



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
August 17, 2016  
7:00 P.M.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

**CITY BUSINESS – CONSENT AGENDA**

- A. Approval of Regular Meeting July 12, 2016 Minutes\*
- B. Approval of Treasurer's Report\*
- C. Approval of Ordinance 2016-08-16: Opting Out of Temporary Family Health Care Dwellings\*
- D. Resolution 2016-08-18: Authorizing Approval for Application for Planning Assistance Grant Funds (\$10,000 for 2040 Comprehensive Plan)\*
- E. Resolution 2016-08-01: Accepting a \$50 donation for stop signs from Steve & Karen Wolgamot\*

**CITY BUSINESS – REGULAR AGENDA**

- A. Ordinance 605.043 Review\* (Allow Dogs in Parks)
- B. Safety Committee Ordinance, First Reading\*
- C. Invitation to Patty Wetterling to attend September council meeting
- D. Fee Schedule Update\*
- E. Enforcement of Drainage/Runoff control measures from construction sites
- F. Impervious Surface Discussion\*

\* Denotes items that have supporting documentation provided

- G. Catch Basin clean out--refer to city engineer for frequency, practicality of cleaning out redundant structures
- H. Sheriff report\*/ Traffic trailer to be deployed on Hall as well as Wildwood Ave
- I. SCC Update: Council Member Lafoy
- J. Restructuring City Clerk Position\* (Council may close the meeting to discuss employee performance at anytime)
- K. City Administrator's Report
  - November meeting date suggestions: November 9, 15, 16
  - Fall leaf collection dates
  - WBLCD Open Position: Seeking a Volunteer
  - Sewer Maintenance/Impeller Update
- L. City Attorney's Report

**ADJOURN**

\* Denotes items that have supporting documentation provided

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
July12, 2016**

**MINUTES**

**MEMBERS PRESENT:** Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson Randy LaFoy and Bill Hullsiek.

**STAFF PRESENT:** Mike Anderson, City Administrator

**OTHERS PRESENT:** Steve Schad, Andrew Jackola, Megan Malvey, and others.

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

**AGENDA APPROVAL:**

**Mayor Wingfield:** Added 1) Impervious Surface Policy and 2) White Bear Lake Conservation District Board Member Status to the agenda. Removed below Consent Agenda item C. Approval of Agreement for TKDA: 3rd Party Plan Reviewer for discussion at a later special Workshop.

**MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.**

**OPEN PUBLIC FORUM:**

**Steve Shad (130 Cedar St.):** Requested that the ordinance that prohibits pets from entering City parks be modified to allow pets into parks that are under control with a leash and cleaned up afterwards.

**Mayor Wingfield:** Stated that all of the beaches, except for Kay, allow pets. She noted that other parks do prohibit pets but that perhaps the Council should review the ordinance to make sure it meets the current needs of Birchwood residents. She asked Administrator Anderson to add this topic to next month's City Council Meeting Agenda - specifically for Nordling Park and Tighe Schmitz Park.

**Council Member Anderson:** Asked whether Kay Beach should also be added to that discussion.

**Council Members Hullsiek, LaFoy, and Woolstencroft:** Agreed that discussions should include Kay Beach.

**Mayor Wingfield:** Added that perhaps the Council should address all of the parks since Birchwood is a pet friendly City.

**ANNOUNCEMENTS:** Village Hall railing has been re-installed and looks great. The July 4th parade was great, as was the swim across the lake.

**CITY BUSINESS – CONSENT AGENDA**

**A. Approval of Regular Meeting June 14, 2016 Minutes**

**B. Approval of Agreement for TKDA: 3rd Party Plan Reviewer**

Removed for discussion at a Special Workshop.

**C. RESOLUTION NO. 2016-07: Approval of Appointment of Election Judges 2016**

**MOTION WAS MADE TO APPROVE CONSENT AGENDA BY COUNCIL MEMBER ANDERSON AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED.**

**D. Approval of Treasurer's Report**

**Mayor Wingfield:** Asked about the Sewer Fund as it didn't seem to reflect the lift station expenses in the report. She also asked why the Interstate Power Systems bill for the generator was so expensive since the City doesn't pay tax. She asked Administrator Anderson to itemize the special projects / boat fees and to separate that trust money from the City's account.

**Administrator Anderson:** Answered that the lift station expenses were placed under the Capital Projects fund / Public Works; he will request a revised invoice from Interstate Power Systems that doesn't include the tax; and he would itemize the Special Projects / boat fees as requested.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE TREASURER'S REPORT AS DISCUSSED. ALL AYES. MOTION PASSED.**

**Mayor & Council Members:** Discussed the TKDA agreement and any questions or concerns they had about it.

**Mayor Wingfield:** Said she wants a copy of TKDA's procedural paperwork to assure that their process matches Birchwood's needs. TKDA's rate is a considerable increase from what Birchwood currently charges residents for Permits. She is concerned that residents are not going to embrace the increase in permit rates. She felt that a fee schedule needs to be created/updated to match the new costs.

**Council Member Woolstencroft:** Stated that the Council had agreed that the costs of hiring TKDA would be paid for by the resident seeking the permit.

**Council Member Hullsiek:** Stated that only residents seeking variances or additions to existing structures would require TKDA's services.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE TKDA CONTRACT. ALL AYES. MOTION PASSED.**

**CITY BUSINESS - REGULAR AGENDA**

## A. Safety Committee Update

**Andrew Jackola & Megan Malvey:** The Safety Committee has drafted a new ordinance at Council's request and now comes before the Council to request that this new draft be passed as a permanent ordinance. Details and explanations of this draft were provided. The Committee feels that this draft is Constitutional, fair, and legally defensible.

**Steve Shad (130 Cedar St.):** Voiced his support for the Safety Committee's draft, stated that it sounded balanced and fair, and urged Council to pass the ordinance.

