come down in
493 pieces in its own territory.

494
495 **John** stated it should fall straight down right by the tree. Also, the tree that's coming down
496 arches away from the other tree. The tree will be cut down in small chunks.

497
498 There was additional discussion regarding how the tree would be taken down.

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500 **MOTION WAS MADE BY COUNCILMEMBER DONOVAN TO REMOVE THE ONE**
501 **COTTONWOOD TREE ON THE EASEMENT LOCATED AT 600 BIRCHWOOD AND THE**
502 **HOMEOWNER WOULD PAY FOR THE REMOVAL AND SECONDED BY COUNCILMEMBER**
503 **LAFOY. MAYOR WINGFIELD, COUNCILMEMBERS LAFOY AND DONOVON VOTED YES.**
504 **COUNCILMEMBER WOOLSTENCROFT VOTED NO. MOTION PASSED 3/4.**

505 506 6. TREE REMOVAL

507
508 **Councilmember LaFoy** stated he had received pictures of what the tree looked like from
509 McGinnis. In July, they had sent a notice to the city requesting that action be taken to cut
510 this tree down and remove the brush from another city easement. He stated he thought the
511 city has already received a bid for \$267 to remove the tree and the brush.

512
513 **Mayor Wingfield** stated since she had no idea where this tree is in relation to the right-of-
514 way, she would like to have a look at it. She requested this issue to placed on the September
515 10, 2013 agenda for further discussion after the area has been looked over.

516
517 The question was asked as to what type of tree it was. The answer was it is a Locust Tree.
518

519 **Councilmember LaFoy** stated he felt the city council was spending a lot of time on various
520 tree issues. He asked if there isn't a way the City Clerk could take care of something like this.

521
522 **Councilmember Woolstencroft** stated that if the tree is in the woods and it falls down, it
523 stays there. If the tree is going to be a public nuisance or something like that or if it's going
524 to fall into the road and cause damage, then the issue has to be addressed.

525
526 **Councilmember LaFoy** would like to get the City Clerk more involved instead of before the
527 city council. He suggested the clerk get three bids and present them to the city council.
528 Perhaps a limit of up to \$500 could be set. This could get these things moving forward as
529 opposed to taking up the council's time and being on the agenda for months at a time. He
530 stated this will inevitably come up from time-to-time. He felt having a system with the City
531 Clerk involved would enable these issues to be resolved faster.

532
533 **Mayor Wingfield** agreed that not all tree issues need to come before the city council.
534 However, it is wise when a specific tree issue comes up that is beyond the council's
535 recognition, that it be looked at by the council.

536
537 **Councilmember Donovan** asked if there is an official tree inspector.

538
539 **Mayor Wingfield** stated that Steve Dean is the tree inspector but only in regard to diseased
540 trees. That is an issue that will soon be coming up as well.

541
542 **Councilmember Donovan** suggested that perhaps Steve Dean could take a look at tree issues
543 and let the council know if it is a danger or not.

544
545 **Mayor Wingfield** agreed. She stated she felt the council should be involved in the decision-
546 making process. She said that the council could ask Steve to look at this particular tree and
547 let the city know if it needs to be removed.

548
549 **Councilmember LaFoy** stated he would talk to Steve. He then asked if Steve thinks it's an
550 emergency and the tree needs to come out, can he just take it out or does he need to come
551 back to the council.

552
553 **Councilmember Donovan** agreed that if Steve thinks it's an emergency, he should take it
554 down.

555
556 **Mayor Wingfield** stated the city takes care of emergencies whether it's John Lund, Steve
557 Dean or whomever. She then asked if the city could receive an update as to what Steve
558 comes up with.

559
560 **Councilmember LaFoy** brought up another tree issue where a tree had actually fallen into
561 the street and homeowner dragged off to the side of the road. It's not an emergency but
562 Brian wants to get rid of it.

563
564 There was some discussion about the location of the tree, the amount of debris to be
565 disposed of and whether it was an emergency situation or not.

566

567 **Mayor Wingfield** stated she felt the city should have a policy regarding trees that fall and are
568 pushed off to the side so that the city doesn't have a knee-jerk reaction then find out later
569 that the city doesn't have the budget to take care of it. There are a fair number of trees that
570 come down each year so this issue should be addressed. She asked Charlie Yunker if St.
571 Anthony Village had a policy in place regarding this issue. Charlie stated he would check and
572 get back to the council at the September meeting.

573
574 **Councilmember LaFoy** brought up the issue of pieces of property currently owned by the city
575 and treated by some residents as their own personal property. When trees come down on
576 this property, the residents want the city to cut them down. He then asked what the point is
577 for the city owning some of these pieces of property.

578
579 **Mayor Wingfield** stated that there is developable land there. Some of the owners are
580 expecting that they have that access that's available on highway.

581
582 **Councilmember LaFoy** asked if the city is not going to use, then why should the city keep it.

583
584 **Councilmember Woolstencroft** said that if the property was sold and then the city wanted
585 to develop it, the city would be unable to do so.

586
587 **Councilmember LaFoy** stated he brought up the issue because of the many times people
588 want the city to pay to have trees cut down on property that the city owns.

589
590 **7. Approval of July 9, 2013 Regular Meeting Minutes**

591
592 **Mayor Wingfield** stated she had made a request to make a change and it didn't get in the
593 minutes. She stated she would like to see changes noted in the Draft copy, approved and
594 then those changes that were approved, made in the final document that is posted.

595
596 One of the changes she requested was on Line #637. Her changes were as follows:

597
598 "the documents contained appear to be the city's "own" original documents—which should
599 not have left city hall in the first place.

600
601 **Mayor Wingfield** then made mention of the following change on Line 661 which was not in
602 the final minutes of the July 9, 2013 minutes:

603
604 **"MAYOR WINGFIELD MADE AN AMENDED MOTION TO PULL THE CHECK AND WAIT TO**
605 **RESOLVE THE MATTER WITH THE MAYOR REVIEWING THE MATTER WITH THE HELP OF THE**
606 **CITY CLERK."**

607
608 She would like these changes is to be reflected in the minutes. She went on to explain why
609 she made these changes.

610
611 **MOTION WAS MADE BY MAYOR WINGFIELD THAT THE JULY 9, 2013 MINUTES BE**
612 **CHANGED TO INCORPORATE THE TWO CHANGES AS OUTLINED AND THEN BE**
613 **APPROPRIATELY FILED AFTER THE CHANGES ARE MADE WITHIN THAT DOCUMENT AND**
614 **SECONDED BY COUNCILMEMBER WOOLSTENCROFT.**

615
616 Some discussion followed as to which boxes of documents Elfering & Associates took, what
617 they contained and which boxes and documents should have remained with the city and/or
618 should have been returned.

619
620 **Councilmember Donovan** stated that the city currently has one box of maps. Elfering did
621 not take the box of maps. They took the banker's box of documents.

622
623 **Mayor Wingfield** stated that at the last meeting in July, Councilmember Donovan said that
624 the mayor will work with the City Clerk to figure it out. This should have been reflected in
625 the July minutes. She wanted on to say that when the boxes were checked the next day, it
626 was discovered that the boxes that were to be checked had gone back to Elfering. She
627 stated there is a motion and a second and asked if there are any additional comments.

628
629 **ALL AYES. MOTION PASSED.**

630
631 **8. Approval Mayor & Clerk to sign REVISED Yard Works mowing contract.**

632
633 **Mayor Wingfield** stated she wanted to talk about portion of the Yard Works contract that
634 addresses the following: "The walking paths and the ball diamonds are to be kept clear of
635 weeds and dragged at least once monthly." She doesn't feel that Tighe-Schmidt has dragged
636 the walking path in some time or kept it free of weeds. There are weeds growing there. The
637 ball diamond looks a little "ratty" as well. That was one of the things he was asked to do.
638 She asked John Lund to work with Yard Works and point out that these are the things that
639 are included in the contract and the city would like it to be done. The contract price was
640 raised to accommodate this work.

641
642 She then said that if John Lund thinks it would be better if Yard Works came directly to the
643 city about this so John doesn't have to be put in the middle, the city can have a conversation
644 with them about the fact the city didn't get the services they expected that were included in
645 the new contract.

646
647 **Councilmember LaFoy** clarified that John Lund will be working with Yard Works to get them
648 back on track.

649
650 **MOTION WAS MADE BY MAYOR WINGFIELD TO APPROVE THE CHANGES RECENTLY MADE**
651 **TO THE CONTRACT AND APPROVE THE CONTRACT AS WRITTEN AND SECONDED BY**
652 **COUNCILMEMBER LAFOY. ALL AYES. MOTION PASSED.**

653
654 **9. ACCEPTANCE OF TREASURERS REPORT AND APPROVAL OF DISBURSEMENTS**

655
656 **a. Garage rental check missing for July**

657
658 **Mayor Wingfield** brought up the issue of the monthly payment the city receives for the
659 rental of the garage. No payment was received for July, 2013 but a payment was received for
660 August, 2013. She asked Interim City Clerk & City Treasurer, Cindie Reiter about the status
661 of these payments.

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NOTE: I could not hear Cindy very well so some of the following might not be correct:

Interim City Clerk & City Treasurer, Cindie Reiter stated that at last month's meeting which was early in the month, the garage rental was discussed. Something was being done to change the locks on the garage. Sometimes the checks come in on the tenth of the month or later. Since last month's meeting was early, July 9th, and the packets to the city council probably went out on the 5th of July, if payment for July was received, it wouldn't have appeared in the July treasurer's report. As it was, the payment for that month was not to be submitted because the renter could not use the garage because he was on vacation. He is now back to using the garage which is why he made the payment for August.

Mayor Wingfield said she thought it was a yearly rental.

John Lund said the city had used it for a month when the renter was on vacation. He had agreed that the city could use it for July. By the first of July, everything was cleared out of the garage so that he is able to use the garage again.

Mayor Wingfield stated the tables the city uses were pushed to the back of the garage. She said she felt all of the city's property should be moved to a safer place where it would not be subject to damage.

b. Note regarding Schifsky & Son is \$9,200 over budget and Pearson is under budget by \$3,800

Mayor Wingfield stated these were not bids. The original quotes represented time and material estimates. She said she didn't think it's fair to say they were over budget or under budget. They were merely more than anticipated and less than anticipated. She stated she felt the city got a lot more work out of Schifsky i.e. maintenance they took care of along the way. She feels this is important this be noted.

c. Sewer repairs

Mayor Wingfield stated she and Councilmember Bill Hullsiek will be discussing the cost of repairs to the sewers because there have been a lot of repairs and large expenditures done in the last couple of months for these repairs. She would like some explanations and clarification. The pumps are new and the city is getting new technology. The question is what is the cause of the large expenses and repairs to the lift stations? She stated she felt this is a real concern and wanted to bring it to the council's attention because she didn't think they were aware of this.

The city is looking at changing the P-structure in the city's sewer which is one of the reasons why the city had to do it because the city is not covering the maintenance costs with income.

She said she is going to sit down with Councilmember Bill Hullsiek and the City Engineer to discuss what can be done to save the city up front money.

MOTION MADE BY MAYOR WINGFIELD TO APPROVE THE TREASURER'S REPORT AND PAY THE BILLS AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES. MOTION PASSED.

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10. UPDATE - WASHINGTON COUNTY SHERIFF'S OFFICE LAW ENFORCEMENT

Councilmember Donovan stated he received some correspondence back from Mahtomedi. They returned and finalized the contract with the amounts. However, the City of Birchwood Village was not included in the contract. They will be getting back to the city some time this week. The contract should then be put before the various city councils. Everybody is already on board. The numbers are not going to change.

Councilmember Lafoy stated that once the City of Birchwood Village is included in the contract, the numbers should go down once the amount is divided among all the cities included in the contract.

Councilmember Donovan stated that they are all on board. It just hasn't been presented to their city councils and passed yet. Once approved, all that will need to be done is to sign the contract.

Mayor Wingfield asked if that will be done prior to the City of Birchwood Village's September meeting so it can be addressed in the preliminary budget?

Councilmember Donovan stated he thought it would be. He said he didn't anticipate any changes. He said he thought the city should give White Bear a "heads up" somewhere along the line.

Mayor Wingfield asked Councilmember Donovan when he wanted to do this. She stated she had previously been directed to write the letter but she doesn't have anything stating the city was definitely doing this.

Councilmember Donovan suggested the city wait a week to see if the paperwork and contract comes through. He said when it does, he will give the mayor a call.

Councilmember Woolstencroft asked when the contract with White Bear expires.

Mayor Wingfield stated it expires the end of the year. However, the notice to White Bear to terminate is required by September 30th as a courtesy to let them know as soon as possible.

Interim City Clerk & City Treasurer, Cindie Reiter asked if the paperwork would be coming in from Mahtomedi or Washington County?

Councilmember Donovan said it was coming from Mahtomedi... technically from the Sheriff.

Mayor Wingfield suggested a notice be put in the newsletter explaining this change because there is some misunderstanding and misconceptions about this among some residents.

1. There will be five officers assigned just to the City of Birchwood Village. Basically, the city is a district by itself.

758 2. There office is more or less the Mahtomedi Fire Station. **NOTE: I wasn't quite sure what**
759 **Mayor Wingfield said here.**

760
761 She went on to say she didn't feel enough has been done to inform the residents about this
762 change. She asked if the Sheriff should be invited to the September city council meeting?
763

764 **Councilmember Donovan** agreed. He added that he thought it would be a good idea to
765 request the Sheriff come out to the next city council meeting.
766

767 **Councilmember LaFoy** agreed and said he felt the sheriff should also be invited to attend the
768 October city council meeting as well. He thought they might actually come to every city
769 council meeting.
770

771 **Mayor Wingfield** asked if Councilmember Lafoy was referring to the sheriff or a deputy.
772

773 **Councilmember Donovan** said it was a representative.
774

775 **Mayor Wingfield** suggested a representative from the Sheriff's office to come to the next
776 meeting.
777

778 **Councilmember LaFoy** agreed. He suggested the clerk ask him.
779

780 **Mayor Wingfield** said she would forward Bill's email address so he could be invited to attend
781 the September or October meeting, whichever works for his schedule.
782

783 **Interim City Clerk & City Treasurer, Cindie Reiter** asked Mayor Wingfield if she was going to
784 draft a letter or send a letter?
785

786 **Mayor Wingfield** stated she would draft the letter and forward it on to Cindy to put on the
787 letterhead and that she would not just send it.
788

789 11. PERSONNEL LIAISON UPDATE

790 a. Report and Discussion regarding the Shared Service Agreement with St. Anthony Village

791 **Councilmember Donovan** stated he received the Shared Services Agreement from St.
792 Anthony Village and that he had hoped the City Attorney would be at this meeting. He then
793 asked if Charlie Yunker could fill the council in on the terminology etc. in the agreement as
794 far as what the city does as far as authorizing the treasurer and clerk.
795
796

797 **Charlie Yunker, St. Anthony Village** stated that he understands it, the resolutions
798 Councilmember Donovan has in front of him are seen as appropriate. The city can approve it
799 and there won't be any conflicts on either side.
800

801 **Councilmember LaFoy** stated that it was his understanding that the Birchwood Village City
802 Attorney, St. Anthony's City Attorney and the legal city's attorneys, whoever they are, all
803 looked at these documents and signed off.
804
805

806 **Councilmember Donovan** asked if Randy had talked with Kevin Sandstrom as well.

807
808 **Councilmember LaFoy** said he thought Kevin had dropped something off. Randy said he
809 didn't talk to Kevin personally.

810
811 **Mayor Wingfield** said she had received an email from Kevin she thought went through the
812 clerk in which he said he didn't have any problems. She said she thinks he said he has a few
813 technical changes. He was working with Councilmembers LaFoy and Donovan to have them
814 incorporated and that was it. There wasn't anything that he anticipated would cause any
815 problems. She then said that with that, she thought the city is good to go.

816
817 **b. Resolution 2013-15 Approving Shared Service with St. Anthony Village**

818
819 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION FOR THE**
820 **SHARED SERVICE WITH ST. ANTHONY VILLAGE AGREEMENT AND SECONDED BY**
821 **COUNCILMEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

822
823 **Councilmember LaFoy** asked if this was a series of documents that have to be put together
824 to approve to get this relationship going.

825
826 **Mayor Wingfield** responded that the documents to be approved were to establish a
827 relationship with St. Anthony Village to provide services for staff.

828
829 **c. Resolution 2013-16 Appointing Barbara J Suci as City Clerk and Charles Yunker as City**
830 **Treasurer for the interim period from August 13th through November 11, 2013.**

831
832 **MOTION MADE BY COUNCILMEMBER LAFOY TO APPROVE THE APPOINTMENT OF**
833 **BARBARA J. SUCIU AS CITY CLERK AND CHARLES YUNKER AS CITY TREASURER FOR THE**
834 **INTERIM PERIOD FROM AUGUST 13TH THROUGH NOVEMBER 11, 2013 AND SECONDED BY**
835 **COUNCILMEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

836
837 **d. Approval of the Shared Service with St. Anthony Village**

838
839 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE THE SHARED SERVICE**
840 **WITH ST. ANTHONY VILLAGE AGREEMENT AND SECONDED BY COUNCILMEMBER**
841 **WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

842
843 **Mayor Wingfield** asked Charlie Yunker about notices under paragraph 16. "Requiring
844 notices to Birchwood shall be in writing and shall be by hand delivery to city rider, city clerk
845 or mailed, etc., etc." So notices are required under different provisions, not just for
846 purposes of now but later as well. She stated that for notices such as term and termination,
847 "The termination of this shall be given notice", she would be more comfortable having the
848 city's Personnel Liasons (Councilmembers Donovan and LaFoy) as the receivers of any notice
849 so that it goes directly to them and then the City Clerk can be copied as well.

850
851 She stated she would hand write in the changes to Paragraph 16 and initial the changes
852 which should be fine.

853

854 **Councilmember Donovan** stated the email address was changed on the document as well.

855

856 **FRIENDLY AMENDMENT**

857

858 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE THE AMENDMENT TO**
859 **PARAGRAPH 16 OF THE SHARED SERVICE WITH ST. ANTHONY VILLAGE AGREEMENT AND**
860 **SECONDED BY COUNCILMEMBER WOOLSTENCROFT.**

861

862 **Mayor Wingfield** mentioned another change in page 5; Cindy Reiter is Interim City Clerk and
863 not Coordinator. The city doesn't have a position for City Coordinator.

864

865 All councilmembers accepted this change.

866

867 **ALL AYES. MOTION PASSED.**

868

869 **Councilmember Donovan** said it was his understanding that there was going to be a sort of
870 meet-and-greet meeting, on Thursday with the staff only. The time has yet to be
871 established.

872

873 **Councilmember LaFoy** confirmed this. He stated it was the intention that Mary Sue and
874 Cindy will remain here in Birchwood as the city's representatives.

875

876 **Mary Sue Simmons, 418 Birchwood Court** stated she was a temporary employee and
877 resident. She said she has been informed that there will be a meeting to assist with the
878 transition and new beginning.

879

880 She brought in the inventory of the City of Birchwood's equipment. She explained she has
881 been working on this project as well as an inventory of maps and keys. She had been taking
882 pictures to place in a portfolio which will eventually be translated into a list to be placed in a
883 separate file. This will include the maps. She asked the council members if this was okay...
884 as time permits... unless the City of St. Anthony wants to take over this project.

885

886 **12. RELEASE OF FUNDS FOR THE CONTINUATION OF THE WORK ON THE HOCKEY HUT**

887

888 **Mayor Wingfield** asked John to confirm that he wanted to release the funds needed to keep
889 working on the hockey hut.

890

891 **John** confirmed that he would like the \$12,000 in the fund released.

892

893 **Mayor Wingfield** stated the amount the city accepted and acknowledged by resolution was
894 up to \$6,400 in addition to a \$3,000 matching fund.

895

896 **John** stated they were to raise \$6,000 and then once that was done, the city agreed to
897 release the other \$6,000 for a total of \$12,000.

898

899 **Mayor Wingfield** explained that she thought the Oliver-Washburn Family Foundation was
900 offering up a \$3,000 matching fund. John agreed. She went on to say that this wasn't
901 reflected in the city's numbers so the total was actually \$9,400.

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John agreed and asked what the current total was. He also asked if the Oliver-Washburn Family Foundation portion had come in yet.

Mayor Wingfield responded that it not come in yet but it will. They have already acknowledged.

John said that with the \$3,000, the current total is up to \$9, 350, once that comes in.

Mayor Wingfield stated that the current total of contributions today comes to \$6,400.

John said an additional \$150 has come in making the current total, \$6,550.

Mayor Wingfield stated the fund raising was going well and went on to say that if the funding had not gone this well, the city would be looking at spending \$2,000 to put up a temporary hut with the electrical, etc., so when you add up the \$9,400 and that savings alone, it comes to basically the \$12,000.

John stated the cost of the warming house has already jumped a little over \$2,000. He said he just had it re-estimated.

Mayor Wingfield asked John what the new number is.

John responded that the new number is \$11, 046.97 including tax.

Mayor Wingfield stated she recalls that the prior number was \$17,000. She asked if the number was now up to \$19,000?

John said that \$18,000 should still work. The old cost was \$8,500 just for the material part. The electrical was \$3,500. He stated that he feels that, as of right now, they are still good with the money that has been donated and donations by Schifsky, SubStone Concrete and Steve Dean who has been allowing John to use his bobcat for the last month.

He went on to say that once the funds are approved tonight, he will order the material which will take about a month to arrive. From now until the trusses and the rest of the package come in, he will put together a schedule for those who want to help with the structure. They are all volunteers.

Councilmember Donovan asked if the council was giving John \$12,000.

Councilmember LaFoy said that John has the \$6,400 that was already raised.

Mayor Wingfield explained that in addition to the \$6,400 in the fund, there is \$3,000 from the Oliver-Washburn Family Foundation which is a total of \$9,400. She said that if there is no additional funding, the city needs to bridge the gap with another \$2,600. Since the fund-raising is still continuing so that figure could be lower.

949 **Councilmember Donovan** said that next year painting the rink which could be included in the
950 budget.

951
952 **Councilmember LaFoy** asked if the funds would come from the city budget.
953

954 **Mayor Wingfield** responded that the money would be coming from the donations. \$9,400
955 would be coming from donations and anticipated pledged donations as of today. The
956 remaining balance will be covered either through future donations or through the Special
957 Parks Fund.
958

959 **MOTION WAS MADE BY MAYOR WINGFIELD TO AUTHORIZE JOHN LUND TO ACQUIRE THE**
960 **MATERIALS FROM MANARD (SPELLING???) UP TO \$12,000 TO ACCOMPLISH THE FINAL**
961 **CONSTRUCTION OF THE HOCKEY HUT AND SECONDED BY COUNCILMEMBER LAFOY. ALL**
962 **AYES. MOTION PASSED.**
963

964 **Councilmember LaFoy** mentioned that there is a notation in the city web page as to where
965 people can go to make donations.
966

967 **13. DECISION WHETHER OR NOT TO ANNOUNCE THE VACANCIES IN THE PARKS AND OPEN SPACE**
968 **COMMITTEE TO MAINTAIN UP TO 9 MEMBERS.**
969

970 **Mayor Wingfield** stated that the issue before the council is whether to replace those
971 people or to let the member numbers in the committee change to seven people.
972

973 **Councilmember Donovan** stated he felt it would easier to get a quorum if the number were
974 reduced to seven. The bylaws could be changed to seven. The Parks & Open Space
975 Committee voted to allow the Mayor to make that decision.
976

977 **Mayor Wingfield** agreed. She said that now that this committee is well-established as a
978 formal working committee, she feels that keeping a smaller number is more reasonable.
979

980 **MOTION WAS MADE BY MAYOR WINGFIELD THAT THE PARKS AND OPEN SPACE BYLAWS**
981 **BE AMENDED TO SEVEN MEMBERS AND SECONDED BY COUNCILMEMBER DONOVAN. ALL**
982 **AYES. MOTION PASSED.**
983

984 **14. POISON IVY PROBLEM**
985

986 **Mayor Wingfield** said she talked with Ken Johnson about this. He said he's busy and the
987 city could get someone else to kill the poison ivy. She stated the issue should be dealt with
988 now because if it isn't, it will come back even worse.
989

990 **John** suggested it be added to the annual budget to be sure it is taken care of every year.
991

992 **Mayor Wingfield** stated she didn't think it would cost more than \$50 to do this.
993

994 **Councilmember Woolstencroft** offered to assist.
995

996 Some discussion followed.

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NO ACTION WAS TAKEN AT THIS TIME.

15. CODE RED – Update and Sign-on

Councilmember LaFoy stated that on the city's web site, there is a place for people to sign up for the Washington County Red Alert. What this means is if there is an emergency in town or an emergency in the community, an amber alert type of thing, you will receive an alert right away. The alert can be sent by email, text or cell phone. It's free. As long as you are in the system, the alert will come to you, once you've signed up for it.

Mayor Wingfield asked if the city still initials the alert.

Councilmember LaFoy stated it's on the city's web page. You, as an individual, initiate it, not we as a community. No action is required by the city council.

NO ACTION TAKEN AT THIS TIME.

16. BUDGET WORK SESSION UPDATE – MEETING August 5, 2013

Mayor Wingfield stated she has a number for next year which is \$326,299. Last year's budget that was certified was \$336,000 or \$339,000. So the budget is down \$10,000 more or less. This will be verified at the September meeting. Then the city will be locked into that number and nothing higher. However, if something changes, it can always be revisited with a different number if it needs to be lowered.

She just wanted the public to be notified that the city is accomplishing what was planned under the approved budget.

17. GARAGE RENTAL – TERM EXPIRES OCOTBER 31, 2013

Mayor Wingfield stated the garage rental term will expire the end of October. This is one of the expiring contracts that come due. It has become more convenient for the city to have access to that space. It doesn't generate much income. The rent is only \$21 a month which is way below market. She stated she felt the city should have access when necessary especially since the money for renovation of the garage has already been spent.

All councilmembers were in agreement

She then asked Interim City Clerk Cindy Reiter to send John Velin a notice at the end of August that the garage rental contract will not be renewed.

Since the contract will just expire, she then asked if any council action was required.

MOTION WAS MADE BY COUNCILMEMBER LAFOY THAT THE CITY GARAGE NO LONGER BE RENTED AND SECONDED BY COUNCILMEMBER DONOVAN. ALL AYES. MOTION PASSED.

18. RENTAL UNIT ORDINANCE PROPOSAL

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Mayor Wingfield stated this was something Carole Ranen had brought up earlier in this meeting. One portion has to do with regard to rental property and the other has to do with housing code. The rental unit ordinance will be addressed first.

She stated that this issue is probably going to become more prevalent. She had heard from several people who would like to see this ordinance adopted. She went on to discuss a code provision from the Louisville City code whose City Attorney said it was a very workable provision.

The Mayor explained the provisions of the city code states that if you have rental property and you're the landlord, you have to register with the city. She said she didn't think it would generate much in fees that cities can charge. She then asked Charlie Yunker if they have this in St. Anthony and if so, what the fees are.

Charlie responded that he believed the city does have this and does charge a fee but he was unaware of what the fees are. He offered to look it up.

Mayor Wingfield stated she suspected the fee might be substantial maybe \$250 or \$500 - ballpark. She said the city just wants to get a handle as to who is renting property and that she thinks the council tried to initiate something on this about 2007, 2008 and it didn't get traction.

She explained that basically, if there are a lot of nuisance calls, complaints and police are involved, it gives the city an option to tell the landlord that they are responsible for the rental property. If they don't, it costs the city money, it detracts from the neighborhood and could cause the landlord to lose the privilege of having a rental property. Some cities have taken this on to ensure they don't have a neighborhood that becomes blighted by one or two bad homes. She stated she felt this is something that is overdue.

She proposed this issue to put out for a Public Hearing and have it come as per the city's policy for public comment and any other change or corrections and deal with it at that time. The purpose is to monitor properties and make sure they aren't using more resources or becoming a nuisance to the neighbors.

Councilmember LaFoy said he didn't think it was that much of a problem. He stated he felt the city already has enough nuisance type statutes in place on the books to handle something like this. If somebody is being a nuisance, they can call the police.

Councilmember Woolstencroft stated that the problem is it's going to the person who's causing the nuisance, it's not going back to the owner of the property to remedy the situation.

Mayor Wingfield stated she recently had a discussion with Rob Fleck. He asked if there was a code that involved actually going into the premises and doing an on-site evaluation to make sure they are in compliance. She said that to her knowledge, there are four homes that would qualify for this.

1093 **Councilmember LaFoy** suggested that is this is not a rush, this could be handed to the
1094 Planning Commission which has been done in the past.

1095
1096 Additional discussion followed.

1097
1098 **Mayor Wingfield** added that something could be added to the current codes the effect that if
1099 you have three strikes and the police are involved and there are consequences, you lose your
1100 privilege of renting in Birchwood. She stated that based upon the response in the past to
1101 some of the Public Hearings, she wondered if this would be fruitful. There are people who
1102 are anxious to see a resolution on this and get this passed. She said she could produce the
1103 names and addresses of at least ten residents who would like to see this passed. She stated
1104 she is not saying the council should go ahead and have the Planning Commission deal with it.
1105 She would prefer the city council dealt with changes.

1106
1107 **Councilmember Donovan** suggested the City Attorney take a look at it and the mayor agreed.
1108 He stated he didn't see a problem with passing something like this. With the number of
1109 foreclosures in town, there are more rental properties. He has heard some complaints from
1110 some residents as well. He stated he didn't feel it would hurt to have something with full
1111 teeth in it.

1112
1113 **Mayor Wingfield** stated she would be happy to have the City Attorney look at it, sign off on it
1114 and get back to the city clerk to publish it for a Public Hearing in September. She said she
1115 really thinks this is something that is necessary to be addressed and have the city council
1116 keep moving on this issue.

1117
1118 **Councilmember Donovan** asked if the target date for the Public Hearing would be for the
1119 September hearing and then vote on it at that time?

1120
1121 **Mayor Wingfield** stated the council could vote or not. By having a Public Hearing the people
1122 who are concerned about this issue, can come to the meeting and state their concerns. If it
1123 turns out after the September meeting, it's too soon to make a decision, at least it has been
1124 addressed.

1125
1126 **MOTION WAS MADE BY MAYOR WINGFIELD TO SEND THE PROPOSED RENTAL UNIT**
1127 **PROPOSAL TO THE CITY ATTORNEY FOR REVIEW. COMMENTS TO BE SENT TO MAYOR**
1128 **WINGFIELD.** She then asked for a second or if someone wanted to make another motion?

1129
1130 **Councilmember Donovan** stated he would like to take a look at it first and move the time to
1131 October. It can still be passed this year. The ordinance can go into effect after it's published.
1132 The public can be notified that the city is looking for public comments on this issue, then pass
1133 it in October. That would give the city council more time to go through it.

1134
1135 **Mayor Wingfield** asked when the public should be informed; September or October?

1136
1137 **Councilmember Donovan** responded he thought it should be in October so the city has at
1138 least a little time to go through this. However, that could be a problem. It depends upon
1139 when Kevin will be able to look it over and give his opinion, how much public notice must be

1140 given for the meeting. He stated he favors October. He also stated that if a special meeting
1141 was needed, that could be done as well.

1142
1143 **Mayor Wingfield** then suggested the issue be referred to the City Attorney for comment.
1144 Then at the next city council meeting, the city council could decide how they want to
1145 proceed.

1146
1147 **THE MOTION FAILED FOR LACK OF A SECOND. DIRECTION TO STAFF WAS TO GIVE THE**
1148 **RENTAL REGISTRATION AND RENTAL CODE ENFORCEMENT OVER TO THE CITY ATTORNEY**
1149 **FOR REVIEW.**

1150
1151 **19. HOUSING CODE ORDINANCE PROPOSAL**

1152
1153 **Mayor Wingfield** suggested the same be done with this proposal as was done with the
1154 previous Rental Code Ordinance proposal. The Housing Code Ordinance added some
1155 language for vacant homes and nuisance issues that haven't been addressed in the current
1156 code. The proposed Housing Code would be sent to the City Attorney for review to be sure it
1157 coincides with the 404 chapter of the Housing Code.

1158
1159 **Councilmember LaFoy** stated some concern about how strict the code needs to be. He feels
1160 there should be a balance.

1161
1162 Some discussion ensued regarding exactly what parts of the code Councilmember LaFoy was
1163 concerned with. The issue of when a yard is considered a total lack of maintenance was
1164 discussed.

1165
1166 **Mayor Wingfield** agreed that this is something that needs to be looked at and discussed. She
1167 then asked if the city council members wanted the City Attorney to specifically look at
1168 Paragraph 2, 3 and deal with water-off. She then stated she has a separate proposal that
1169 deals with driveway water runoff. If you need a building permit to upgrade your house, you
1170 need to upgrade the driveway as well. When the runoff infringes on the City Right-of-way,
1171 you've then created a different issue. This is not a matter of requesting the resident upgrade
1172 to pavement. It's a matter of upgrading to prevent problems for the city.

1173
1174 She suggested all of this be presented to the City Attorney and contact her if he has any
1175 questions.

1176
1177 Everyone agreed.

1178
1179 **20. SEPTEMBER MEETING AND NEWSLETTER ITEMS**

1180
1181 **Mayor Wingfield** suggested the following items be in the newsletter:

1182
1183 **1. Traffic Calming option for Hall/Cedar (reduce speed/stop signs)**

1184
1185 She would like it clarified that she did not say that stop signs would be installed. She only
1186 said these are things the city will be discussing. She further stated that she thinks the public
1187 should be invited to the September meeting to give the council their thoughts and ideas on

1188 this issue. In terms of speed and traffic control, should like some input as to when it could
1189 be done.

1190

1191 **2. Leaf Vacuuming (Notice to residents via newsletter)**

1192

1193 She stated she has talked with Ken Johnson and he has leaf vacuum that is super-sized. She
1194 quoted statistics regarding how much algae eventually flows into the lake if the leaves are
1195 not taken care of. If this is done this year, it is not a line item. It has not been budgeted for.
1196 It would be a special item.

1197

1198 **Councilmember Woolstencroft** asked if there wasn't a recycling bin for the purpose of
1199 dumping bags of leaves. He then asked why the city is paying for leaves to be removed.

1200

1201 **Mayor Wingfield** stated that the recycling bin probably won't hold many leaves for most
1202 people. It's a separate service and that's why it's on the agenda to ask if the council would
1203 like to do this. This issue was already addressed and approved for the 2014 budget. She
1204 merely wanted to know if the council would like it done this year.

1205

1206 **Councilmember Donovan** agreed that it would definitely be of value as far as all the leaves
1207 on the roadside which eventually ends up in the lake.

1208

1209 **Councilmember Woolstencroft** stated he understands there are people who don't have
1210 access to the recycling bins and have to pay to have the leaves removed. He then asked
1211 why the people who don't have to have leaves removed should pay for the rest of the city
1212 to have the leaves removed?

1213

1214 **Mayor Wingfield** stated that this is probably one of those "greater good" items.

1215

1216 **Councilmember Woolstencroft** stated there are recycling places in the city where leaves
1217 can be taken and dropped off for free.

1218

1219 **Mayor Wingfield** said this is an issue the council should decide if this is an expense the city
1220 wants to incur. Certain people will benefit, certain people won't.

1221

1222 **Councilmember LaFoy** stated this is something that has been brought up many times over
1223 the years.

1224

1225 **Councilmember Donovan** asked if there was a better price offered on this by Schifsky?

1226

1227 **Mayor Wingfield** stated she didn't think so, not for this issue.

1228

1229 **Councilmember Donovan** asked if the price quoted was something like \$2,000 or \$1,500?

1230

1231 **Mayor Wingfield** said that there are more leaves to deal with in the fall. When she talked
1232 with Ken Johnson, he said he's not really sure how much it will cost. He indicated it would
1233 be \$120 an hour to work until the job was done. His best guesstimate was that the cost
1234 would be \$2,500 to, \$3,500. The final cost would depend upon how many people put out
1235 their leaves.

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Councilmember Donovan asked how it would work. Would people just blow their leaves out to the road and then Ken Johnson would pick them up?