**Mayor Wingfield:** Stated that Mahtomedi is also considering a sex-offender ordinance in July and she plans to watch that process closely. She also informed the Committee that Birchwood's own City Attorney must first review this draft and advise Council before they can act on it; Attorney Kantrud has not yet reviewed the Committee's draft and is not present at that meeting to advise them.

**Council Members LaFoy & Anderson:** Stated that the Council could pass a first reading of the draft.

**Mayor Wingfield & Council Member Woolstencroft:** Disagreed, stating that the Council must wait for Attorney Kantrud's advice first.

**Megan Malvey:** Asked what the Committee could have done more than they already did. The Committee submitted the draft to Attorney Kantrud at least two weeks prior to the Council Meeting.

**Mayor Wingfield:** Replied that regardless when the Committee submitted the request to Attorney Kantrud, the City Attorney had not yet reviewed the draft and Council must wait for the Attorney's review and advice before making a reading of the draft.

**MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCIL MEMBER LAFOY TO REFER THE SEX OFFENDER ORDINANCE SUBMITTED BY THE SAFETY COMMITTEE TO CITY ATTORNEY KANTRUD FOR REVIEW AND LEGAL ADVICE AT THE AUGUST CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCIL MEMBER ANDERSON TO HAVE THE FIRST READING OF THE SEX OFFENDER ORDINANCE AS PRESENTED BY THE SAFETY COMMITTEE, ALONG WITH THE COMMITTEE'S RATIONAL, AT THE AUGUST CITY COUNCIL MEETING. FOUR AYES AND COUNCIL MEMBER WOOLSTENCROFT ABSTAINING. MOTION PASSED.**

**Andrew Jackola:** Stated that the Safety Committee has included Attorney Kantrud in many of the emails regarding this draft and the fact that he has not reviewed the draft and that the draft is now being delayed comes as a great shock to Committee members.

**Megan Malvey:** Asked again what the Committee could have done differently to get Attorney Kantrud to review the draft and provide feedback so that the draft could be read as a first reading at tonight's meeting, as was requested of him.

**Mayor Wingfield:** Stated that she couldn't answer that question and that Malvey would need to have that conversation with Attorney Kantrud.

**Megan Malvey:** Disagreed with the Mayor, stating that as the Mayor of Birchwood, it was her duty to direct the City Attorney to act on behalf of the City.

**Council Member Anderson:** Stated that even if Attorney Kantrud had reviewed the ordinance, Anderson wouldn't have felt comfortable voting on the ordinance without first receiving legal advice from Kantrud at the City Council meeting. Accordingly, Anderson didn't feel that the ordinance had been delayed. He hopes that when the time comes to read and vote on the ordinance, much more of the City residents will be present.

#### **B. August and November Meeting Dates to be Rescheduled**

**Administrator Anderson:** Informed Mayor and Council that Both August and November Council meetings will need to be rescheduled due to elections. He proposed holding the Council meetings either one day later, on a Wednesday, rather than Tuesday, or the Tuesday following the regularly scheduled meeting. Specifically, he suggested either August 10 or 16 and November 9 or 15.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO MOVE THE AUGUST CITY COUNCIL MEETING TO WEDNESDAY AUGUST 10. IF A QUORUM CANNOT BE PRESENT ON THE 10TH THEN THE MEETING WILL BE HELD ON THURSDAY AUGUST 11. ALL AYES. MOTION PASSED.**

**Mayor Wingfield:** Stated that Council will reschedule the November Council meeting at the August Council meeting.

#### **C. 232 Wildwood Avenue Discussion**

**Administrator Anderson:** Provided a history of the dispute between the City and the contractor at the 232 Wildwood Avenue construction site.

**Mayor Wingfield:** Expressed her displeasure at how this dispute ended. The City recognized a potential problem early on at this construction site and attempted to correct it before it became a problem. Despite the City's attempts, damage was caused and the City has been left with the expense of repairing the damage, which it never agreed to nor budgeted for.

**Council Member Hullsiek:** Recommended the City rent an aerator and maybe replant some grass seed in an attempt to repair the damage as cheaply as possible. If that doesn't work then the grass can be re-grown in the Fall. He volunteered to take on this project.

**Council Member LaFoy:** Added that he would help Council Member Hullsiek with this project.

**Mayor Wingfield:** Asked when the no parking signs would be installed. She also asked when the new stop signs would be added.

**Council Member Anderson:** Answered that the signs are waiting on Gopher One Call to mark the utility lines so that the signs can be installed. He also stated that the stop signs are waiting for Gopher One Call and will be installed soon.

**D. Council Member LaFoy Report**

**1. LED Lights:** Council Member LaFoy updated Council on this project. He is still working on this project but essentially Excel Energy claims that the City has no authority to access to the poles or the lights.

**2. Century Link Update:** The City is still in negotiations with Century Link.

**E. Impervious Surface Policy**

**Mayor Wingfield:** Advised the Council that the City's impervious surface policy seems to need adjusting. It seems that Birchwood is the only city that doesn't put pervious service in the equation for impervious surfaces - it is treated like grass. She asked Administrator Anderson to research Rice Creek and the DNR policies on impervious surfaces. She suggested that TKDA may even be able to provide some guidance on this subject. She asked Anderson to provide his findings at the August Council meeting.

**F. White Bear Lake Conservation District Board Member Status:**

**Mayor Wingfield:** Stated that she had heard Jane Harper had left the White Bear Lake Conservation District and asked if others knew anything about this change.

**Administrator Anderson:** Reminded Council that he notified them at the time of Jane Harper's resignation from the Conservation District Board. The City has not reappointed anybody to this position at this time.