Mayor Wingfield said the residents would put the leaves curbside. They would to put them curbside. A notice of when the leaves would be picked up would be published in the newsletter and the web site and wherever else it can be communicated. Example: Here are the anticipated weekends. The pickup will be this weekend and then two weeks later it will be this week.

Additional discussion followed regarding concern about White Bear Lake.

Mayor Wingfield stated that collectively, this would be good for the community. She feels this falls into the category of a public function the city should do.

Councilmember Donovan stated he has mentioned this to some residents and they all seem to be in favor of it. Everybody's yard is cleaned up at the same time, the city looks better, the roads are cleaner. He said he feels this just make sense.

Mayor Wingfield went on to say that if the city approves trying it this service this year. If it doesn't work out, it was an experiment and won't be approved next year. The city is not locked into anything. She then said she though it should be posted in the newsletter and it should have the council approve going through with it this year. She said she has already drafted an article that can be gone over with the council.

MOTION WAS MADE BY RANDY LAFOY TO POST A NOTICE IN THE NEWSLETTER ABOUT A PUBLIC HEARING ON THE ISSUE OF THE CITY PAYING FOR A LEAF VACUUMING SERVICE AND ADDED TO THE AGENDA FOR THE SEPTEMBER MEETING. THE MOTION WAS SECONDED BY COUNCILMEMBER DONOVAN. COUNCILMEMBER WOOLSTENCROFT OPPOSED. MOTION PASSED 3/4.

4. Snow Plowing – yard scuffs, residents mark with posts at curb for plow to stay away from grass

Mayor Wingfield stated a reminder should be posted in the newsletter that this is an option. The people who don't want any yard scuffs and want to make sure they don't get any should place stakes out.

Councilmember LaFoy stated there should be a meeting with the people on Birchwood Lane. They have some real concerns. He stated he would put this on his list of things to do.

21. APPROVAL FOR MARK ANDERSON TO CUT/TRIM TREES HIDING STOP AND DO-NOT-PASS SIGNS ON THE CITY'S RIGHT-OF-WAY

Mayor Wingfield stated the roads were painted today. There were many favorable comments about it. She said that Mark Anderson stated they were going to be doing the crosswalks. He is looking for authorization to trim back the trees on the right-of-way where

1284 you can't read the speed limit signs anymore and the fact that it is a do-not-pass. There are
1285 a few places where you come up to the sign within 20 feet and can't see the signs.

1286
1287 **Councilmember Woolstencroft** stated he thought that something like this should not have
1288 to come to the city council for approval to make the streets safe. Mark should just trim the
1289 trees.

1290
1291 **Mayor Wingfield** she thought it should. The Roads Committee said they would like to do
1292 this. That way it protects Mark, should anyone complain that Mark cut down or trim back a
1293 tree they didn't want cut down or trimmed. She stated she thinks it's important that the
1294 City Clerk know and that Mark receives authorization. That way, there will be no surprises.
1295 This is a need and a safety issue.

1296
1297 **Councilmember LaFoy** made the suggestion that Mark track where this was done. It would
1298 be helpful in the future.

1299
1300 Discussion followed as the where some of the current locations are that need this work
1301 done.

1302
1303 **MOTION MADE BY MAYOR WINGFIELD TO GIVE MARK ANDERSON AUTHORIZATION TO**
1304 **PERFORM THE NECESSARY TRIMMING TO ENSURE THE SIGNS CAN BE READ AT A**
1305 **REASONABLE DISTANCE ON THE CITY'S RIGHT-OF-WAY. THE MOTION WAS SECONDED BY**
1306 **COUNCILMEMBER DONOVAN. ALL AYES. MOTION PASSED.**

1307
1308 **Councilmember Donovan** said he thought the Roads Committee should be given the
1309 authority to do that. Mayor Wingfield agreed.

1310
1311 **ADDITIONAL ITEM:**

1312
1313 **Councilmember LaFoy** stated Terre Heiser asked about the city's web site name. He
1314 suggested Birchwood MN. org. This name is not taken.

1315
1316 **Councilmember Donovan** stated that Terre has also mentioned .com.

1317
1318 **Councilmember LaFoy** stated that both of those web site names are available. If Birchwood
1319 is typed in by itself, the site will still come up.

1320
1321 All agreed upon Birchwood MN.org and Birchwood MN.com.

1322
1323 **Councilmember Donovan** stated he would let Terre know the names and ask him to get a
1324 hold of Charlie or Barb or Cindy or Mary Sue some time this week or next.

1325
1326 **ADJOURN:**

1327
1328 **MOTION MADE BY COUNCILMEMBER DONOVAN TO ADJOURN THE MEETING AND**
1329 **SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

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**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
September 10, 2013**

MINUTES

MEMBERS PRESENT: Mayor Wingfield, Councilmembers Bill Hullsiek, Randy LaFoy, Greg Donovan and Kevin Woolstencroft

STAFF PRESENT: Kevin Sandstrom, City Attorney, Acting Treasurer Charlie Yunker

OTHERS PRESENT: Sheriff William Hutton, Richard Pakonen, Tom Jefferson, Colleen Jefferson, Suzanne Donnell, Mark Anderson and John Lund - Roads Committee, Rachael Drew, Len Pratt – Planning Committee, Dan and Melissa Werra, Jan Gilbertson, Matt Bruner, Ted Bearth

Mayor Wingfield called the regular meeting to order @ 7:00 pm. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

Mayor Wingfield added two items to the Agenda:

- * The Retaining Wall located at 1 Oakridge
- * Under Item G, there is an update regarding the water situation that goes from 704 to 712 Hall

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE AGENDA AS MODIFIED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Rich Atman Pakonen, 199 Wildwood Avenue stated that he would like to install a micro-library at the end of his driveway. He wanted to apply for a variance because of upcoming changes in the ordinance. He was told that he could not install the library because if the library was installed next to the road as he requested, it would be on the city's right-of-way. He brought a picture of the micro-library and a map indicating the proposed location. The library would be approximately 6 feet from the curb to the beginning of the bushes that line the front of his property. The micro-library would be installed mid-way between the property lines and approximately 6 feet back from the curb and the front of the bushes.

Mayor Wingfield stated that when the council previously dealt with the new definition of structure, this was covered and no longer needed to be reviewed.

Councilmember LaFoy said that Sam didn't agree but the intention of the council was to no longer require this issue to be reviewed by the city council.

46 **Mayor Wingfield** asked Rich is he was basically putting up another mailbox... a mail box with
47 books in it. He responded yes. She then stated it's no different than putting up a mailbox which
48 doesn't require the city council's approval.
49

50 **MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER**
51 **DONOVAN TO ALLOW RICH PAKONEN TO PUT THE MICRO-LIBRARY IN FRONT OF HIS HOUSE.**
52 **ALL AYES. MOTION PASSED.**
53

54 **1. CITY BUSINESS - CONSENT AGENDA**
55

56 **A. Extend Tennis Sanitation Refuse Contract for four (4) years - same fee schedule**
57 **(Current contract expiration date January 2014)**
58

59 **Mayor Wingfield** stated then when the city council was dealing with the recycling contract
60 in May of this year, the issue of the garbage contract expiring at the end of the year was
61 brought up. The contract could be renewed on a year-to-year basis or the contract could be
62 renewed as is which is a 4-year contract. The council agreed to keep the price at the current
63 price which began four years ago.
64

65 **MOTION WAS MADE BY MAYOR WINGFIELD TO APPROVE THE CONSENT AGENDA AS**
66 **READ AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES. MOTION PASSED.**
67

68 **2. CITY BUSINESS - REGULAR AGENDA**
69

70 **A. WCSO - Law Enforcement Contract - Sheriff William Hutton**
71

72 **Mayor Wingfield** asked Sheriff Hutton to give a brief summary of the parameters of what
73 the sheriff's office is going to be providing the City of Birchwood Village.
74

75 **Sheriff William Hutton** stated that the sheriff's office currently has contracts with 13 other
76 cities and also provide services to 6 townships within the county. Of the 33 cities and
77 townships that are in the county, the sheriff's office provides primary law enforcement
78 services to 19 of them.
79

80 They are basically a full service sheriff's office providing all statutory mandated services that
81 a sheriff's office would do which includes everything from jail to dispatch to civil to
82 investigations to patrol and other services.
83

84 When it comes to contract services, a police department is hired within the city. All calls for
85 service, ordinance enforcement, traffic, serious crime investigations and all the other
86 normal services that a police department would provide are included within the scope of
87 the contract.
88

89 **Mayor Wingfield** asked Sheriff Hutton to confirm that in addition to the services mentioned,
90 the City of Birchwood Village would be provided the services of 5 patrol officers assigned to
91 the district that included Mahtomedi, Dellwood and Willernie Sheriff Hutton confirmed this.
92 She then asked if these officers would be exclusively assigned to just those three areas only
93 which he confirmed.

94
95 **Sheriff Hutton** explained that when they have a contract, deputies are permanently
96 assigned to that contract. There will be six deputies assigned; four will be assigned full time
97 and two part-time or relief. The same six individuals will be assigned to the contract the
98 entire time. If one of the six individuals should happen to not be available due to illness,
99 etc., another deputy familiar with the city will be called in as a temporary replacement. The
100 only time a deputy would be permanently pulled from the contract would be if the city
101 council requests a deputy be pulled, they are promoted or they leave on special assignment.

102
103 **Mayor Wingfield** brought up the issue of the price differential. The city was previously
104 paying White Bear approximately \$91,000. The new contract will be \$49,000. She asked
105 how the Sheriff's Department of Washington County could provide good services for so
106 much less than White Bear.

107
108 **Sheriff Hutton** explained that the infrastructure is already there in there in the Sheriff's
109 Department in Washington County. There are statutory obligations that must be met from
110 the jail to civil process to court security to dispatch. The administrative function is already
111 built in. Birchwood is not being charged for the sheriff or the chief deputy, the city is being
112 charged for what is called real costs. The county Board gives the Sheriff's Department
113 direction and sets the sheriff's salary and provide a budget. Many of the costs are already
114 built in, so the infrastructure is there. The real costs include the costs for the deputies,
115 supervision, support services (clerical), reports, the cars and mileage.

116
117 **Mayor Wingfield** then asked Sheriff Hutton where the six deputies would be located. The
118 concern was that, depending upon where they were located at the time a call came in, how
119 long would it take for them to respond.

120
121 **Sheriff Hutton** responded that currently, they are located at the Sheriff's office. The
122 Sheriff's office is the beginning and the end point. There are what are called General Cars
123 that work the entire county up and down. There is always supervision as well. All cities
124 under contract have contract cars. Priority calls receive priority service. The communication
125 center prioritizes all calls. If a contract car is not available at the time, a general car closest
126 to the area is dispatched. Non-priority calls would wait in deference to a priority call.

127
128 **Mayor Wingfield** asked about 911 calls with regard to dispatching from the Fire Department
129 and/or paramedics.

130
131 **Sheriff Hutton** responded that all 911 calls will come into the Washington County dispatch
132 center. The county does not have fire departments.

133
134 **Councilmember LaFoy** asked if there was going a problem switching over the 911 calls.
135 They currently go to White Bear Lake.

136
137 **Sheriff Hutton** said there would not be a problem because it is all done with the latest
138 technology.

139
140 * **Approval of Contract**

141

142 **MOTION WAS MADE BY COUNCILMEMBER HULLSIEK TO APPROVE THE WCSO LAW**
143 **ENFORCEMENT CONTRACT AND SECONDED BY COUNCILMEMBER DONOVAN. ALL AYES.**
144 **MOTION PASSED.**

145
146 **Mayor Wingfield** stated the contract will begin January 1, 2014. She then stated the council
147 need to authorize Charlie Yunker to draft a letter to White Bear to cancel or terminate the
148 contract with White Bear for policing and for animal control. This needs to be done by
149 September 30, 2013. The letter needs to be sent Registered Mail.

150
151 * **Authorize letter to WBL re notice of cancellation of contract for policing and animal**
152 **control.**

153
154 **MOTION WAS MADE BY MAYOR WINGFIELD TO DIRECT CHARLIE YUNKER TO DRAFT A**
155 **LETTER TO WHITE BEAR TERMINATING THE CONTRACT WITH THEM FOR POLICE SERVICES**
156 **AND ANIMAL CONTROL AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES. MOTION**
157 **PASSED.**

158
159 **Sheriff Hutton** stated that, once this service begins, if any problems, concerns or questions
160 should come up, he would like to be made aware as soon as possible. He wants to keep an
161 open dialogue.

162
163 **Councilmember LaFoy** asked if there would be a meeting between the current and outgoing
164 White Bear Lake officers and the new incoming officers during the transition.

165
166 **Sheriff Hutton** responded that there would be to make the transition as seamless as
167 possible.

168
169 **B. 2013 ANIMAL CONTROL CONTRACT**

170
171 * **Companion Animal Control of Bayport, MN**

172
173 **Mayor Wingfield** stated that two years ago the contract was awarded to White Bear. She
174 stated she thought the city was currently paying approximately \$2,000 a year for this service
175 and that there have only been about two dogs that required a pickup. Washington County
176 doesn't provide animal control pickup services.

177
178 The animal control organization currently before the city council is Companion Animal
179 Control working out of Bayport. Their fee would be \$50 a month or \$600 a year for being on
180 call. She stated the cost of picking up the animal will hopefully be taken care of by the
181 person requesting the pickup. The service would start January 1, 2014.

182
183 **MOTION WAS MADE BY COUNCILMAN DONOVAN TO APPROVE THE CONTRACT FOR**
184 **ANIMAL CONTROL WITH COMPANION ANIMAL CONTROL AND SECONDED BY**
185 **COUNCILMAN HULLSIEK. ALL AYES. MOTION PASSED.**

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187 **C. TRAFFIC CALMING - Roads Committee**

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*** Consideration of lower speed limit and Consider Stop sign placement at intersections (Jay/Hall, White Pine/Hall, Oakridge/Cedar, Hall/Cedar (west bound))**

Mayor Wingfield stated the city would like to reduce the flow and speed on the old county road. With regard to the issue of speed, the city could install traffic pylons with new crosswalks. She then asked Sheriff Hutton for his input on this issue.

Sheriff Hutton stated that he would like to address the animal control issue, the Sheriff's Department has specially trained deputies that deal with animals especially if there is a dangerous or potentially dangerous or aggressive dog or animal. They would also review the city's ordinances for that. They do not deal with the transportation of the animal. He just wanted to point out that this service is part of the Sheriff's Department's service.

He then went on to address the traffic calming issue. If the city wanted to decrease the speed limit from 30 miles an hour to 25, there are certain criteria that have to be met. Legal Counsel would have to review the request to determine whether or not the city qualifies. There were new laws passed in 2012 with regards to city's requesting to drop their speed limits from 30 to 25. The issue would also have to be investigated by the Roadway Authority.

First of all, it would need to be a city road. Secondly, as he understands it, if that road is more than ½ mile, it wouldn't qualify. He mentioned that if the road is under ½ mile under one name but continues on under another name, that becomes a legal matter.

With regard to traffic enforcement, he stated it was the duty of the Sheriff's Department to not only enforce the laws but to educate the people on appropriate driving conduct.

He then commented regarding putting up cones for crosswalks. He stated that in his experience, adding cones does help.

Some cities have purchased poles signs so that people can see they are speeding. These signs don't collect data. The signs that collect data are more expensive.

Mayor Wingfield asked what the cost of the pole signs that indicate your speed might be. He stated he did not know.

Councilmember Lafoy stated thought they were about \$4,000.

Sheriff Hutton stated the data collection signs cost about \$8,000. There are times when they can be purchased at a lower price from a city that no longer wants them.

Mayor Wingfield asked Sherriff Hutton for his best recommendation and **Councilmember Donovan** asked the Sheriff his opinion regarding Stop signs.

Sheriff Hutton responded that the data show that people will stop then accelerate to the next Stop sign, etc.

236 **Mayor Wingfield** asked if it reduced the flow of traffic. Would it cause people to stay out on
237 the main road longer and go a different way?

238
239 **Sheriff Hutton** stated that this is always a possibility. He then suggested the city check with
240 the City Engineer to see if there is any available data regarding that issue. He went on to say
241 that ticket issuing during the normal course of events might help as well.

242
243 There was additional discussion regarding what portion of the traffic and speeding was
244 actually by Birchwood Village residents and/or people just driving through.

245
246 * **Input & ideas from residents**

247
248 **Tom Jefferson, 182 Cedar Street (corner of Cedar and Oakridge)** Stated because he sees the
249 traffic first hand. People speeding 40 to 50 miles is not uncommon. He went on to say that
250 many children and adults use that road for biking and hiking. There is a tennis court there
251 as well. It's a residential street.

252
253 **Mayor Wingfield** asked Mr. Jefferson what his preference might be as to changing this
254 situation.

255
256 **Mr. Jefferson** said he thought Stop signs, speed limit signs and cutting down the speed limit
257 would be the answer.

258
259 **Colleen Jefferson, 182 Cedar Street** stated that most of the time, people don't even see the
260 crosswalk because they are driving too fast. She said she didn't think Stop signs would be
261 the answer because she thinks they would be ignored. She mentioned speed bumps. She
262 agreed with educating people as well.

263
264 **Mayor Wingfield** asked if her recommendations were primarily speed reduction instead of
265 Stop signs and signage for the crosswalks. Ms. Jefferson agreed.

266
267 **Mr. Jefferson** added that at night or early morning when it's dark, pedestrians don't wear
268 lights so they can be more easily seen.

269
270 **Suzanne Donnell, 1 White Pine Lane** stated she is also on the Board of Directors for the
271 White Bear Lake Conservation District. She went on to refer to three internet site page
272 handouts she gave council members regarding Stop signs that state that Stop signs are not
273 effective speed deterrents or speed breakers. They can also cause additional accidents.

274
275 She went on to add that the more people stop and start, the more wear and tear there is on
276 the roads, gasoline is wasted and there is more noise and emission pollution. She quoted
277 additional statistics and facts from the articles.

278
279 She asked that the city consider not putting up Stop signs at the corner of White Pine Lane
280 and Hall Avenue. She went on to explain her reasons. She asked the council to do more
281 research into effectiveness of putting up Stop signs to slow traffic. She stated studies have
282 shown that the speed of traffic between Stop signs is higher than if there were no Stop
283 signs.

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Councilmember Woolstencroft asked if there were any comments or statistics regarding Yield signs.

Ms. Donnell responded that the studies have found that Yield signs were the preferred signs that do work. She asked the council to look into using Yield signs as an alternative to using Stop signs. She said she was in favor of using the type of speed signs described by Sheriff Hutton.

Mayor Wingfield explained that the main purpose of bringing this issue to the council meeting was to get input and ideas as to how this issue can be handled because the traffic and speeding issue has gotten worse. She then asked Sheriff Hutton about a sign that said, "20 is Plenty". She wanted to know if this was official or just a recommendation.

Sheriff Hutton stated that that would be considered a cautionary sign. Use of those signs would be a legal question for the city and would not be enforceable. He stated that one city had adopted them and as far as he knew, they do work. He was then asked how he felt about Yield signs and responded he is not currently familiar with the statistics on their use but will look into it.

There was additional discussion regarding the use of Yield signs versus Stop signs and crosswalks.

Rachael Drew 180 Cedar Street stated she didn't think there was one solution that would solve all the speeding and traffic issues. However, by changing the speed limit etc.it might send a message that this is a neighborhood street. She suggested possibly changing the Stop signs to a four-way stop. She would not want Stop signs everywhere.

Ms. Donnell responded to Ms. Drew's remarks about changing the speed limit and putting up four-way Stop signs changing the look of the neighborhood. Ms. Donnell didn't feel Stop signs are the answer. She said that studies show it only angers people.

Mayor Wingfield suggested the Roads Committee do some research into Yield, Caution, Speed and four-way Stop signs and come back to the city council with what they find.

Councilmember Hullsiek suggested a study of the flow of traffic and the speed limits be done.

Councilmember Donovan stated he felt the city attorney should be involved when needed as well as the city engineer and gathering of data that rational and reasonable decisions can be based upon. A few things can be done currently to alert people prior to the final decisions as to what will be done. He suggested using cones for now and taking it to the Roads Committee.

Mayor Wingfield agreed. She stated she felt cones could be put out in the crosswalks She then asked Mark Anderson to look into putting out cones in the crosswalks and bolt them down or whatever it takes and keep them up as long as possible.

332 **Mark Anderson of the Roads Committee** stated it would cost approximately \$400 for six
333 crosswalk signs. He stated he felt these should be put up now and table Yield signs and
334 whatever else is recommended until further research is completed. He explained that the
335 crosswalk signs will be placed on either side of the crosswalk, not in the middle of the road.
336

337 There was additional discussion regarding the length of certain roads and the speed limits
338 on those roads.
339

340 **City Attorney Sandstrom** stated he might look at the legislative history of a statute that was
341 just enacted to see if there is any discussion of this type of issue, in particular i.e. one
342 straight stretch of road being broken down into different names and change the outcome of
343 the analysis. He said he didn't think there was any case law deciding these kinds of issues
344 because it's fairly new. He stated he will take a look and see what it says.
345

346 **Mark Anderson** stated the cost of for the six crosswalk signs would be \$312. The arrows
347 that point to the crosswalk would be an additional \$175. Posts are \$119. If all 12 posts are
348 needed and the crosswalk arrows, the cost would be \$700.
349

350 **MOTION WAS MADE BY MAYOR WINGFIELD TO TABLE THE ISSUE OF TRAFFIC CALMING**
351 **WITH THE EXCEPTION THAT THE ROADS COMMITTEE BE AUTHORIZED TO INSTALL**
352 **CROSSWALK SIGNS AND CONES AND SECONDED BY COUNCILMEMBER LAFOY. ALL AYES,**
353 **MOTION PASSED.**
354

355 D. Planning Commission Items 356

357 a. WERRA Variance Application

358 * Resolution 2013-9

359 * Planning Committee recommendation to City Council
360

361 **Len Pratt** stated that the Planning Committee at their meeting held on September 3rd,
362 unanimously voted to approve the request for a variance submitted by Dan and Melissa
363 Werra. (A copy of the approved variance was submitted as an exhibit.)
364

365 He stated the city ordinance stipulates the average height of a building at 25 feet. You can
366 go as high as 35 feet but when you have topography around the property of 20 feet in front
367 and 30 in the back for example, the average is 25 feet. Calculations are done around the
368 four sides of the house. He went on to say that based upon analysis that was done on
369 behalf of the commission, after the structure is complete, the average will have to be
370 confirmed.
371

372 **Councilmember Donovan** asked it would make more sense to go with a standard set height
373 as opposed to averaging based upon the surrounding property levels.
374

375 **Mr. Pratt** stated this was discussed by the Planning Committee. The city has topography
376 that changes dramatically which affects this. Given the variation in the topography of the
377 area, it isn't possible to standardize the building height.
378

379 There was additional discussion regarding this variance, what will be done and the
380 committee's justification for approving the variance.

381
382 **MOTION WAS MADE BY COUNCILMEMBER HULLSIEK TO APPROVE RESOLUTION 2013-9**
383 **FOR THE VARIANCE AS RECOMMENDED BY THE PLANNING COMMITTEE AND SECONDED**
384 **BY COUNCILMEMBER DONOVAN. ALL AYES. MOTION PASSED.**

385
386 Dan Werra stated his biggest concern was the neighbors. He added that he and Melissa
387 want this house to fit in with the neighborhood and not degrade the housing values. To this
388 end, they have kept the neighbors informed as to what they are doing. He presented copies
389 of a letter from one of the neighbors in which they stated they support the Werra's and the
390 changes they plan to make. He asked that his comments be made a part of this meeting's
391 minutes.

392
393 **E. ACCEPTANCE OF TREASURERS REPORT AND APPROVAL OF DISBURSEMENTS**

394
395 There was no discussion regarding the treasurer's report.

396
397 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE THE TREASURERS REPORT**
398 **AND DISBURSEMENTS AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ALL**
399 **AYES. MOTION PASSED.**

400
401 **F. ORDINANCE 2013-09 Chicken License Fee**

402 * Chicken License Application - Review and approve form

403
404 **Councilmember Lafoy** asked if the fee was per chicken or per coop? Mayor Wingfield stated
405 it was per coop.

406
407 **City Attorney Sandstrom** stated that was also his understanding. The ordinance that was
408 recently enacted requires a license to keep chickens. The ordinance does not say "per
409 chicken." It merely states that if you want to keep chickens on your property, you need a
410 license. The limit stated was from one chicken up to six. He interpreted that to mean you
411 can have any number of chickens under one license. He stated this is actually an ordinance
412 because the existing fee schedule is within the city's ordinances.

413
414 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO APPROVE ORDINANCE 2013-09,**
415 **CHICKEN LICENSE FEE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ALL AYES.**
416 **MOTION PASSED.**

417
418 **G. RETAINING WALL, 1 OAKRIDGE DRIVE**

419
420 **Mayor Wingfield** stated this retaining wall used to be railroad ties and is now falling apart.
421 The home owner, Jan Gilbertson, went to White Bear Lake which is the city's agency for
422 permitting where she applied for and received a permit for a new retaining wall. Jan
423 provided the plans, White Bear requested the engineering documentation, the contractor
424 started working and was subsequently ordered to stop construction. It is her understanding
425 that the stop order was issued in the first place by White Bear because they said they didn't

426 have jurisdiction to issue a permit for the retaining wall because it's on the city's right-of-
427 way. They realized this part way through the project and rescinded the permit.

428
429 Mayor Wingfield went on to explain that there were some additional conditions on the
430 home owner in the final agreement that are over and above what has already been
431 accomplished. White Bear permitted it and said it was okay. The city's engineer looked at it
432 and said it was okay after a few minor modifications. The "sticking points" for the home
433 owner have to do with the requirements for ongoing obligations regarding the wall i.e.
434 maintenance, repair, upkeep, etc.

435
436 Mayor Wingfield said she didn't she why the city can't allow her to go forward and finish the
437 retaining wall. The city can follow through with its obligation once it's built. There is no
438 expectation that the retaining wall belongs to Ms. Gilbertson. It is located on city property
439 so it would not belong to her.

440
441 **MOTION WAS MADE BY MAYOR WINGFIELD THAT THE CITY ALLOW JAN GILBERTSON TO**
442 **PROCEED WITH THE BUILDING OF THE RETAINING WALL WITH THE UNDERSTANDING**
443 **THAT SHE KNOWS THAT THE RETAINING WALL WOULD BE ON PUBLIC PROPERTY**
444 **THEREFORE THE WALL WOULD BE OWNED BY THE CITY AND THAT IT WOULD BE BUILT IN**
445 **CONFORMANCE WITH HER PLANS IN CONJUNCTION WITH THE TWO MODIFICATIONS THE**
446 **CITY'S ENGINEER PROPOSED. Note: no one seconded this motion.**

447
448 **Councilmember Hullsiek** asked if there was anything else standing in the way.

449
450 **Mayor Wingfield** said she didn't think there was.

451
452 **Councilmember Donovan** asked if the city needed a signed agreement on this.

453
454 **City Attorney Sandstrom** stated there is nothing that requires the agreement be signed.
455 The agreement was meant to be for the benefit of the city to understand who is going to be
456 responsible for taking care of this wall going forward or for some reason the contractor
457 doesn't build it right and it falls down, whose responsibility it is to deal with that issue. He
458 further stated that it sounds like the home owner doesn't want to enter into that
459 agreement. What the mayor has laid out here is the council is just agreeing to let the
460 property owner finish building the wall. Then it's the city's responsibility to deal with any
461 issues that might come up later.

462
463 **Mayor Wingfield** stated she anticipated the city engineer would do a site inspection to be
464 sure everything was built according to plans.

465
466 **Councilmember Hullsiek** asked how high the retaining wall will be.

467
468 **Mayor Wingfield** responded the wall is to be four feet up and then a terrace and then
469 another four feet up.

470
471 **Councilmember Hullsiek** said he didn't see any risk to the city from a technical prospective.

472
473 There was some additional discussion.

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Councilmember LaFoy stated he felt this issue should have been published and put on the agenda for public comment in case anyone had any objections or concerns rather than calling a special meeting.

Councilmember Donovan agreed with Councilmember LaFoy's point and that in the future it would be best if this type of issue was addressed in a regular council meeting as opposed to an emergency meeting.

There were no other comments.

ALL AYES. MOTION CARRIED.

NOTE: there was no second to this motion. Immediately after Mayor Wingfield made the motion, Councilmember Hullsiek asked a question and discussion began.

H. FIRE HYDRANT RELOCATION at 9 Oakridge

Mayor Wingfield stated it was her understanding that this issue has been resolved.

Councilmember LaFoy stated he has talked to parties involved and reassured them.

Mayor Wingfield gave an update on the recent meeting with Mahtomedi. There is a water line that Mahtomedi provides the water service to five properties at the eastern end of Birchwood. Those five properties all come off a 2 inch pipe off of Main and Birchwood Road which is in Mahtomedi. That 2 inch pipe has not been providing much water pressure to those five homes.

The meeting was essentially for Mahtomedi to update Birchwood Village on what they have done. From Mahtomedi's standpoint, the problem has been isolated. It is not in the city mains, it is not in the city property and it is not a city issue. It isn't a Birchwood issue either because it's a private line once that 2 inch comes off the main line and services those five homes. Mahtomedi will be sending a letter to Birchwood informing Birchwood of what has been done. The letter will also address other issues, such as if there is an emergency, Mahtomedi probably won't be able to assist Birchwood because it is not in their lines. The property owners can be proactive, if they choose to do so.

There are two options; one is to put a hydrant at the end of the line which would be at 712. The other option would be to have service from the Birchwood Avenue water line in Birchwood. Birchwood would be the water providers. Either of those options will cost a lot of money. The water pressure now seems to have returned to normal.

Mahtomedi is essentially saying the ball is in Birchwood's court to decide if they want to do something or not. Mayor Wingfield stated there is nothing the city can do at this point.

I. 2014 BUDGET/LEVY ADOPTION \$326,999
*** RESOLUTION TO CERTIFY 2013-18**

522 **Mayor Wingfield** asked City Attorney Kevin Sandstrom if there is a specific procedure to be
523 followed as to how to adopt this resolution. She asked if it was roll call.

524
525 **City Attorney Sandstrom** stated some cities prefer roll call. It was generally any resolution
526 because they are tabulated separated although generally your city clerks can figure out who
527 voted which way the same as they can in any given motion.

528
529 **MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE**
530 **RESOLUTION \$326,299 AND SECONDED BY COUNCILMEMBER LAFOY.**

531
532 **INTERIM TREASURER CHARLIE YUNKER CALLED FOR A ROLL CALL:**

533
534 **Councilmember Hullsiek - Aye**
535 **Councilmember LaFoy - Aye**
536 **Councilmember Donovan - Aye**
537 **Councilmember Woolstencroft - Aye**
538 **Mayor Wingfield - Aye**

539
540 **MOTION PASSED**

541
542 **Mayor Wingfield** stated this will be certified and probably will be discussed again later. She
543 said she thought this was a decrease of approximately 3% from last year.

544
545 **J. RENTAL UNIT - HOUSING CODE ORDINANCE Proposed**

- 546 * **Example - Rental Ordinances (other cities)**
547 * **Set Public Hearing for Rental Housing Code**

548
549 **Mayor Wingfield** asked City Attorney Sandstrom for some guidance as to which method he
550 would recommend to the city that would be most efficient covering the city's needs. Then
551 the city could draft the ordinance according to specific nuances. She stated her preference
552 was to have a workshop to go over the details.

553
554 **City Attorney Sandstrom** stated it was his understanding this item has drawn some concern
555 by the city because there are some homes in the city that are basically being used as rental
556 properties. The owners do not live there. The properties are being rented. There has been
557 some concern about nuisance type activity that neighbors want dealt with. There is not a
558 lot of rental property in the city. He has looked over all the sample rental agreements from
559 other cities provided as exhibits. He stated there really is no right or wrong way to handle
560 this. Since the City of Birchwood is primarily residential homes, the city is most likely more
561 concerned about the tenants and what kind of activity the tenants are engaging in. He
562 stated he leans more towards the example of the code presented from Roseville because it
563 is more simplified. In terms of the procedural processes that go along with registering the
564 property, this too is more simplified. The property is registered on the city's books as a
565 rental property until that status changes.

566
567 The Burnsville code requires a license application be submitted every year. It expires each
568 year then the owner of the property is required to submit another application the next year
569 with detailed information. He stated he felt this might be burdensome for the city staff

570 because the city is not dealing with a lot of rental properties or multi-units apartment
571 complexes.

572
573 He stated he felt a more simplified version of the code similar to the Roseville example
574 might suit the city better than a more complicated one. He suggested the city look through
575 the other codes as well and see if there are parts the city would like to incorporate into one
576 code for the City of Birchwood that fits the city's needs.

577
578 **Mayor Wingfield** suggested this be done at a workshop.

579
580 **Councilmember LaFoy** asked City Attorney Sandstrom if he had looked at tightening up the
581 nuisances ordinance. He stated he has looked over the ordinance and feels it should be
582 tightened up and there may be some other issues that need to be addressed as well.

583
584 **City Attorney Sandstrom** agreed that the city needs stronger nuisance codes. One of the
585 benefits of the rental property ordinance is that you can not only go after the tenants but
586 you can also hold the owners responsible as well or they could potentially lose their status
587 as a rental property. If that occurs, the city can evict the tenants and the owners would no
588 longer be allowed to rent their property.

589
590 There was additional discussion regarding this issue.

591
592 **City Attorney Sandstrom** stated that he agreed with Councilmember LaFoy in that any
593 activity that's currently occurring is a nuisance and the city can take action against it. The
594 easiest way to deal with it is to send the police department to the residence and cite the
595 people for violating the city nuisance code and they may be subject to prosecution.

596
597 **Councilmember LaFoy** asked about an abatement order. Wouldn't the tenant have to leave
598 the premises and their lease would be cancelled?

599
600 **City Attorney Sandstrom** responded he has not seen an abatement type order being used to
601 abate noise type issues or nuisance activity type issues. Generally abatement orders are
602 used to deal with junk type properties. He said it would be rare to deal with bad behavior
603 type activities through a civil abatement action. Criminal prosecution is much faster and
604 cleaner in that regard.

605
606 **Mayor Wingfield** suggested Councilmember LaFoy address this issue at the workshop. The
607 workshop could get the process started regarding getting this together as it applies to rental
608 units and get that on the books.

609
610 **Councilmember LaFoy** asked that City Attorney Sandstrom take a look at the nuisance
611 ordinance and codes to see if he has any suggestions.

612
613 There was some discussion as to what most of the nuisance complaints were about.

614
615 **Councilmember Woolstencroft** brought up the point that the ordinance should state a
616 specific time when the noise or other nuisance occurs.

617

618 **Mayor Wingfield** set the date for the workshop for Tuesday, September 24th at 7:00 p.m.
619 She stated it would be a council meeting/workshop. The ordinance language has to be set
620 and available for a public hearing and have it publicly noticed. She asked City Attorney
621 Sandstrom what the policy is regarding new code.

622
623 **City Attorney Sandstrom** stated that he thought Mayor Wingfield was correct. The code
624 should be available for the public to review.

625
626 **Mayor Wingfield** stated that at the meeting on September 24th a hard copy of the code
627 would be formulated, the public could be notified and a public hearing set. The public
628 hearing could be set for the October 8th city council meeting.

629
630 **City Attorney Sandstrom** agreed. The meeting could be announced as a special council
631 meeting rather than a workshop.

632
633 **MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT TO HOLD A SPECIAL**
634 **COUNCIL MEETING ON SEPTEMBER 24TH FOR THE PURPOSE OF FORMULATING THE**
635 **RENTAL ORDINANCE AND TO SET THE PUBLIC HEARING AND SECONDED BY**
636 **COUNCILMEMEMBER LAFOY??. ALL AYES. MOTION PASSED.**

637
638 **Interim Treasurer Charlie Yunker** stated that it has been brought to his attention that Item
639 I, Item #2 – RESOLUTION TO CERTIFY 2013-18 needs to be read on the truth in taxation
640 hearing.