**Mayor Wingfield:** Asked that a notice of this vacancy be published in the newspaper and in the next City newsletter.

**Council Member LaFoy:** Agreed with Mayor's request.

**E. City Administrator Report**

**1. Lift Station Discussion & Generator Update**

**GENERATOR UPDATE**

**Administrator Anderson:** Advised the Mayor and Council that the lift station generator has been installed and is only awaiting its natural gas to be connected by Xcel Energy. Once the natural gas has been connected, Interstate Power will come out and show the City how to run the monthly generator checks. He has and will continue to involve John Anderson in these meetings as John Anderson will be performing the monthly checks for the City. He also suggested to Council that the City consider screening the generator with a hedge bush because the generator is an eyesore.

**Mayor Wingfield:** Stated that she had spoken to John Manship about the generator and that he advised her that the generator's gas valve and piping are incorrect. The valve has no lock and the piping used is copper, which is a high theft metal.

**Administrator Anderson:** Agreed with Manship's advice. He said that he also spoke with Mr. Manship and Manship had recommended using galvanized pipe instead of copper. Anderson will contact Roger from Interstate Power about these issues.

**Council Member LaFoy:** Concerned that the generator seems too close to the road and some car could swerve off the road and hit the generator. He also recommends having local artists paint the generator.

**Mayor Wingfield:** Recommended that a neighborhood meeting be held to decide what the residents living around the generator would like to see happen.

#### **LIFT STATION DISCUSSION**

**Administrator Anderson:** Updated the Council on lift station expenses and noted that the cost is beginning to decline after the recent repairs. He provided Council with 2 options for moving forward with the City's lift stations and asked Council to determine which option they choose. The first option is to remain with White Bear Township - no change. The second option is to hire an independent contractor to maintain the lift stations instead of White Bear Township. The second option would require that the City purchase its own cellular SCADA software instead of radio signal.

**Council Member Woolstencroft:** Stated that Council Members must first know what the fee breakdown is for the independent contractor.

**Council Member Hullsiek:** Asked if the independent contractor worked alone or had other workers - he is concerned from a liability standpoint. The cellular SCADA system is a reliable system.

**Mayor Wingfield:** Stated that the City would require any independent contractor to be bonded.

**Council Member LaFoy:** Stated that it would be worth finding out how much it would cost to have White Bear Township modify their monitoring of Birchwood's lift stations to a cellular format.

**Mayor Wingfield:** Asked Administrator Anderson to have City Engineer Steve Thatcher provide Council with the cost of having White Bear Township use a cellular format to monitor the City's lift stations. The City already has an obligation to White Bear Township. The City has already resolved one lift station issue, now there is only the issue of failcoms.

**Administrator Anderson:** Agreed to follow-up with Steve Thatcher and to keep the Council up to date on any information he receives.

#### **2. Catch Basins Cleaning Approval**

**Administrator Anderson:** Presented a quote from a company to clean out 6 of the City's 8 catch basins. The quote includes the cost of hauling the material 2 hours to the company's disposal site. White Bear Township also disposes its catch basin materials at an off-site location; he doesn't remember where but it is also not close.

**Mayor Wingfield:** The City needs to continue to search for alternative dump sites that are closer and less expensive to use.

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE AMENDED CONTRACT FOR CLEANING THE CATCH BASINS, THAT INCLUDES IN THE PRICE THE COSTS FOR HAUAGE TO AN OFFSITE DUMP SITE. ALL AYES. MOTION PASSED.**

**Council Member LaFoy:** Stated that it would also be important to follow-up on clean up of the roadside spillway by the Birch Easement. It has been cleaned out in the past.

**Mayor Wingfield:** Said that Rice Creek would have to be contacted for this information but agreed it would be important to keep updated on.

**Council Member Anderson:** Stated the name of the company's that clean out the City's roadside spillways.

**Council Member LaFoy:** Stated that a standard needs to be created for when to clean these roadside spillways.

**Council Member Anderson:** Stated that a standard should follow the amount of sand dumped on the roads during the winter.

**F. City Attorney's Report**

City Attorney Kantrud was not present at the meeting so this report was skipped.

**ADJOURN**

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:30 P.M.**

\_\_\_\_\_  
Mary Wingfield  
Mayor

\_\_\_\_\_  
Mike Anderson  
City Administrator-Clerk

ATTEST:

As of 08/15/2016

Fiscal Year:2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$627,787.04	\$25,834.36	\$257,581.74	\$396,039.66
Special Rev Projects	\$2,800.02	\$1,200.00	\$3,085.00	\$915.02
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
Sewer 2004 Bonds	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$8,424.62	\$0.00	\$0.00	\$8,424.62
Cap Project - PW	\$48,758.91	\$30,000.00	\$38,650.00	\$40,108.91
Water Enterprise Fund	\$15,617.59	\$36,228.47	\$33,741.71	\$18,104.35
Sewer Enterprise Fund	\$72,436.59	\$57,519.49	\$83,137.95	\$46,818.13
Sewer Infrastructure	\$3,845.00	\$0.00	\$0.00	\$3,845.00
<b>Total</b>	<b>\$779,669.77</b>	<b>\$150,782.32</b>	<b>\$416,196.40</b>	<b>\$514,255.69</b>

Date range: 07/15/2016 to 08/15/2016

<u>Remitter</u>	<u>Date</u>	<u>Receipt #</u>	<u>Total</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
MN STATE	07/19/2016	1780	\$159.00	Court Fine	(07/19/2016) -	No	100-34170	\$159.00
Cash	07/25/2016	1778	\$20.00	Canoe Permit x 2	(07/25/2016) -	No	100-32220	\$10.00
Anthony Dabruzzo	08/11/2016	1782	\$10.00	Kayak Permit	(08/11/2016) -	No	100-32220	\$10.00
Alicia Jackola	08/11/2016	1783	\$2.00	Candidate Filing Fee	(08/11/2016) -	No	100-32220	\$10.00
Cash	08/11/2016	1784	\$6.00	Candidate Filing Fee x 3	(08/11/2016) -	No	100-36140	\$2.00
Stephen Huntley	08/11/2016	1785	\$2.00	Candidate Filing Fee	(08/11/2016) -	No	100-36140	\$6.00
Joseph Choulock II	08/11/2016	1787	\$10.00	Kayak Permit	(08/11/2016) -	No	100-36140	\$2.00
Cash	08/11/2016	1788	\$157.25	Permit	(08/11/2016) -	No	100-32220	\$10.00
Maureen McKiernan	08/11/2016	1789	\$25.00	Hall Rental	(08/11/2016) -	No	100-32210	\$157.25
Megan Schaffhausen	08/11/2016	1790	\$99.25	Permit	(08/11/2016) -	No	100-34101	\$25.00
Ashton McGee Restoration Group	08/11/2016	1791	\$113.75	Permit	(08/11/2016) -	No	100-32210	\$99.25
K.B. Service Company	08/11/2016	1792	\$31.50	Permit	(08/11/2016) -	No	100-32210	\$113.75
Cash	08/15/2016	1793	\$4.00	Candidate Filing Fee x 2	(08/15/2016) -	No	100-32210	\$31.50
Gregory Koehler	08/15/2016	1794	\$10.00	Dog License	(08/15/2016) -	No	100-36140	\$2.00
							100-36140	\$2.00
							100-32240	\$10.00
<b>Total For Selected Receipts</b>			<b>\$649.75</b>					<b>\$649.75</b>

Date range: 07/13/2016 to 08/15/2016

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Fred Batley	07/18/2016	29238	\$150.00	Music in the Park	No	100-45100-440	\$150.00
Menards - Oakdale	07/18/2016	29239	\$111.69	Gardening Supplies	No	100-45200-305	\$59.90
						100-45200-305	\$51.79
Interstate Power Systems, Inc.	07/18/2016	29240	\$38,650.00	Generator/Installation	No	401-43190-305	\$38,650.00
Payroll Period Ending 07/19/2016	07/19/2016	29241	\$1,410.79		No	100-41400-100	\$1,410.79
PERA	07/19/2016	EFT71816	\$274.40	Employee Retirement	No	100-41400-121	\$274.40
John Barrett	07/25/2016	29242	\$150.00	Music in the Park	No	100-45100-440	\$150.00
Amazon	07/25/2016	EFT072516	\$74.79	Office Supplies - Toilet Paper	No	100-41420-200	\$74.79
Payroll Period Ending 08/02/2016	08/02/2016	29243	\$1,410.79		No	100-41400-100	\$1,410.79
Payroll Period Ending 08/02/2016	08/02/2016	29244	\$407.89		No	100-41400-100	\$407.89
PERA	08/02/2016	ef8216	\$274.40	Employee Retirement	No	100-41400-121	\$274.40
Dale Boettcher	08/09/2016	29245	\$21.92	Elections Reimbursement	No	100-41410-810	\$21.92
Payroll Period Ending 07/31/2016	08/11/2016	29246	\$321.12		No	100-41400-100	\$321.12
Anderson, Michael	08/11/2016	29247	\$8.64	Reimbursement - election judge supplies	No	100-41410-210	\$8.64
Press Publications	08/11/2016	29248	\$109.76	Legal Notice Publications x7	No	100-41130-351	\$31.36
						100-41130-351	\$47.04
						100-41130-351	\$31.36
Croix Valley Inspections Inc	08/11/2016	29249	\$11,159.83	Inspection Fees (2016-1 thru 2016-44)	No	100-42401-305	\$8,349.80
						100-42401-305	\$2,810.03
AVENET, LLC	08/11/2016	29250	\$375.00	Annual Service Package	No	100-41420-230	\$375.00
KEJ Enterprises	08/11/2016	29251	\$1,960.05	Mowing & Signs	No	100-43155-305	\$1,285.05
						100-45010-305	\$675.00
Heating & Cooling Experts, LLC	08/11/2016	29252	\$436.00	A/C Tune Up & Repair	No	100-41940-300	\$436.00
Washington County Sheriff	08/11/2016	29253	\$23,348.83	Police Services Jan-Jun 2016	No	100-42100-305	\$23,348.83
On-Site Sanitation Inc	08/11/2016	29254	\$275.52	Rental Monthly Units x 2	No	100-45200-305	\$77.26
						100-45200-305	\$99.13

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
Metropolitan Council Env. Service	08/11/2016	29255	\$4,080.09	Wastewater Service September 2016	No	100-45200-305	\$99.13
Quality Flow Systems, Inc.	08/11/2016	29256	\$390.00	Lift Station Inspection/Repair	No	605-43190-217	\$4,080.09
Manship Plumbing & Heating Inc	08/11/2016	29257	\$1,270.00	Monthly Standby/locates/services	No	605-43190-380	\$390.00
Gopher State One Call	08/11/2016	29258	\$41.85	Locates (31 Tickets)	No	601-43180-305	\$1,270.00
City of Roseville	08/11/2016	29259	\$274.75	July 2016 IT/Phone Services	No	100-42805-305	\$41.85
Steve Dean Tree Trimming	08/11/2016	29260	\$400.00	Trees at Birch Easement	No	100-41955-320	\$274.75
Companion Animal Control LLC	08/11/2016	29261	\$240.00	Animal Control - Qtr2, 2016	No	100-43135-305	\$400.00
TSE, INC	08/11/2016	29262	\$23.00	City Hall Janitorial Services July 7	No	100-42810-305	\$240.00
Menards - Oakdale	08/11/2016	29263	\$165.54	Gardening Supplies & Kayak Rack	No	100-41940-305	\$23.00
LMCIT	08/11/2016	29264	\$306.00	Remaining Workers Comp Premium	No	100-45200-305	\$51.79
White Bear Township	08/11/2016	29265	\$975.65	Lift Station Check / Repairs (7/11/16 - 7/24/16)	No	100-45200-305	\$59.90
White Bear Township	08/11/2016	29266	\$610.24	Lift Station Check / Repairs (6/27/16 - 7/10/16)	No	100-45200-305	\$14.81
City of Roseville	08/11/2016	29267	\$60.47	July 2016 IT/Phone Services	No	100-45200-305	\$39.04
Joe Cruz	08/11/2016	29268	\$150.00	Music in the Park	No	100-41945-150	\$306.00
Payroll Period Ending 08/03/2016	08/11/2016	29269	\$265.50		No	605-43190-305	\$975.65
Xcel Energy	08/11/2016	EFTa081116	\$1,220.19	Electric for Street Lights	No	605-43190-305	\$610.24
Xcel Energy	08/11/2016	EFTb081116	\$650.34	Electric for Lift Stations/Warminghouse	No	100-41955-320	\$60.47
Zaccurus Fricke	08/15/2016	29270	\$150.00	Music in the Park	No	210-45100-440	\$150.00
					No	100-45200-100	\$265.50
					No	100-43160-380	\$1,220.19
					No	100-41940-380	\$122.89
					No	100-43190-380	\$514.76
					No	100-45200-380	\$12.69
					No	210-45100-440	\$150.00