641
642 **Mayor Wingfield** then read the resolution aloud:

643
644 “To conduct the truth and taxation public hearing on the proposed 2014 budget at the city’s
645 regular council meeting, Tuesday, September 10, 2013 at 7:00 p.m. “

- 646
647 **K. TREE REMOVAL**
648 * **OWL STREET - Hazard Tree**
649 * **TREE REMOVAL POLICY Adopted May 8, 2001**

650
651 **Brian McGinnis 194 Wildwood Avenue** expressed his concern that the issue of tree removal
652 on his property has taken more than four months to be resolved. The newsletter mentioned
653 trees at risk of falling. There is nothing about this in the policy. An email from Mayor
654 Wingfield dated August 21st stated that the city’s policy deals with dead trees. The policy
655 doesn’t mention anything about dead trees in the policy.

656
657 He stated there are two trees adjacent to his property, one of which was a Box Elder tree
658 that fell in one of the late April snowstorms. It fell over the street and over the driveway.
659 He cut the tree up by hand to get it out of the street and out of the driveway. He stated he
660 feels this tree clearly falls within the first paragraph of the policy that the city should have
661 initially removed that tree.

662
663 He went on to say that he feels the Locust tree falls within the second part of the policy.
664 This tree is barely alive and should be considered hazardous and a danger to the street and
665 the right-of-way. It has never been a danger to his house. He never implied that.

666 Nevertheless, he thinks that tree is alive and should not be taken down by the city as long as
667 it's still alive. The policy doesn't address a dead tree.

668
669 He feels the policy needs to be worked on and asked the city to remove the Box Elder tree.
670 he has partially removed it but cannot cut up and remove the remainder of the tree. He
671 stated the policy says the city will take care of a downed tree. The Locust tree is still alive
672 and he feels it is a hazard, not to his house but to the public utilities, the cable line and the
673 straight right-of-way and the right-of-way.

674
675 **Councilmember Donovan** asked Mr. McGinnis is all he is asking the city to do is remove the
676 fallen tree that he has already cut up.

677
678 **Mr. McGinnis** said yes, to be within the policy. If there are changes in the policy in the
679 future, that will be a different issue.

680
681 **Mayor Wingfield** stated she thought this was fair. She apologized to Mr. McGinnis for the
682 delay but the initial complaint was not forwarded to the council until more recently than
683 four months ago.

684
685 **Councilmember Donovan** stated that going forward the staff should take care of these
686 issues.

687
688 **Mayor Wingfield** agreed. There have been residents in the past who have come to the city
689 and requested a tree be removed because they felt it was a hazard. The answer from the
690 City Attorney was that if the resident wanted to remove the tree, they can. If the issue is
691 brought to the city and is approved, it can then be removed. However, the city is not going
692 to be removing live trees at the request of individual residents. Dead trees are another
693 matter.

694
695 Mayor Wingfield stated the tree policy has been drafted but not adopted. She then read
696 from the draft of policy, "A property owner may petition the city council to remove a living
697 tree in the city's right-of-way." She went on to say that if it's a tree that's dead in the city's
698 right-of-way, in the past, the staff has worked with Steve Dean to prioritize which ones are
699 going to come down. The council doesn't get involved in that process.

700
701 Regarding living trees, if the resident wants to have the tree removed off of the city's right-
702 of-way, they can approach the city stating they feel the tree is a hazard and they would like
703 it removed. She stated that this needs to be included in the policy so that time isn't
704 expended on each tree in the city council meetings.

705
706 She said the Box Elder tree will be picked up and taken care of.

707
708 **City Attorney Sandstrom** commented that, regarding residents presenting petitions to the
709 city for tree removal, there could be more detail regarding what the petition needs to
710 include and that it be in writing so that people aren't just calling city hall with their
711 complaint. He said there should be more detail so people know what they need to do.

712

713 He went on to say that what wasn't clear in this policy under Sub-part A, what happens if
714 someone wants to petition to cut down a tree and all of the adjoining property owners
715 within 150 feet don't agree. This policy seems to suggest that it's a dead issue and the tree
716 cannot be removed or is it going to be relayed to the city council to take down at the
717 request of the citizen even if all the adjoining property owners don't agree.
718

719 That is a concern as to whether the council wants to give some leeway to grant the petition
720 even if the adjoining property owners within 150 feet don't approve.
721

722 **Councilmember LaFoy** said he felt the consent of adjoining neighbors within 150 feet is too
723 much.
724

725 There was some discussion as to what should be considered a hazard and what the distance
726 should be from adjoining residents.
727

728 **Mayor Wingfield** then read the changes to the policy; "A property owner may petition the
729 city in writing to remove a living tree or part thereof within the city if all the property
730 owners within 150 feet approve. A site map will be provided by the owner. Ultimately, it's
731 the council's final decision as to whether the petition will be granted." She asked City
732 Attorney Sandstrom if the policy would then be acceptable with those changes. He agreed.
733

734 It was then suggested that downed trees and dead trees be specified in the policy to which
735 Mayor Wingfield agreed. She stated she will put something in writing to be discussed
736 further at the next city council meeting. It can be placed under the Consent Agenda.
737

738 **L. REVIEW PAY FOR SEASONAL LABOR**

739

740 **Mayor Wingfield** stated she would like the hourly rate for the work done by Matt Brunner
741 increased from \$8.00 an hour to \$10.00 an hour based upon the quality and type of work
742 being done.
743

744 **MOTION WAS MADE BY MAYOR WINGFIELD TO PAY MATT BRUNNER \$10.00 AN HOUR**
745 **FOR THE WORK HE HAS DONE FOR THE CITY SINCE HE WAS HIRED AND SECONDED BY**
746 **COUNCILMEMBER LAFOY.**
747

748 It was brought up by Cindy Reiter that he was originally hired last year at \$10.00 an hour.
749

750 **Mayor Wingfield** then stated then his pay should be reinstated from \$8.00 an hour to
751 \$10.00 an hour.
752

753 **ALL AYES. MOTION PASSED.**
754

755 **M. Approval of August 13, 2013 Regular Meeting Minutes**

756

757 **Mayor Wingfield** asked that the approval of the August meeting minutes be postponed until
758 the October meeting to give Charlie a chance to make any changes then send it to the
759 council members by email.
760

761 **Councilmember Donovan** stated the council spends too much time on the minutes. He
762 then asked if there could be some way to speed up the process.

763
764 **Mayor Wingfield** stated this will be addressed at the upcoming workshop.
765

766 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO MOVE THE APPROVAL OF THE**
767 **AUGUST 13TH CITY COUNCIL MEETING TO THE OCTOBER MEETING AND SECONDED BY**
768 **COUNCILMEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

769
770 **N. SET HEARING FOR DOCK ASSOCIATION**

771
772 **Councilmember Hullsiek** stated he will be meeting with the Dock Association and will get a
773 date and get it on the agenda.

774
775 **O. SET MEETING FOR 2014 PARK PROJECTS**

776
777 **Mayor Wingfield** stated that John Lund said the meeting with the parks to go over the
778 projects will probably be in November. She suggested this be added to the November
779 agenda.

780
781 **3. STAFF REPORTS**

782 * **Update on Birchwood telephone and I-Net service**

783
784 **Interim Treasurer Yunker** stated he has talked with these people and they are confident
785 that everything will be in place by September 30th. All the physical work in the building has
786 been done and is ready to go. All that remains to be done is the servers and get the
787 phones changed over. He said he will continue to update the council of the progress.

788
789 He then gave the council an update on the 90-day project with St. Anthony for staff
790 services. To date there has been 45 hours of staff time logged between himself, Barb and
791 Shelley both on site here and in St. Anthony. They have some ideas and recommendations
792 that will be submitted and discussed at the workshop for the council to consider.

793
794 Paying bills electronically is something they would like to go forward with. This will be
795 submitted for approval in October.

796
797 **Cindy Reiter** submitted her resignation

798
799 **MOTION WAS MADE BY COUNCILMEMBER LAFOY TO AUTHORIZE THE MAYOR AND THE**
800 **CLERK TO SIGN WHATEVER RESOLUTIONS ARE NECESSARY IN TERMS OF THE BANK'S**
801 **PAPERWORK AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ALL AYES.**
802 **MOTION PASSED.**

803
804 **4. OLD COUNTY ROAD 29 REPORT FROM TED BEARTH**

805
806 **Ted Bearth** stated there may be some railroad property that was never cleared. The
807 engineers don't know this for a fact yet but if it does, it will be taken care of. It is the city's
808 road.

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Mayor Wingfield explained that the old County Road 29 is still in the county's title name. The process to resolve this is in the works.

ADJOURN:

**MOTION WAS MADE BY COUNCILMEMBER HULLSIEK AND SECONDED BY
COUNCILMEMBER LAFOY TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED.**

**Birchwood Village
Treasury Report
10-3-2013
Council Meeting 10/8/2013**

To: City Council
From: Charlie Yunker, Treasurer

Financial Report

Attached are the CTAS reports:

The **DISBURSEMENTS REGISTER** is for those claims presented for approval and/or payment this eve. Disbursement Register includes check numbers or EFT identifier. **THE DISBURSEMENT REGISTER is for expenses of period between council meetings (September 11 – October 3, 2013).**

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, and also includes other revenues the city receives. In the disbursement section of this report you will find a running total (YTD) and variance (remaining balance) of the full year budgeted amount for each category of expense. **The Interim Financial Report is provided for 2013 through council meeting date December, 2013 to provide balance remaining for budgeted items.**

The **Cash Balance Statement** is the beginning balances (same as: prior year-end). The beginning balances are all cash balances – which reside at 4M Fund /US Bank (checking for operating funds, savings, enterprise fund accounts for various funds & reserves). Special Revenue Project FUND includes budget for special projects for Elm Easement (Assigned Fund #211) & Turf Management projects established in 2012. **Special Revenue Fund #225 added for warming house donations.**

Please call/email with any questions.

Charlie Yunker, Birchwood City Treasurer

As of 12/31/2013

General Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$336,013.00	\$175,926.87	(\$160,086.13)
Total Acct 310	\$336,013.00	\$175,926.87	(\$160,086.13)
Building Permits	\$8,500.00	\$5,491.58	(\$3,008.42)
Dog Licenses	\$200.00	\$55.00	(\$145.00)
Zoning App Fee	\$0.00	\$618.00	\$618.00
Total Acct 322	\$8,700.00	\$6,164.58	(\$2,535.42)
State Grants and Aids	\$0.00	\$119.00	\$119.00
Local Government Aids	\$238.00	\$0.00	(\$238.00)
Total Acct 334	\$238.00	\$119.00	(\$119.00)
Recycle Grant	\$1,000.00	\$1,678.00	\$678.00
Cable Comm. Grant	\$7,000.00	\$6,288.30	(\$711.70)
Total Acct 336	\$8,000.00	\$7,966.30	(\$33.70)
City Hall and Garage Rent	\$500.00	\$343.00	(\$157.00)
Total Acct 341	\$500.00	\$343.00	(\$157.00)
Fines	\$650.00	\$763.26	\$113.26
Total Acct 351	\$650.00	\$763.26	\$113.26
Delinquent Utilities - Garb/CEC	\$0.00	\$624.24	\$624.24
Miscellaneous	\$100.00	\$0.00	(\$100.00)
Total Acct 361	\$100.00	\$624.24	\$524.24
Interest Earnings	\$50.00	\$91.40	\$41.40
Contrib. and Donations-Private	\$500.00	\$850.00	\$350.00
Refund-Reimbursemnt-Dividend	\$0.00	\$469.08	\$469.08
Total Acct 362	\$550.00	\$1,410.48	\$860.48
Total Revenues	\$354,751.00	\$193,317.73	(\$161,433.27)
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
GENERAL GOVERNMENT	\$0.00	\$80.16	(\$80.16)
Total Acct 410	\$0.00	\$80.16	(\$80.16)
Publishing	\$2,100.00	\$1,518.99	\$581.01
Total Acct 411	\$2,100.00	\$1,518.99	\$581.01
City Council	\$4,200.00	\$252.70	\$3,947.30
Total Acct 413	\$4,200.00	\$252.70	\$3,947.30
Clerk - Treasurer	\$58,240.00	\$37,356.48	\$20,883.52
Elections	\$500.00	\$822.50	(\$322.50)
Office Operations/Supplies	\$3,525.00	\$1,708.59	\$1,816.41
Postage/Postal Permits	\$650.00	\$851.91	(\$201.91)

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

10/03/2013

Total Acct 414	\$62,915.00	\$40,739.48	\$22,175.52
Financial Administration	\$400.00	\$35.00	\$365.00
Assessing	\$5,450.00	\$5,493.67	(\$43.67)
Total Acct 415	\$5,850.00	\$5,528.67	\$321.33
Legal Services	\$7,200.00	\$4,398.28	\$2,801.72
Engineer Service	\$10,000.00	\$545.42	\$9,454.58
Total Acct 416	\$17,200.00	\$4,943.70	\$12,256.30
Per Diem	\$1,560.00	\$0.00	\$1,560.00
Total Acct 418	\$1,560.00	\$0.00	\$1,560.00
Grants	\$1,825.00	\$919.00	\$906.00
Planning and Zoning	\$0.00	\$184.00	(\$184.00)
City Training and Development	\$2,335.00	\$265.00	\$2,070.00
City Hall-Gov't Buildings	\$7,000.00	\$6,801.05	\$198.95
City Insurance	\$7,380.00	\$7,923.00	(\$543.00)
Cable Eqpmt and Service	\$800.00	\$2,171.25	(\$1,371.25)
Newsletter	\$125.00	\$0.00	\$125.00
Total Acct 419	\$19,465.00	\$18,263.30	\$1,201.70
Police	\$91,348.00	\$76,123.30	\$15,224.70
Total Acct 421	\$91,348.00	\$76,123.30	\$15,224.70
Fire	\$20,593.00	\$16,057.80	\$4,535.20
Total Acct 422	\$20,593.00	\$16,057.80	\$4,535.20
Building Inspection	\$8,400.00	\$5,211.69	\$3,188.31
Total Acct 424	\$8,400.00	\$5,211.69	\$3,188.31
Other Protection	\$100.00	\$68.38	\$31.62
Animal Control	\$897.00	\$897.00	\$0.00
Total Acct 428	\$997.00	\$965.38	\$31.62
Streets and Road Mntnc	\$5,250.00	\$38,398.90	(\$33,148.90)
Crack Seal Project	\$10,000.00	\$8,450.00	\$1,550.00
Seal Coat project	\$25,000.00	\$37,484.80	(\$12,484.80)
Street Sweeping	\$4,000.00	\$2,555.00	\$1,445.00
Ice and Snow Removal	\$16,000.00	\$13,542.65	\$2,457.35
Tree Removal	\$5,000.00	\$394.26	\$4,605.74
Utility - Drain Structure Care	\$1,200.00	\$2,488.09	(\$1,288.09)
Street Signs	\$0.00	\$1,380.39	(\$1,380.39)
Street Lights	\$15,600.00	\$9,075.03	\$6,524.97
Total Acct 431	\$82,050.00	\$113,769.12	(\$31,719.12)
Weed Control - Milfoil	\$1,200.00	\$0.00	\$1,200.00
Total Acct 432	\$1,200.00	\$0.00	\$1,200.00
Recycle	\$0.00	\$1,656.00	(\$1,656.00)
Total Acct 433	\$0.00	\$1,656.00	(\$1,656.00)
Sanitation - Recycling	\$12,000.00	\$6,444.60	\$5,555.40
Total Acct 441	\$12,000.00	\$6,444.60	\$5,555.40
Lawn Care/Mntnc	\$6,000.00	\$4,925.76	\$1,074.24
Total Acct 450	\$6,000.00	\$4,925.76	\$1,074.24
Recreation	\$1,900.00	\$1,550.00	\$350.00
Total Acct 451	\$1,900.00	\$1,550.00	\$350.00

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

10/03/2013

Parks	\$14,000.00	\$10,413.68	\$3,586.32
Total Acct 452	\$14,000.00	\$10,413.68	\$3,586.32
CONSERVATION - NATURAL RESOURC	\$2,082.00	\$2,081.97	\$0.03
Total Acct 461	\$2,082.00	\$2,081.97	\$0.03
Unallocated Expenditures	\$8,050.00	\$133.37	\$7,916.63
Total Acct 492	\$8,050.00	\$133.37	\$7,916.63
Total Disbursements	\$361,910.00	\$310,659.67	\$51,250.33
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$525,009.93	
Cash Balance as of 12/31/2013		\$407,667.99	

As of 12/31/2013

Tree Canopy Care	<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:			
Tree Removal	\$0.00	\$9,292.70	(\$9,292.70)
Total Acct 431	\$0.00	\$9,292.70	(\$9,292.70)
Total Disbursements	\$0.00	\$9,292.70	(\$9,292.70)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$8,350.00	
Cash Balance as of 12/31/2013		(\$942.70)	

As of 12/31/2013

Special Rev Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$3,900.00	\$3,900.00
Total Acct 322	\$0.00	\$3,900.00	\$3,900.00
Interest Earnings	\$0.00	\$0.29	\$0.29
Total Acct 362	\$0.00	\$0.29	\$0.29
Total Revenues	\$0.00	\$3,900.29	\$3,900.29
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$225.00	(\$225.00)
Total Acct 416	\$0.00	\$225.00	(\$225.00)
Parks	\$5,900.00	\$19,972.87	(\$14,072.87)
Total Acct 452	\$5,900.00	\$19,972.87	(\$14,072.87)
Unallocated Expenditures	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
Total Disbursements	\$5,900.00	\$20,397.87	(\$14,497.87)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$13,756.91	
Cash Balance as of 12/31/2013		(\$2,740.67)	

As of 12/31/2013

Spec Project-Elm Easement	<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:			
Parks	\$4,000.00	\$325.00	\$3,675.00
Total Acct 452	\$4,000.00	\$325.00	\$3,675.00
Total Disbursements	\$4,000.00	\$325.00	\$3,675.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2013		(\$325.00)	

As of 12/31/2013

Spec Rev - Warm House	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Contrib. and Donations-Private	\$0.00	\$11,421.10	\$11,421.10
Total Acct 362	\$0.00	\$11,421.10	\$11,421.10
Total Revenues	\$0.00	\$11,421.10	\$11,421.10
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 12/31/2013		\$11,421.10	