City of Birchwood Village

Vendor  
Total For Selected Checks

Date

Check #

Total Description  
\$92,205.04

Void Account #

Detail  
\$92,205.04

08/15/2016

Disbursements List

As of 08/15/2016

**Special Rev Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$1,200.00	\$1,200.00
Total Acct 322	\$0.00	\$1,200.00	\$1,200.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$1,200.00</b>	<b>\$1,200.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation			
Community Events	\$0.00	\$300.00	(\$300.00)
Total Acct 451	\$0.00	\$300.00	(\$300.00)
Parks			
Contracted Services	\$0.00	\$260.00	(\$260.00)
Repair/Maint-Contractual	\$0.00	\$2,325.00	(\$2,325.00)
Total Acct 452	\$0.00	\$2,585.00	(\$2,585.00)
Unallocated Expenditures			
Refunds & Reimbursements	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$3,085.00</b>	<b>(\$3,085.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$2,800.02</b>	
<b>Cash Balance as of 08/15/2016</b>		<b>\$915.02</b>	

As of 08/15/2016

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$30,000.00	
Disbursements:			
Sewer Utility			
Contracted Services	\$0.00	\$38,650.00	(\$38,650.00)
Total Acct 431	\$0.00	\$38,650.00	(\$38,650.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$38,650.00</b>	<b>(\$38,650.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$48,758.91</b>	
<b>Cash Balance as of 08/15/2016</b>		<b>\$40,108.91</b>	

As of 08/15/2016

<b>Water Enterprise Fund</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	\$0.00	\$34,915.70	\$34,915.70
Penalty - Late Water/Sewer	\$0.00	\$180.02	\$180.02
State and Misc fees	\$0.00	\$1,132.75	\$1,132.75
Total Acct 341	\$0.00	\$36,228.47	\$36,228.47
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$36,228.47</b>	<b>\$36,228.47</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Financial Administration			
Contracted Services	\$0.00	\$3,866.25	(\$3,866.25)
Total Acct 415	\$0.00	\$3,866.25	(\$3,866.25)
Water Utility			
Contracted Services	\$0.00	\$28,779.46	(\$28,779.46)
Fees	\$0.00	\$1,096.00	(\$1,096.00)
Total Acct 431	\$0.00	\$29,875.46	(\$29,875.46)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$33,741.71</b>	<b>(\$33,741.71)</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$15,617.59</b>	
<b>Cash Balance as of 08/15/2016</b>		<b>\$18,104.35</b>	

As of 08/15/2016

**Sewer Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$386.90	\$386.90
Sewer Fee	\$0.00	\$57,132.59	\$57,132.59
Total Acct 341	\$0.00	\$57,519.49	\$57,519.49
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$57,519.49</b>	<b>\$57,519.49</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Sewer Utility			
Sewer - Wastewater Charge	\$0.00	\$32,640.72	(\$32,640.72)
Contracted Services	\$0.00	\$38,262.09	(\$38,262.09)
Utility Services	\$0.00	\$11,235.14	(\$11,235.14)
Misc	\$0.00	\$1,000.00	(\$1,000.00)
Total Acct 431	\$0.00	\$83,137.95	(\$83,137.95)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$83,137.95</b>	<b>(\$83,137.95)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$72,436.59</b>	
<b>Cash Balance as of 08/15/2016</b>		<b>\$46,818.13</b>	

## MEMORANDUM

**TO:** Mike Anderson, City Administrator

**FROM:** H. Alan Kantrud, City Attorney

**DATE:** July 29, 2016

**SUBJECT:** Consider Approval of Ordinance Opting Out of Recently Passed Legislation Requiring Cities to Permit Temporary Family Health Care Dwelling Units

### Introduction

In this year's legislative session a bill was passed that requires cities to allow, "temporary accessory dwelling units". The law exempts said applications for units that meet the definition from typical zoning authority and requires cities to approve them within 15 days. The law requires the dwellings to be permitted with only a doctor's note confirming a qualified condition on the part of the resident(s) and provides blanket exceptions to typical building, zoning, and fire regulations. While being debated, many Minnesota cities presented concerns and objections to allowing said structures for health, safety, and neighborhood concerns to the legislature through the League of Minnesota Cities. The end result was a law requiring cities and counties allow them; however, the law also provides that cities and counties may opt out of the law by local ordinance. The new law goes into effect on September 1, 2016. The attached opt out ordinance is attached for consideration.

### Discussion

The requirement of approving this new form of housing in the City without regard to standard zoning procedures has many implications to the City and neighborhoods as it creates higher densities by allowing two dwelling units on lots zoned for only one dwelling unit. From a planning standpoint there are many concerns with the new law including:

- Not requiring a survey (as is required for many other permits and structures) so the actual location may not be correct
- There is no means to process or reject a temporary CUP
- The permit circumvents the public input process
- The permit is automatically extended with no option to revoke (arbitrary on its face)
- There is no reference to compliance with shoreland, floodplain or wetland requirements

There are several alternatives in Birchwood to house those needing temporary housing for health reasons. Those include: family member spare bedrooms, existing apartment-stock,, assisted living facilities, short term health care facilities, and various group homes.