As of 12/31/2013

Sewer 2004 Bonds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$4,249.54	\$4,249.54
Total Acct 361	\$0.00	\$4,249.54	\$4,249.54
Total Revenues	\$0.00	\$4,249.54	\$4,249.54
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Bond Payment	\$0.00	\$28,506.13	(\$28,506.13)
Total Acct 471	\$0.00	\$28,506.13	(\$28,506.13)
Total Disbursements	\$0.00	\$28,521.13	(\$28,521.13)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2013		(\$24,271.59)	

As of 12/31/2013

Birchwood In Re-hab Bond

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$615.34	\$615.34
Total Acct 361	\$0.00	\$615.34	\$615.34
Total Revenues	\$0.00	\$615.34	\$615.34
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$183.00	(\$183.00)
Total Acct 415	\$0.00	\$183.00	(\$183.00)
Total Disbursements	\$0.00	\$183.00	(\$183.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2013		\$432.34	

As of 12/31/2013

Sewer Re-hab 2008 Debt	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$10,632.50	\$10,632.50
Total Acct 361	\$0.00	\$10,632.50	\$10,632.50
Total Revenues	\$0.00	\$10,632.50	\$10,632.50
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$243.00	(\$243.00)
Total Acct 415	\$0.00	\$243.00	(\$243.00)
Bond Payment	\$0.00	\$3,138.61	(\$3,138.61)
Total Acct 471	\$0.00	\$3,138.61	(\$3,138.61)
Total Disbursements	\$0.00	\$3,381.61	(\$3,381.61)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2013		\$7,250.89	

As of 12/31/2013

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:			
Streets and Road Mntnc	\$0.00	\$45,583.33	(\$45,583.33)
Street Signs	\$1,500.00	\$0.00	\$1,500.00
Total Acct 431	\$1,500.00	\$45,583.33	(\$44,083.33)
Total Disbursements	\$1,500.00	\$45,583.33	(\$44,083.33)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$44,571.00	
Cash Balance as of 12/31/2013		(\$1,012.33)	

As of 12/31/2013

Capital Projects	<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		\$58,587.99	
Cash Balance as of 12/31/2013		\$58,587.99	

As of 12/31/2013

Cap Proj - Catchbasin

	<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		\$0.00	
Cash Balance as of 12/31/2013		\$0.00	

As of 12/31/2013

Water Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$30,655.18	\$30,655.18
Penalty - Late Water/Sewer	\$0.00	\$447.19	\$447.19
State and Misc fees	\$0.00	\$1,254.17	\$1,254.17
Total Acct 341	\$0.00	\$32,356.54	\$32,356.54
DELQ - Water-Sewer fees	\$0.00	\$1,045.71	\$1,045.71
Total Acct 361	\$0.00	\$1,045.71	\$1,045.71
Interest Earnings	\$0.00	\$2.43	\$2.43
Refund-Reimbursemnt-Dividend	\$0.00	\$483.90	\$483.90
Total Acct 362	\$0.00	\$486.33	\$486.33
Total Revenues	\$0.00	\$33,888.58	\$33,888.58
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$350.00	(\$350.00)
Total Acct 414	\$0.00	\$350.00	(\$350.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Utility Locates	\$0.00	\$188.70	(\$188.70)
Total Acct 428	\$0.00	\$188.70	(\$188.70)
Water Utility	\$0.00	\$51,384.62	(\$51,384.62)
Wtr/Swr Emergency	\$0.00	\$3,920.00	(\$3,920.00)
Total Acct 431	\$0.00	\$55,304.62	(\$55,304.62)
Total Disbursements	\$0.00	\$55,858.32	(\$55,858.32)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$31,968.02	
Cash Balance as of 12/31/2013		\$9,998.28	

As of 12/31/2013

Sewer Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$561.54	\$561.54
Sewer Fee	\$0.00	\$48,920.29	\$48,920.29
Total Acct 341	\$0.00	\$49,481.83	\$49,481.83
DELQ - Water-Sewer fees	\$0.00	\$1,646.12	\$1,646.12
Total Acct 361	\$0.00	\$1,646.12	\$1,646.12
Interest Earnings	\$0.00	\$10.19	\$10.19
Total Acct 362	\$0.00	\$10.19	\$10.19
Total Revenues	\$0.00	\$51,138.14	\$51,138.14
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$300.00	(\$300.00)
Total Acct 414	\$0.00	\$300.00	(\$300.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Engineer Service	\$0.00	\$337.50	(\$337.50)
Total Acct 416	\$0.00	\$337.50	(\$337.50)
Utility Locates	\$0.00	\$162.55	(\$162.55)
Total Acct 428	\$0.00	\$162.55	(\$162.55)
Utility - Drain Structure Care	\$0.00	\$90.00	(\$90.00)
Wtr/Swr Emergency	\$0.00	\$3,099.92	(\$3,099.92)
Sewer Utility	\$0.00	\$61,886.39	(\$61,886.39)
Total Acct 431	\$0.00	\$65,076.31	(\$65,076.31)
Total Disbursements	\$0.00	\$65,891.36	(\$65,891.36)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$115,000.00	
Cash Balance as of 12/31/2013		\$100,246.78	

Fund Name: All Funds
Date Range: 09/11/2013 to 10/03/2013

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
09/19/2013	Webber, Daniel & Sarah	Warming House Donation	1084	\$25.00	225-36230	\$25.00
09/19/2013	Calderwood, Mary Ellen	Warming House Donation	1085	\$50.00	100-36230	\$50.00
09/19/2013	Liengswangwong, vichaivood & Molvip	Warming House Donation	1086	\$100.00	100-36230	\$100.00
09/19/2013	City of White Bear Lake	Building Permit	1087	\$233.88	100-32210	\$233.88
09/19/2013	City of White Bear Lake	Building Permit	1088	\$14.21	100-32210	\$14.21
09/19/2013	City of White Bear Lake	Building Permit	1089	\$345.75	100-32210	\$345.75
09/19/2013	City of White Bear Lake	Building Permit	1090	\$35.00	100-32210	\$35.00
09/30/2013	City of White Bear Lake	Building Permit	1091	\$138.56	100-32210	\$138.56
09/30/2013	City of White Bear Lake	Heat Permit	1092	\$61.50	100-32210	\$61.50
09/30/2013	City of White Bear Lake	Building Permit	1093	\$142.50	100-32210	\$142.50
09/30/2013	City of White Bear Lake	Building Permit	1094	\$35.00	100-32210	\$35.00
09/30/2013	Mayer, William	112 Wildwood Ave	1095	\$49.59	601-34110	\$49.59
09/30/2013	Resident	Warming House Donation	1096	\$240.00	225-36230	\$240.00
09/30/2013	Resident	Warming House Donation	1097	\$100.00	225-36230	\$100.00
09/30/2013	The Saint Paul Foundation	Warming House Donation	1098	\$3,000.00	225-36230	\$3,000.00

Total For Period

\$4,570.99

Total Year To Date

\$309,163.22

Fund Name: All Funds
Date Range: 09/11/2013 to 10/03/2013

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
09/13/2013	Payroll Period Ending 08/31/2013		27956	\$667.47	100-41400-100	\$667.47
09/13/2013	Payroll Period Ending 09/15/2013		27964	\$373.13	100-41400-100	\$373.13
09/13/2013	Payroll Period Ending 08/31/2013		27965	\$46.17	100-45200-100	\$46.17
09/19/2013	Washington County	Werra Variance 369 Wildwood Avenue	27966	\$46.00	100-41910-430	\$46.00
10/03/2013	Xcel Energy	Electric at 180 Birchwood Ave Aug 2013	27967	\$1,297.01	100-41940-380	\$1,297.01
10/03/2013	SL - serco	Meter Readings - Aug 2013	27968	\$355.00	601-43180-305	\$177.50
					605-43190-305	\$177.50
10/03/2013	Laden's Business Machines, Inc.	Service Call on Folding Machine	27969	\$80.16	100-41000-230	\$80.16
10/03/2013	On-Site Sanitation Inc	Rental Unit - TS & Tennis Court Sep 2013	27970	\$86.95	100-45200-305	\$86.95
10/03/2013	Tailored PC Documents	Minutes transcription August 2013	27971	\$328.67	100-41400-305	\$328.67
10/03/2013	Xcel Energy	Gas/Electric at City Hall Sep 2013	27972	\$118.26	100-41940-380	\$118.26
10/03/2013	Qwest/CenturyLink	Phone/Fax lines Sep 2013	27973	\$113.32	100-41940-321	\$113.32
10/03/2013	Thatcher Engineering, Inc	General Office	27974	\$112.50	605-41650-300	\$112.50
10/03/2013	Cemstone Products Company	Concrete	27975	\$1,012.33	401-43100-305	\$1,012.33
10/03/2013	TSE, INC	City Hall Cleaning 8/29	27976	\$9.50	100-41940-305	\$9.50
10/03/2013	Press Publications	Lakewood Lane Variance	27977	\$43.65	100-41130-351	\$43.65
10/03/2013	Steve Dean Tree Trimming	McGinnis Tree Removal	27978	\$471.35	110-43135-305	\$471.35
10/03/2013	TSE, INC	City Hall Cleaning 9/12	27979	\$19.00	100-41940-305	\$19.00
10/03/2013	Ronnan, Kenny	Sep 13 (3) Service 2013	27980	\$67.50	100-41950-305	\$67.50
10/03/2013	City of White Bear Lake Public Work	Billing for August 2013 Pubic Works	27981	\$2,744.41	605-43185-305	\$825.51
					605-43190-305	\$1,918.90
10/03/2013	City of White Bear Lake Police	Police Srvc Sept 2013	27982	\$7,612.33	100-42100-305	\$7,612.33
10/03/2013	City of White Bear Lake Fire	Fire Srvc Sept 2013	27983	\$1,605.83	100-42200-305	\$1,605.83

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
10/03/2013	Lund, John	Reimbursement - Warming House Supplies	27984	\$371.80	210-45200-520	\$371.80
10/03/2013	Menards - Maplewood	Warming House Suuplies	27985	\$22.74	210-45200-520	\$22.74
10/03/2013	Ken Johnson	Sign Installation	27986	\$1,014.56	100-43155-305	\$1,014.56
10/03/2013	Simmons, Mary Sue	Office Asst. Pay (33.5)	27987	\$569.50	100-41400-305	\$569.50
10/03/2013	Donovan, Greg	Boat Wait List Refund	27988	\$200.00	100-45200-810	\$200.00
10/03/2013	Tailored PC Documents	Minutes transcription September 2013	27989	\$216.75	100-41400-305	\$216.75
10/03/2013	Gopher State One Call	Locates (16) -Sep 2013	27990	\$26.20	601-42805-305	\$26.20
10/03/2013	Press Publications	Public Hearing	27991	\$43.65	100-41130-351	\$43.65
10/03/2013	HD Supply Waterworks, Ltd	Hydrant & Valve	27992	\$3,545.58	601-43180-220	\$3,545.58
10/03/2013	HD Supply Waterworks, Ltd	24" HYD EXT	27993	\$769.78	601-43180-220	\$769.78
10/03/2013	HD Supply Waterworks, Ltd	Curb Box Repair Lid	27994	\$48.85	601-43180-220	\$48.85
10/03/2013	Menards - Maplewood	Warming House Suuplies	27995	\$23.94	210-45200-520	\$23.94
10/03/2013	CAPRA'S UTILITIES, INC	Remove & Replace Hydrant 5 Oaks Ln	27996	\$3,500.00	601-43185-305	\$3,500.00
10/03/2013	Manship Plumbing & Heating Inc	Monthly Fee Sep 2013	27997	\$550.00	601-43180-305	\$550.00
10/03/2013	Manship Plumbing & Heating Inc	Monthly Locates (15) & Hydrant Repair	27998	\$2,040.00	601-43180-305	\$2,040.00
10/03/2013	Metropolitan Council Env. Service	Wastewater Service Nov 2013	27999	\$3,658.96	605-43190-217	\$3,658.96
Total For Period				\$33,812.85		
Total Year To Date				\$540,093.99		

As of 10/03/2013
Fiscal Year:2013

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$525,009.93	\$193,317.73	\$310,659.67	\$407,667.99
Tree Canopy Care	\$8,350.00	\$0.00	\$9,292.70	(\$942.70)
Special Rev Projects	\$13,756.91	\$3,900.29	\$20,397.87	(\$2,740.67)
Spec Project-Elm Easement	\$0.00	\$0.00	\$325.00	(\$325.00)
Spec Rev - Warm House	\$0.00	\$11,421.10	\$0.00	\$11,421.10
Sewer 2004 Bonds	\$0.00	\$4,249.54	\$28,521.13	(\$24,271.59)
Birchwood In Re-hab Bond	\$0.00	\$615.34	\$183.00	\$432.34
Sewer Re-hab 2008 Debt	\$0.00	\$10,632.50	\$3,381.61	\$7,250.89
Cap Project - PW	\$44,571.00	\$0.00	\$45,583.33	(\$1,012.33)
Capital Projects	\$58,587.99	\$0.00	\$0.00	\$58,587.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00
Water Enterprise Fund	\$31,968.02	\$33,888.58	\$55,858.32	\$9,998.28
Sewer Enterprise Fund	\$115,000.00	\$51,138.14	\$65,891.36	\$100,246.78
Total	\$797,243.85	\$309,163.22	\$540,093.99	\$566,313.08

CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA

RESOLUTION 2013-020

RESOLUTION APPROVING THE TREE DISPOSAL POLICY

WHEREAS, the City of Birchwood Village adopted a Tree Disposal policy on May 8, 2001; and

WHEREAS, the City of Birchwood Village reviewed; and

WHEREAS, the City of Birchwood Village is amending to the Tree Disposal policy to reflect current changes.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA that is approves the Tree Disposal Policy.

Adopted this 8th day of October, 2013.

Mary Wingfield, Mayor

Attest: _____
Barbara J. Suciu, Interim City Clerk

TREE DISPOSAL POLICY

Adopted May 8, 2001
Amended October 8, 2013

DOWNED AND DEAD TREES:

Determine who owns the downed, dead or damaged tree – City or privately owned?

- Tree blown down over the street or an easement will be removed from the street or easement by the City.
- If the tree is a private tree, the disposal is the responsibility of the owner.
 - A. Any City-owned tree will be taken care of by the City.
 - B. If the tree is on the border (between city/resident property), the cost is split 50/50.

LIVING TREES:

A property owner may petition the city council in writing to remove a living tree in a city right of way if:

- A. All property owners within 150 feet of the tree removal shall agree in writing.
- B. A site map showing the tree at issue and the relative location of the nearby property owners shall be provided by the applicant.
- C. The cost of removal is borne 100% by the petitioner(s)
- D. The removal shall be done by a licensed and bonded contractor and that contractor shall hold the city harmless from any damage caused or accident incurred. Appropriate documentation shall be provided to the city clerk

The city council is the final arbiter of whether a tree shall be removed under this policy

CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA

RESOLUTION 2013-021

RESOLUTION AUTHORIZING KEJ ENTERPRISES, INC. TO PERFORM THE
YARD REPAIR WORK AT 9 OAKRIDGE DRIVE

WHEREAS, the City of Birchwood Village replaced a fire hydrants on the property of 9 Oakridge Drive; and

WHEREAS, the yard of 9 Oakridge Drive is damaged as a result of the fire hydrant repair; and

WHEREAS, the City of Birchwood Village authorizes KEJ Enterprises, Inc. to perform the yard repair work at 9 Oakridge Drive in accordance with their contract with the City of Birchwood Village.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA authorizes KEJ Enterprises, Inc. to perform the yard repair work 9 Oakridge Drive in accordance with their contract with the City of Birchwood Village.

Adopted this 8th day of October, 2013.

Mary Wingfield, Mayor

Attest: _____
Barbara J. Suciu, Interim City Clerk

**APPROVAL FORM FOR ASSOCIATION DOCK PLANS
CITY OF BIRCHWOOD VILLAGE
(TO BE SUBMITTED TO CITY CLERK PRIOR TO OCTOBER 25, 2013)**

Date 9-27-2013

Beach Association Name Birchwood Dock Association

Beach Association Contact Person Mike Evangelist

Phone # 651-605-5873

Beach Association Officers:

President – Mike Evangelist Phone # 651-605-5873

Vice President – Randy Felt Phone # 651-274-3880

Secretary – Mary Sue Simmons Phone # 651-429-6259

Treasurer – Lynn Hanson Phone # 651-426-8567

Member At Large-- Debra Harrod Phone # 612-246-4612

Amount of Association Dues: \$35

Include the following when submitted form:

1. Drawing to scale of dock configuration, boat slip placement, length of boats, and property lines of easement.
2. A current membership list including identification of officers.
3. Current bylaws/changes of association.
(NOTE: ONLY NEEDED IF CHANGES HAVE BEEN MADE.)
4. Treasurer's report from the current year.
5. Minutes from the last annual meeting.
6. Placement plan if lifts are stored on easement in the winter.

Beach club members with boats or lifts at any of the easements are reminded that a certificate of liability insurance is required to be turned into City Hall by May 1st of every year.

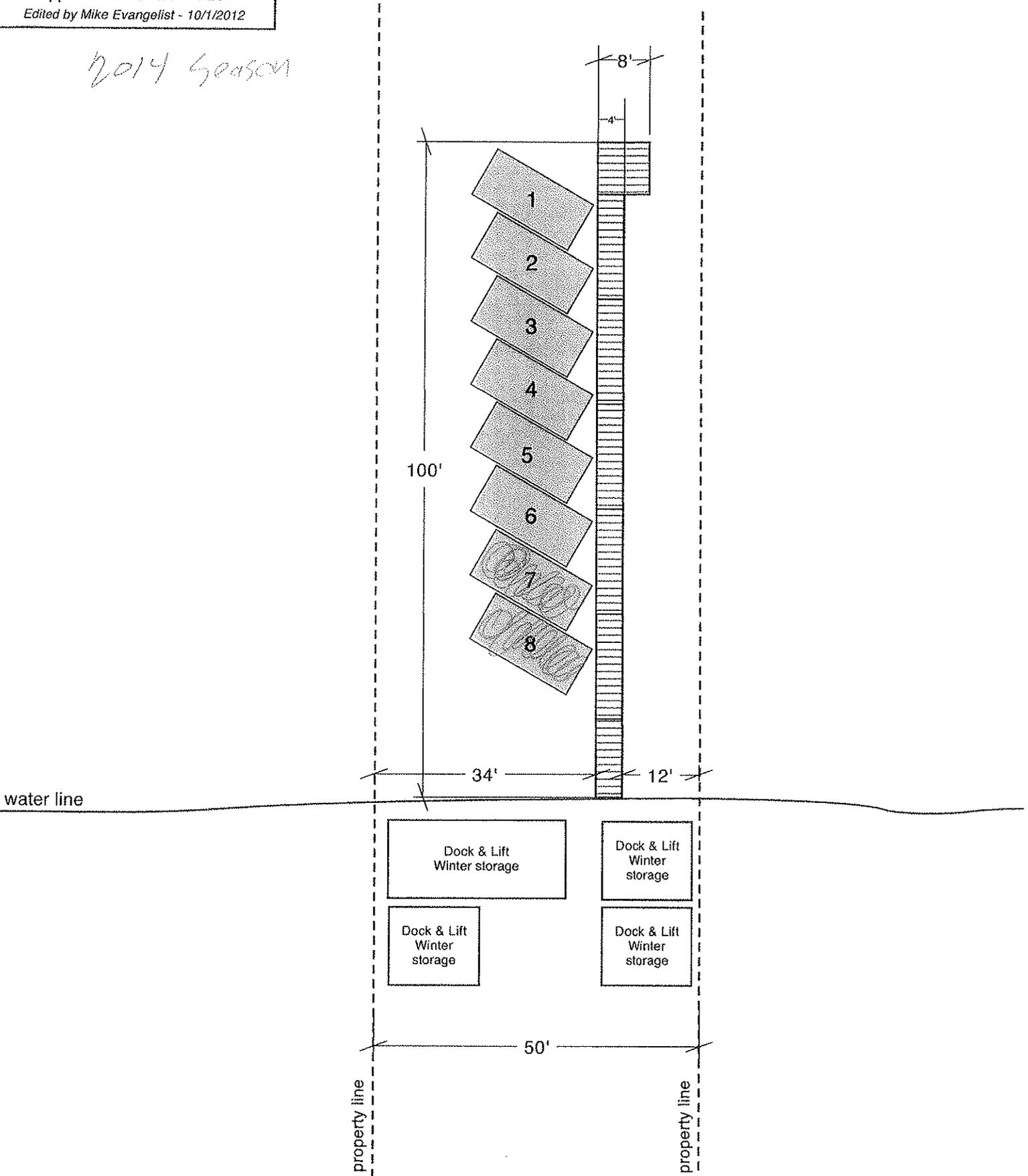
IS THERE A CHANGE FROM PREVIOUS YEAR? YES NO