There are provisions within the legislation that are in conflict with other statutes as well. Some of the information required for permits is private and as such there are HIPPA data handling (privacy) concerns. The legislation requires the City to review and enforce its provisions but does not provide the tools and finances to do so (unfunded mandate). Based on Birchwood's adopted policies, ordinances, and codes the provisions of this legislation are not consistent with the City's objectives. The legislation allows people to live in a structure that does not have to meet state building, plumbing, electrical code or building permit requirements.

This legislation may be well-intended but it does not adequately address concerns of the City. If the City does not adopt the opt out ordinance, starting September 1, 2016, people will be able to move in these temporary dwelling units (similar to a "Tiny House") onto lots that have an existing home with no way for the City to say, "no." By opting out of this law, the City protects its zoning authority while also reserving the right to review its own ordinances if there is a desire to provide for this type of housing. Once considered by the City in a thoughtful manner such a housing option may be in the best interests of the City but it will be on the City's terms and subject to much more review, process and authority.

### **Commission Review**

The Planning Commission meeting will be reviewing the proposed ordinance.

### **Budget Impact**

None

### **Recommendation**

Staff recommends the approval of an Ordinance opting out of the State Law allowing temporary dwelling units until such further time as the Planning Commission identifies a need for them in Birchwood or a more well-thought-out Ordinance is presented that allows for citizen input and some modicum of oversight and discretion.

### **Attachment**

1. Proposed Ordinance
2. League of Minnesota Cities' Summary of Temporary Family health Care Dwelling Statute

**ORDINANCE NO. 2016-08-16**

**AN ORDINANCE OPTING-OUT OF  
THE REQUIREMENTS OF  
MINNESOTA STATUTES, SECTION 462.3593**

**WHEREAS**, on May 12, 2016 Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. 462.3593 allows cities to "opt out" of those regulations;

**THE CITY COUNCIL OF THE CITY OF BIRCHWOOD, MINNESOTA, ORDAINS:**

SECTION 1. Section \_\_\_\_\_ of the Birchwood Code of Ordinances is hereby added as follows:

**Sec. \_\_\_\_\_. OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.**

Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Birchwood opts-out of the requirements of Minnesota Statutes, Section 462.3593.

SECTION 2. This ordinance shall take effect after the approval by the City Council and publishing in the official newspaper.

The Birchwood City Council approved this Ordinance o August 17, 2016.

\_\_\_\_\_  
Mayor Wingfield

Attest:

\_\_\_\_\_  
Mike Anderson: City Clerk

**RESOLUTION NO. 2016-08-18**

**CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

**RESOLUTION IDENTIFYING THE NEED FOR  
FUNDING TO COMPLETE ITS 2040 COMPREHENSIVE PLAN UPDATE AND  
AUTHORIZING AN APPLICATION FOR  
PLANNING ASSISTANCE GRANT FUNDS**

**WHEREAS** the City of Birchwood Village, must review and update its comprehensive plan as required by the “decennial” review provision of Minnesota Statutes section 473.864 , subdivision 2; and

**WHEREAS**, on April 27, 2016, the Metropolitan Council adopted need-based eligibility criteria for awarding available local planning assistance grant funds and established maximum grant amounts for eligible grantees to help grantees review and update their comprehensive plans as required by the “decennial” review provisions of Minnesota Statutes section 473.864, subdivision 2; and

**WHEREAS**, the City is an eligible city, county, or town in the metropolitan area as defined in Minnesota Statutes section 473.121; AND

**WHEREAS**, planning assistance grant funds will be made available to eligible applicants subject to terms and conditions contained in Metropolitan Council grant agreements.

**NOW THEREFORE BE IT RESOLVED** that, after appropriate examination and due consideration, the governing body of the City:

Authorizes its Administrator/Clerk to:

- 1) submit on behalf of the City an application to the Metropolitan Council for Local Planning Assistance grant funds for the decennial review and update of the City’s local comprehensive plan required under Minnesota Statutes section 473.864; and
- 2) execute on behalf of the City a grant agreement with the Metropolitan Council for planning assistance grant funds.

Adopted this 17th day of August, 2016.

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Mayor Wingfield

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Mike Anderson -Administrator/Clerk

**RESOLUTION 2016-08-01**

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

**A RESOLUTION ACCEPTING A CASH DONATION FROM STEVEN AND KAREN  
WOLGAMOT FOR NEW CITY STOP SIGNS**

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of  
Birchwood Village that:

The City Council accepts the following cash donation from:

\$50.00 from Steven & Karen Wolgamot

I certify that the City of Birchwood Village adopted the above Resolution on this  
17th day of August, 2016.

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Mary Wingfield, Mayor

ATTEST:

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Mike Anderson  
City Administrator-Clerk



## MEMORANDUM

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**TO:** Birchwood City Council  
**FROM:** Mike Anderson, City Administrator  
**DATE:** August 8, 2016  
**SUBJECT:** Animal Ordinance

### Ordinance Language 605.043

At the July Council Meeting a resident requested to allow all dogs in City Parks and Lake Tracts. The Council wanted to look at possible changes to the language to allow dogs in all City Parks. Attached is some language that would allow for this to happen. The Council can make changes to the wording if they choose to make it easier to understand.

If you have questions regarding this change please contact Mike Anderson at 651-426-3403 or

[Mike.Anderson@CityofBirchwood.com](mailto:Mike.Anderson@CityofBirchwood.com)

(3) License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the city Clerk. The fee shall be established from time to time by resolution as set forth in Chapter 701.

(i) A license shall be issued for a period of two years

(ii) Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk shall cause a license to be issued to the applicant.

(4) Inspection, The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where Vietnamese pot-bellied pig(s) are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.030. TAG AND COLLAR.

605.031. Upon complying with the provisions of 605.020 of this Code, there shall be issued to the applicant a numbered metallic tag stamped with the number and the year issued and labeled "LICENSED CITY OF BIRCHWOOD VILLAGE".

605.032. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar, or harness of durable material which must be worn by the dog at all times.

605.033. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.

605.040. RESTRAINT. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner.

605.041 ANIMALS AT LARGE. No animal shall be allowed to be at large in the City.

**“Amended by Ordinance 1998-1; May 12, 1998.”**

605.042. The owner of a dog which habitually chases vehicles or chases or threatens pedestrians shall keep his dog under restraint at all times.

~~605.043. No person in custody of any animal shall permit said animal to enter and remain in any public building or on the Public Lake Tract known as Kay Beach. Dogs in a public park or on any Public Lake Tract other than Kay Beach must be kept under restraint. Service Dogs for disabled persons shall be exempted from this provision.~~

605.043. The owner of any animal shall be permitted to enter any Public Lake Tract or Park within the City. Dogs in a public park or any Public Lake Tract shall be kept under restraint and properly cleaned up after. Service Dogs for disabled persons shall be exempt from this provision.

Report to the City Council on August 17, 2016  
City of Birchwood Village  
Safety and Crime Prevention Committee

**Committee Objective:** The goal of the Safety and Crime Prevention Committee is to make Birchwood safe for all citizens, children and seniors in particular, and to proactively address crime and safety issues.

Committee Activities and Research:

- The committee has met many times over the course of the last six months with a focus on researching, discussing and drafting a Level III Sex Offender Ordinance.
- We met with our City Attorney Alan Kantrud and corresponded via e-mail and have received feedback on our work and answers to questions.
- We also met with and received information from Brian Collins, M.S. *Community Notification Program Director Risk Assessment/Community Notification Unit for the State of Minnesota.*
- Additionally, we are setting up a meeting with the Oakdale Chief of Police, Bill Sullivan to learn how Oakdale is handling this issue.
- Invited and attended the Mahtomedi City Council workshop on their ordinance July 19, 2016 to gain an update on their progress/findings.

The following goals guided our committee's work including:

- A goal to draft effective and defensible code.
- Examine and Enforce a Safety Buffer: A desire to create a Safety Buffer from Level III Sex Offender living in or near to parks, play areas, etc. where children congregate.
- Consistency: Any Residency Restriction Ordinance must be consistent with our current Safe Zone Ordinance.
- No Banishment: Develop ordinance that is defensible, banishing someone from a community is a form of punishment and, in the context of released offenders who have served their sentences, would constitute an illegal *ex post facto* punishment. *Doe v. Miller*, 405 F.3d 700, 719 (8th Cir. 2005) (citing *Smith v. Doe*, 538 U.S. 84 (2003) and *United States v. Ju Toy*, 198 U.S. 253 (1905)).
- Myths: Understand the Myths around Sex Offenders and base our ordinance/laws on reason not fear. We found, according to the Jacob Wetterling Resource Center: *There is a continuum of sex offenders, approximately half of them being adults with the other half juveniles. There is no "one size fits all", as often portrayed in the media. Sex offenders commit a wide range of offenses, sometimes once and sometimes many times. Most sexual offenses are coercive or enticing by nature while fewer are more violent or heinous in many respects. The vast majority of sexual crimes are first-time offenders and may be someone the victim cares about which is why the majority of sex crimes are never reported.*
- *Although all convicted sex offenders are required to register, only those deemed to*

*have a high likelihood to re-offend are subject to widespread notification. Level 3 — The offender has a higher risk of re-offending.*

- Risk Management: Understand there could be legal challenges, such as constitutionality and measure risks and effectiveness of our ordinances. Research city's insurance coverage and deductible and make recommendation to city council to understand whether additional coverage may be needed.
- Determine exceptions to Sex Offender ordinance such as:
  - Department of Correction owned home
  - Preexisting property ownership
  - Minor under the age of 18
  - Married to or living with Birchwood resident
- Other: Creating and adopting Residency Restrictions is only one step, if safety of children and vulnerable people is our priority, we need to continue our work. The adoption of this ordinance is one possible layer of protection. If prevention remains a concern, we need to consider engaging our community at school and elsewhere, speaking to parents and other adults entrusted to the care of children. Prevention requires an organic approach at the community level. We have been told the local school district and other community-based organizations would enthusiastically support prevention efforts and will work with us as partners in this effort to create a safe community for all.

The draft ordinance we are presenting to the council is a compromise. Birchwood residents range in their views from those who believe that no Sex Offender ordinance of any kind should be adopted to those who would prefer an ordinance with no exceptions for any reason. Over the course of meetings and many discussions our committee has drafted the ordinance with multiple exceptions with the above goals in mind.

Redrafted on August 11, 2016 from the 6/27/16 presented ordinance:

This proposed the following safety committee members support ordinance:

Megan Malvey, 525 Lake Avenue  
Andrew Jackola, 426 Birchwood Court  
Bernie Kruse, 139 Wildwood Avenue  
Bridget Sperl, 110 Birchwood Avenue  
Jim Andersen, 2 Five Oaks Lane  
Jessy Granec, 363 Lakewood Lane  
Kathy Blegen-Huntley, 620 Birchwood Avenue  
Terry Granec, 363 Lakewood Lane  
Rachel Schuler, 22 Oakridge Drive

#### Findings and Intent:

It is the intent of this ordinance to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the community by restricting certain predatory offenders from establishing residency near locations where children regularly congregate in concentrated numbers.

This ordinance, in conjunction with Birchwood's Safe Zone Ordinance, aims to reduce opportunities for predatory behavior by those with the highest risk to re-offend, toward potential victims who access public spaces in Birchwood.