Ash Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 10/1/2012

2014 Season

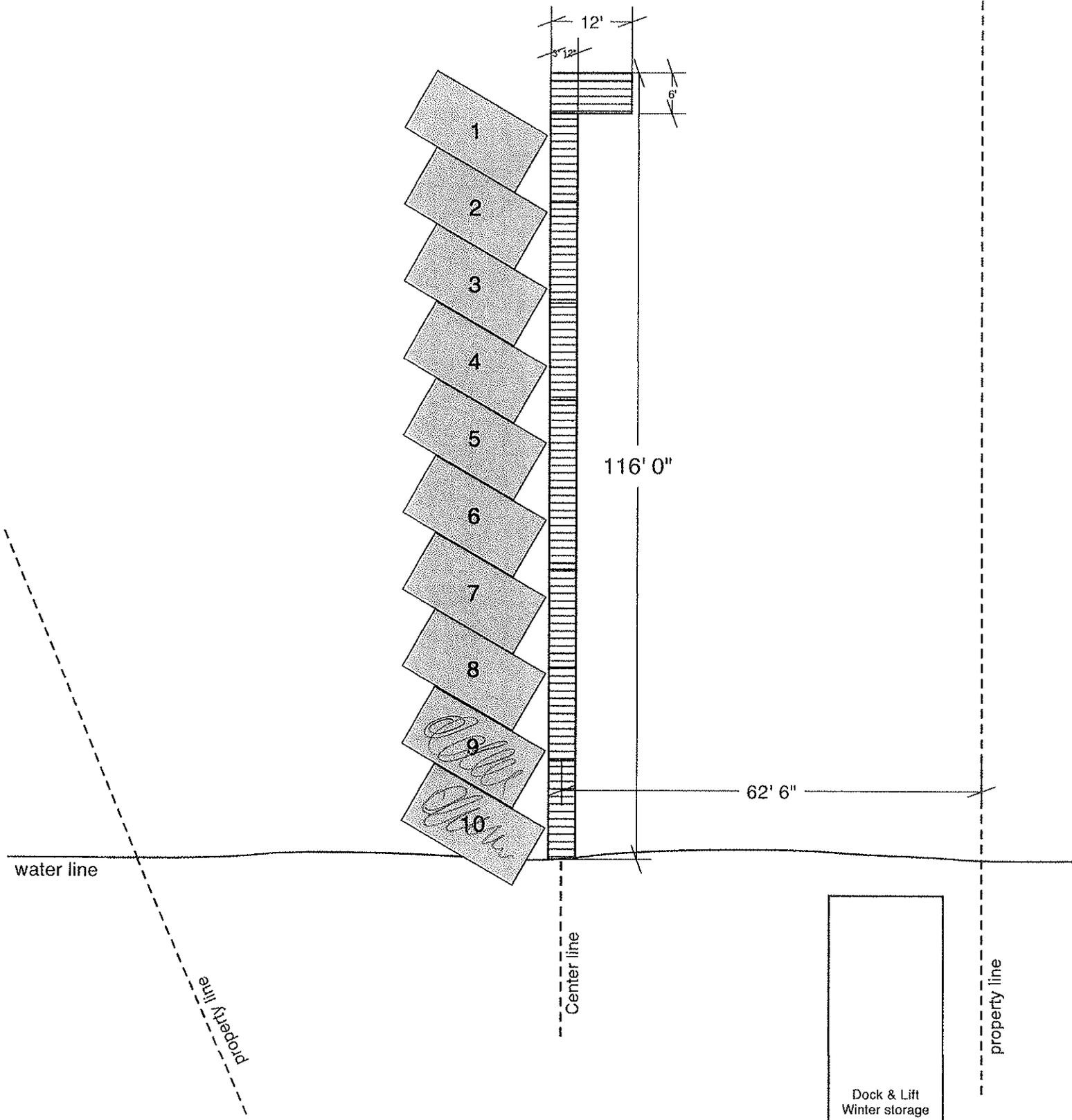


Birch Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 8/25/2012

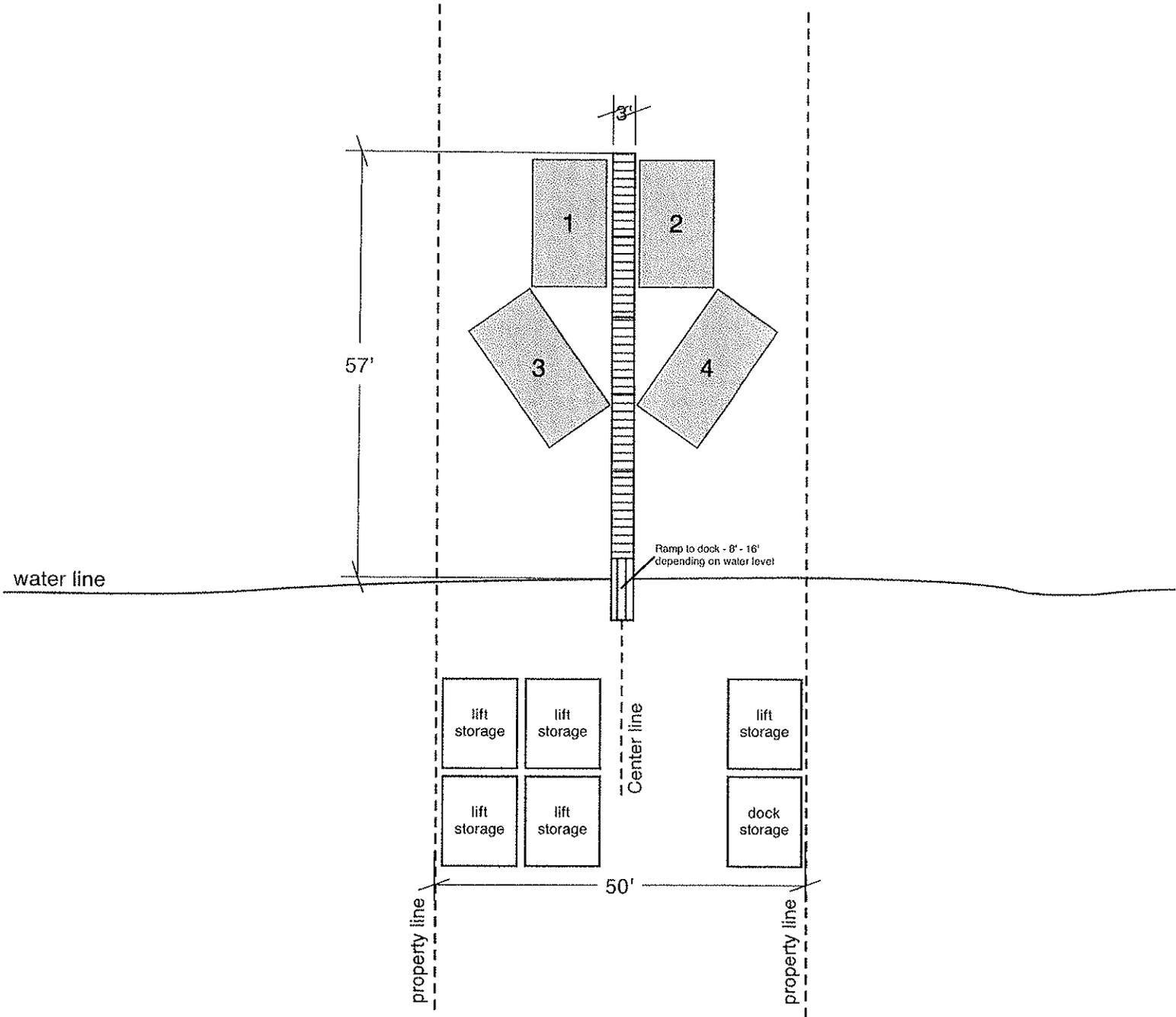
2014 Season



Elm Beach

Approximate Scale 1" = 20'
Edited by Mike Evangelist - 8/24/2012

2014 Season

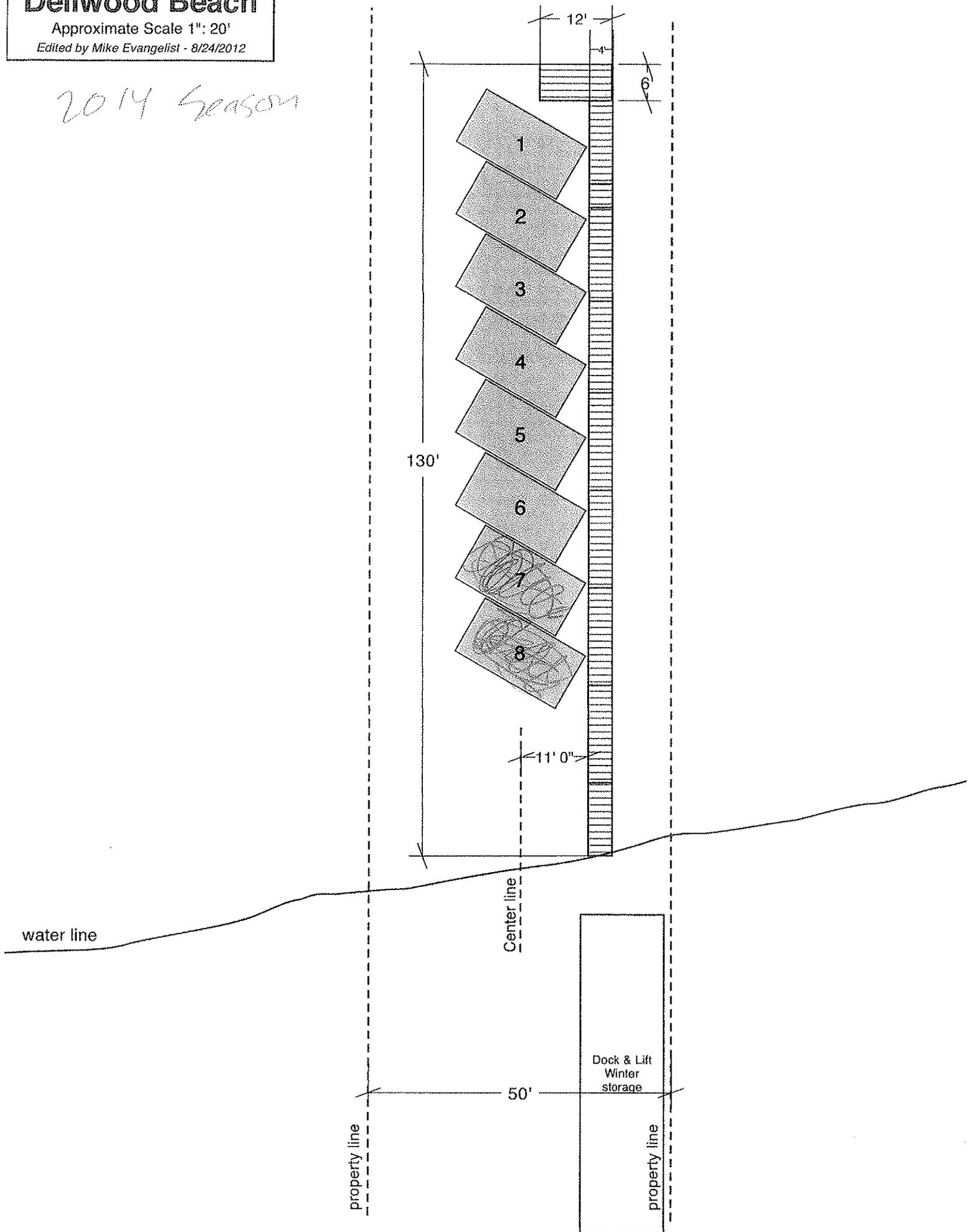


Dellwood Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 8/24/2012

2014 Season

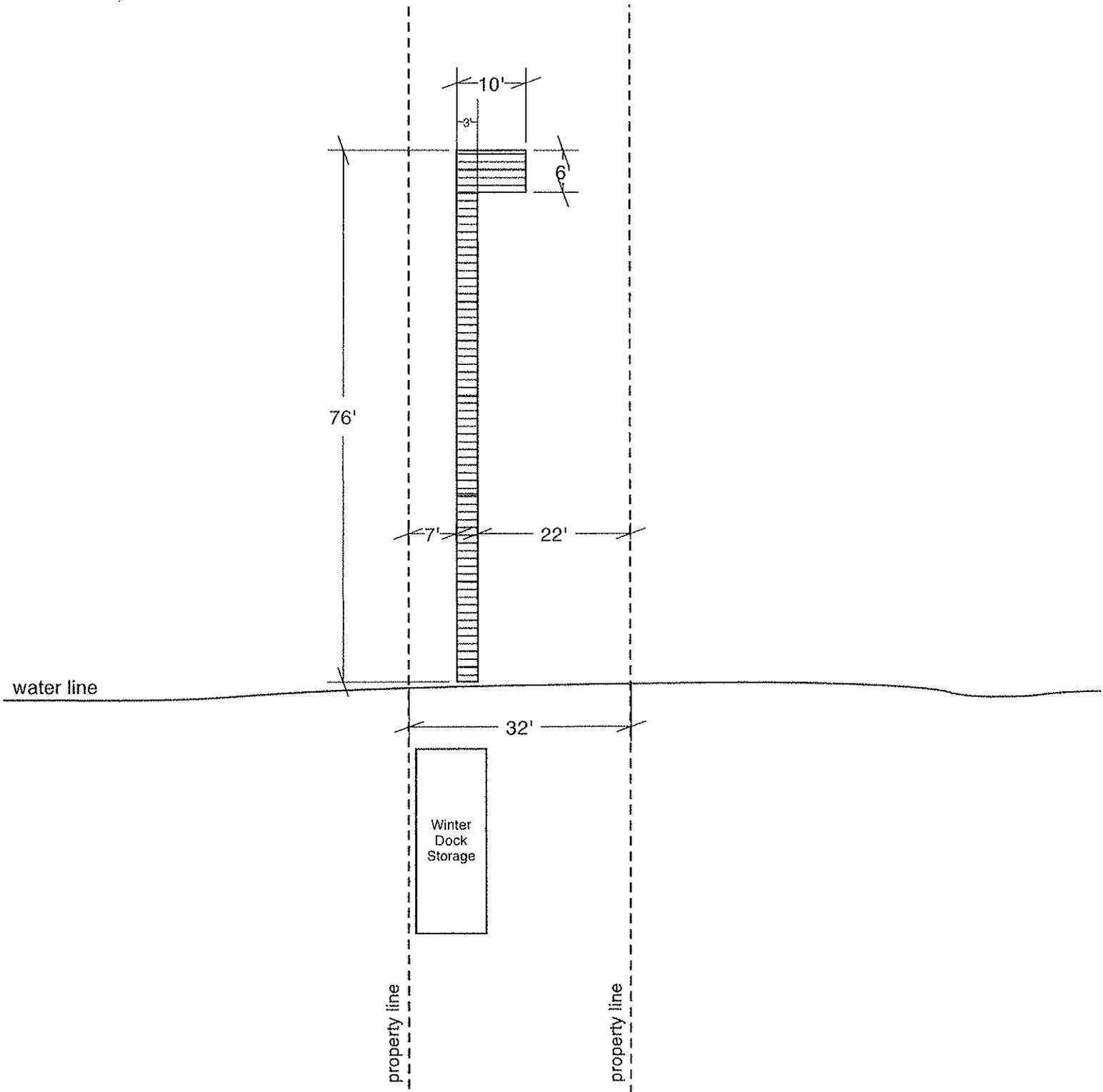


Key Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 10/7/2011

2014
Season

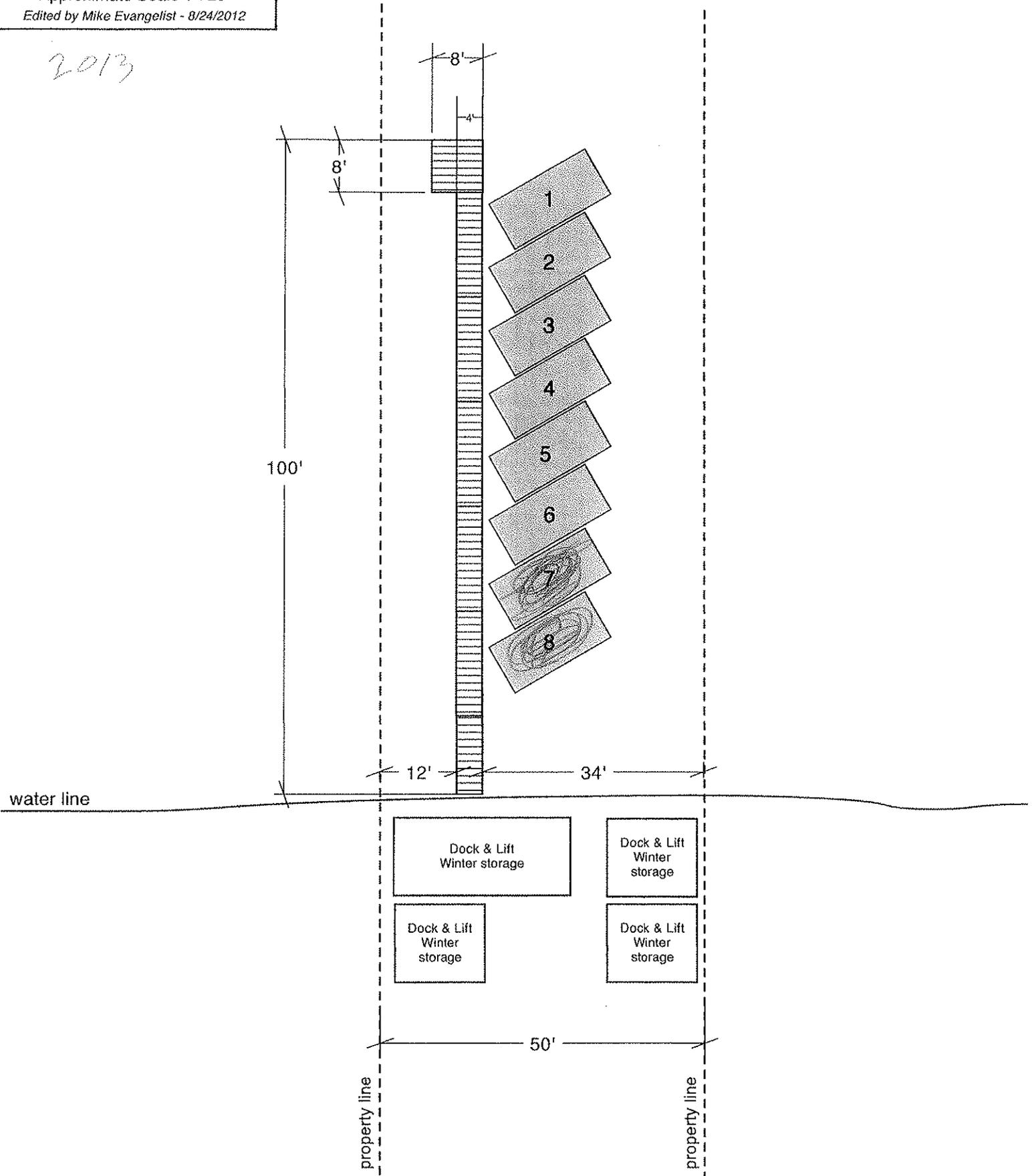


Ash Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 8/24/2012

2013



2013 Membership

	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>
1	Timothy & Susan	Anderson	424 Birchwood Ct.	Birchwood	MN 55110
2	John & Martha	Arlandson	19 Oakridge Dr.	Birchwood	MN 55110
3	Peter & Michelle	Atakpu	201 Birchwood Ave.	Birchwood	MN 55110
4	Bob & Joyce	Belknap	700 Birchwood Ave.	Birchwood	MN 55110
5	Jim & Judy	Berg	889 Barbara Court	Mendota Heights	MN 55118
6	Barb	Brenny	364 Hall Ave.	Birchwood	MN 55110
7	Robert & Catherine	Byerly	618 Hall Ave.	Birchwood	MN 55110
8	Bob & Barb	Carson	704 Hall Ave.	Birchwood	MN 55110
9	Chris & Angie	Churchill	140 Birchwood Ave	Birchwood	MN 55110
10	Mike & Sandee	Ebbott	160 Birchwood Ave	Birchwood	MN 55110
11	Mike & Sandee	Ebbott	160 Birchwood Ave	Birchwood	MN 55110
12	John	Elias	9 Oakhill Ct.	Birchwood	MN 55110
13	Mike	Evangelist	364 Wildwood Ave.	Birchwood	MN 55110
14	Randy & Jackie	Felt	286 Jay St.	Birchwood	MN 55110
15	Adam	Fischer	184 Cedar Ave.	Birchwood	MN 55110
16	Tom & Shawna	Gibson	179 Cedar St	Birchwood	MN 55110
17	Jim & Nansee	Greely	407 Lake Ave.	Birchwood	MN 55110
18	Lynn & Dyanne	Hanson	700 Hall Ave.	Birchwood	MN 55110
19	Jim & Debbie	Harrod	483 Lake Ave.	Birchwood	MN 55110
20	Mark & Mary	Haupt	520 Hall Ave.	Birchwood	MN 55110
21	Louis & Mary	Hauser	616 Hall Ave.	Birchwood	MN 55110
22	Jozsepf & Noel	Hegedus	294 Jay St.	Birchwood	MN 55110
23	Karen	Holmen	706 Hall Ave.	Birchwood	MN 55110
24	Bill & Mary	Hullsiek	290 Jay St.	Birchwood	MN 55110
25	Dana & Lori	Klimp	414 Birchwood Ct .	Birchwood	MN 55110
26	Steve	Kline	184 Wildwood Ave.	Birchwood	MN 55110
27	Bob & Linda	Kordowsky	158 Wildwood Ave.	Birchwood	MN 55110
28	Mick & Reanne	Korich	7 White Pine Lane	Birchwood	MN 55110
29	Doug & Bea	Krinke	429 Wildwood Ave.	Birchwood	MN 55110
30	John & Patti	Lauer	138 Wildwood Ave.	Birchwood	MN 55110
31	Karen Hagen & Brian	Lind	401 Wildwood Ave.	Birchwood	MN 55110
32	John	Lund	608 Wildwood Ave	Birchwood	MN 55110
33	Ron	Malles	420 Wildwood Ave.	Birchwood	MN 55110
34	Laura	Manske	706 Birchwood Ave	Birchwood	MN 55110
35	Bryan & Karin	McGinnis	194 Wildwood Ave.	Birchwood	MN 55110
36	Dr. Michael & Julie	McKenzie	509 Lake Ave.	Birchwood	MN 55110
37	Joseph & Yoshiko	Miller	709 Hall Ave.	Birchwood	MN 55110
38	Alan	Mitchell	23 Oakridge Dr.	Birchwood	MN 55110
39	Charles & Linda	Moore	412 Birchwood Court	Birchwood	MN 55110
40	Troy & Naomi	Morehead	505 Wildwood Ave	Birchwood	MN 55110
41	Gary & Judith	Oakins	291 Jay St.	Birchwood	MN 55110
42	Jordon	Oyloe	533 Wildwood Ave	Birchwood	MN 55110
43	Urho & Pam	Rahkola	545 Wildwood Ave.	Birchwood	MN 55110
44	Christina	Rauch	215 Cedar St	Birchwood	MN 55110
45	David	Remely	553 Wildwood Ave.	Birchwood	MN 55110
46	Chris & Mary	Rollinger	305 Jay St.	Birchwood	MN 55110
47	Steve & Kris	Rush	170 Wildwood Ave.	Birchwood	MN 55110
48	Maureen	Seibert	425 Birchwood Court	Birchwood	MN 55110
49	Mary Sue	Simmons	418 Birchwood Ct.	Birchwood	MN 55110
50	Paul	Steinhauser	600 Birchwood Ave.	Birchwood	MN 55110
51	Ron & Mary	Sternal	6 Hall Court	Birchwood	MN 55110
52	Philip	Sutherland	106 Wildwood	Birchwood	MN 55110
53	Jennifer & Jason	Tell	697 Hall Ave.	Birchwood	MN 55110
54	Ted & Joanne	Thornquist	205 Wildwood Ave.	Birchwood	MN 55110
55	David & Patricia	Trepanier	439 Birchwood Court	Birchwood	MN 55110
56	John	Velin	146 Wildwood Ave.	Birchwood	MN 55110
57	Daniel & Susan	Weber	4 Oak Ridge Dr.	Birchwood	MN 55110
58	Philip & Karen	Winter	1 Five Oaks Lane	Birchwood	MN 55110
59	Chad & Deborah	Woolhouse	430 Wildwood Ave	Birchwood	MN 55110

Birchwood Dock Association Officers - 2014

President

Mike Evangelist
364 Wildwood Ave. 651-605-5873 mike.evangelist@me.com

Vice President

Randy Felt
286 Jay Street 651-274-3880 rfelt@comcast.net

Treasurer

Lynn Hanson
700 Hall Ave. 651-426-8567 lhanson54@comcast.net

Secretary

Mary Sue Simmons
418 Birchwood Cts. 651-429-6259 simmo001@umn.edu

Member at Large

Debbie Harrod
483 Lake Ave. 612-246-4612 debbieharrod@hotmail.com

Complaint Managers

Mike Evangelist 651-605-5873 mike.evangelist@me.com
Randy Felt 651-274-3880 rfelt@comcast.net

Treasures Report 9-14-2013

<u>Date</u>	<u>Transaction</u>	<u>Amount</u>	<u>Balance</u>	
9/8/2012	Fall Meeting		3,501.33	9/8/2012
10/9/2012	Menards - 2 Dock Floats, 2 x 4's, Bolts	\$ (211.10)	3,290.23	
10/22/2012	Dock Out Costs	\$ (2,500.00)	790.23	
11/15/2012	Analysis Service Charge - Bank	\$ (3.25)	786.98	
12/13/2012	Ck #2026 - 2 Dock Floats - Reimb. to LH	\$ (188.80)	598.18	
12/13/2012	Deposit - Kay Beach Donation	\$ 251.21	849.39	
12/20/2012	Ck # 2025 - WBLCD	\$ (650.00)	199.39	
3/25/2013	Willernie Post Office	(92.00)	107.39	
4/6/2013	Spring Meeting		107.39	4/6/2013
30-Apr	April Deposits	3,440.00	3,547.39	
31-May	May Deposits	3,915.00	7,462.39	
6-May	Dock Install	(2,500.00)	4,962.39	
7-May	Menards	(73.80)	4,888.59	
9-May	Tell - City Slip & Storage Fee	(300.00)	4,588.59	
13-May	City Dock Fee	(500.00)	4,088.59	
11-Jun	Ekblad Insurance	(1,383.21)	2,705.38	
19-Jun	Menards	(31.60)	2,673.78	
30-Jun	June Deposits	175.00	2,848.78	
1-Jul	Sutherland - City Storage Fee	(100.00)	2,748.78	
31-Jul	July Deposits	2,875.00	5,623.78	
30-Aug	WBL Post Office	(92.00)	5,531.78	
30-Aug	August Deposits	1,635.00	7,166.78	
10-Sep	Deposit	685.00	7,851.78	
11-Sep	Office Depot	(148.96)	7,702.82	
14-Sep	Fall Meeting		7,702.82	9/14/2013
	Dock Out	(2,500.00)	5,202.82	
	WBLCD - Application Fee	(650.00)	4,552.82	

2013 - Season Summary

Deposits	\$12,976.21
Maint.	(105.40)
Office	\$ (336.21)
Expenses	\$ (8,333.11)
	4,201.49

Birchwood Dock Association Meetings Minutes
September 14, 2013 - Village Hall 9AM-11AM

Meeting Attendees: Dyanne and Lynn Hanson, Mike Evangelist, Alan Mitchell, Barb Brenny, Jackie and Randy Felt, Paul Steinhauser, Mary Sue Simmons; Councilman Bill Hullsiek

Neighborhood Meeting to review dock configurations for 2014 called to order at 9:10 am.

No neighbors were present. However, Hanson and Evangelist presented the dock schematics and there are no changes from last year. The same number of boat slips will be applied for. Tom Delmont confirmed that the current configuration at Ash dock did not need to be changed. So, boats can remain on his side of the Ash dock and do not need to be flipped next season.

Jim Greeley mentioned to Lynn that this was the best dock year ever.

Neighborhood Meeting adjourned at 9:25 a.m.

Fall Meeting of BDA members was called to order at 9:30 a.m.

The minutes from the Spring meeting, April 6, 2013 were approved.

Treasurer's Report presented by Treasurer Lynn Hanson. The report and budget for 2014 were approved. Fees for boat slips and membership will remain the same \$650. The 2014 budget was approved and is essentially the same as the 2013 budget. Association fees will remain the same at \$35.

Dock out date: Saturday, October 19. Back up date is October 20.

New Business:

Dock maintenance: Dellwood dock needs some new boards and so does Birch. Dellwood is more of a priority since it is in worse shape. Some conversation was made about a floating dock for Elm due to muck.

Boat slip assignment process: Members discussed the need for people who are offered slips to commit and pay at the spring meeting or by May 1. It is difficult when a member's lift is placed in the water and then s/he decides somewhere along the line not to put a boat out. The BDA does incur expenses for each spot for lifts in and out along with the users City fee. President Evangelist said he would call people after the spring meeting to verify if a slip was formally accepted for the season. Motion to amend the BDA procedures to say that a boat slip accepted must be paid for by May 1 or the slip is relinquished. Passed.

Boat Slip Wait List – there are currently 14 people on this.

2014 Permit Application is due to the City by September 30, 2013. Application to be Reviewed at Oct. 8 Council meeting.

For the 2014 season, the BDA is asking for the same number of boats slips as 2013. Tom Delmont left Mike Evangelist a message that the association can keep the dock configuration the same at Ash so we

do not need to flip back alternatively. Boats are ok on his side of the dock - Per note to Mike Evangelist. Greeley said it was best year ever to Lynn

City collects a \$200 boat fee directly from each boat slip holder permitted each season. Folks on waiting list have paid this first \$200 fee to be on the list so they pay this again each subsequent year. Dellwood dock needs repair ahead of Birch
Elm may need a floating dock due to muck – Lynn

Old Business

Members discussed ways to get financial help from the City as many residents use the docks without joining the association. The Parks committee might be open to discussing using some of the funds for docks or beaches. Hullsiek will ask the Council at its Oct. 8 meeting to schedule a workshop with the BDA to discuss ways to assist the association perhaps with funds, education and /or reducing the \$200 fee. One possibility is to include the BDA flyer in with the spring utility billing and newsletter.

The role of dock managers was discussed. They need to be involved in the activity at their respective docks and help look out for boat problems and dock problems. Mary Sue will craft a brief job description for dock managers. They should be present for dock in and dock out.

Election of Officers for 2014

Current officers agreed to remain in office for another year! Approved by all present.
Randy Felt will work with Mike in regard to calling and verifying boat slip user's intent of use in the spring.

When openings occur, all boat people should be notified so if someone wants to shift to another dock, this can be negotiated before offering the spot to new people on the waiting list.

Meeting adjourned at 10:45 am.

Respectfully submitted, Mary Sue Simmons (Secretary)

**CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA**

RESOLUTION 2012-30

RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION

WHEREAS, the City of Birchwood Village has identified residents who are delinquent in payment of their utility bills, and

WHEREAS, the City has given notice to those residents that the City Council would conduct a public hearing on November 13, 2012, at which residents who are considered delinquent would have an opportunity to be heard; and

WHEREAS, the City has provided ample opportunity for residents to pay their utility bills.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BIRCHWOOD VILLAGE, MINNESOTA

1. The City of Birchwood Village hereby makes the delinquent utility payments on the following accounts a charge against the resident identified and hereby certifies these unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected.

8167-00 (\$457.87)	8172-00 (\$1,188.14)	8180-00 (\$649.43)
8214-00 (\$243.27)	8290-00 (\$1,194.73)	8330-00 (\$224.82)
	8428-00 (\$516.30)	

2. The resident may pay the amount due at any time. If payment is made before December 14, 2012, the delinquency will not be certified to the county.
3. The City Clerk shall forthwith transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county for in the same manner as other taxes are collected.

Adopted by the City Council this 13th day of November, 2012

Mayor: _____

Date: _____

ATTEST

Clerk: _____

Date: _____

TREE DISPOSAL POLICY

Adopted May 8, 2001
Amended October 8, 2013

DOWNED AND DEAD TREES:

Determine who owns the downed, dead or damaged tree – City or privately owned?

- Tree blown down over the street or an easement will be removed from the street or easement by the City.
- If the tree is a private tree, the disposal is the responsibility of the owner.
 - A. Any City-owned tree will be taken care of by the City.
 - B. If the tree is on the border (between city/resident property), the cost is split 50/50.

LIVING TREES:

A property owner may petition the city council in writing to remove a living tree in a city right of way if:

- A. All property owners within 150 feet of the tree removal shall agree in writing.
- B. A site map showing the tree at issue and the relative location of the nearby property owners shall be provided by the applicant.
- C. The cost of removal is borne 100% by the petitioner(s)
- D. The removal shall be done by a licensed and bonded contractor and that contractor shall hold the city harmless from any damage caused or accident incurred. Appropriate documentation shall be provided to the city clerk

The city council is the final arbiter of whether a tree shall be removed under this policy