When an offender assigned to risk level III is released from confinement or a residential facility to reside in the community or changes residence while on supervised or conditional release, the agency responsible for the offender's supervision shall take into consideration the proximity of the offender's residence to that of other level III offenders and proximity to schools and, to the greatest extent feasible, shall mitigate the concentration of level III offenders and concentration of level III offenders near schools. Minn. Stat. § 244.052, subd. 4a (2015).

Birchwood does not have its own law enforcement agency, but instead relies on police protection from the Office of the Washington County Sheriff, which is located 12 miles away from Birchwood, in Stillwater. By establishing residency restrictions around its vulnerable locations, this ordinance will increase the distance between a Level III predatory offender's residence and locations with high concentrations of potential victims (e.g. children). The goal of increasing the distance, and thus time, between an offender's residence and a high concentration of potential victims, the restricted distance stated in this ordinance is established at 1,000 feet, which leaves approximately ten percent of the properties in Birchwood available for a Level III Predatory Offender to establish residence in the community. This residency restriction ordinance serves the simple goal of increasing the distance between the residence of a Level III Predatory Offender and locations where potential victims congregate to reduce the likelihood of any contact between offenders and potential victims, thereby reducing the likelihood of an assault. There is a gap in state legislation regarding this subject matter, leaving it to the responsibility of local governments to develop appropriate safeguards for their community.

Proposed/Draft Level III Sex Offender Ordinance:

1. Definitions: The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:
  - a) "Designated predatory offender" means any person who has been categorized as a Level III predatory offender under Minnesota Statutes, section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.
  - b) "Permanent residence" means a place where a person abides, lodges or resides for fourteen (14) or more consecutive days. A permanent residence includes the entire property upon which a dwelling sits, extending out to the property line.
  - c) "Temporary residence" means a place where a person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence. A temporary residence includes the entire property upon which a dwelling sits, extending out to the property line.
  - d) "School" means any public or nonpublic elementary school, secondary school, high school or college.
  - e) "Licensed day care" means any in-home or other group child care center currently licensed by the State of Minnesota.
  - f) "Public Park" means the following Birchwood public parks and lake easements or beaches: Bloomquist Park/Field, Tighe-Schmitz Park, Wildwood Park, Nordling Park, Ash Beach, Birch Beach, Dellwood Beach, Elm Beach, and Kay Beach.
  - g) "Prohibited zone" means the area(s) that include one or more permanent residence(s) or temporary residence(s) that is/are 1000-feet or less from any school, licensed day care, or public park. The measurements shall be taken as the shortest possible distance between an outermost property lines of a permanent or temporary residence to an outermost property line of the nearest school, licensed day care or public park.
2. Regulations on Designated Predatory Offenders
  - a) It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence entirely within or touching upon a prohibited zone.
  - b) The city clerk shall maintain a map showing locations within prohibited zones, as defined by this ordinance. The map shall serve as a guide as to whether or not a residence is within a prohibited zone.
3. A designated predatory offender does not violate this ordinance if any of the following apply:
  - a) The person established permanent residence within a prohibited zone prior to the adoption of this ordinance, and she/he has reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167 or a successor statute.
  - b) The person is a minor and the permanent or temporary residence is also the permanent residence of the person's custodial guardian(s).

- c) The school or licensed day care within 1,000 feet of the persons' permanent or temporary residence was opened after the person established permanent residence and reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167 or a successor statute.
  - d) The residence is a property owned or leased by the Minnesota Department of Corrections in operation prior to adoption of this chapter.
4. Penalty and Enforcement
- a) A violation of this ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by injunction and other appropriate remedy in any court of competent jurisdiction.
5. Renting Properties and Penalties:
- a) It is unlawful to let or rent any place, structure, or part thereof, trailer, or other conveyance, with knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing a permanent residence or temporary residence pursuant to this Chapter if such place, structure or part thereof, trailer, or other conveyance is located within a prohibited zone described in this chapter.
  - b) A property owner's failure to comply with the provisions of this ordinance shall constitute a violation of this ordinance.
  - c) If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager shall evict the offender.



## MEMORANDUM

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**TO:** Birchwood City Council  
**FROM:** Mike Anderson, City Administrator  
**DATE:** August 8, 2016  
**SUBJECT:** Fee Schedule

### Fee Schedule Update

The City of Birchwood has contracted with TKDA for planning assistance through the remainder of 2016.

The attached fee schedule shows the addition of TKDA and their fee for residents who wish to apply for a Conditional Use Permit, Variance, and New Building Plan Review (Structure Height). This has been highlighted at the bottom of the page for review.

If you have questions please contact Mike Anderson at 651-426-3403 or

[Mike.Anderson@CityofBirchwood.com](mailto:Mike.Anderson@CityofBirchwood.com)

**BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$29.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

Inspections outside of normal business hours . . . (Minimum charge - two hours)	\$47.00 per hour*
Re-inspection fees . . . . .	\$47.00 per hour*
Inspection for which no fee is specifically indicated (Minimum charge - one-half hour) . . .	\$47.00 per hour*
Plan Review . . . . .	50% of the building permit fee
Additional plan review required by changes, additions or revisions to Plans (minimum charge - one-half hour). . . . .	\$47.00 per hour*
TKDA consultant for building, CUP, and variance review	\$124.00 per hour*



## MEMORANDUM

---

**TO:** Birchwood City Council  
**FROM:** Mike Anderson, City Administrator  
**DATE:** August 4, 2016  
**SUBJECT:** Impervious Surface

### Impervious Surface Information

The City Council is looking at possibly changing requirements for the Cities impervious surface calculations. Currently the code allows lots to have a 25% hardcover. Anything more would require an approved variance from the City Council.

Surrounding community's impervious surface information is as follows:

**White Bear Lake:** Lots smaller than 10,000 square feet allow 35% or no more than 42% with variance approval. For lots more than 10,000 square feet, no more than 25% and 33% with variance approval.

**Impervious Surface definition:** An artificial or natural surface through which water, air, or roots cannot penetrate.

**White Bear Township:** Nothing shall exceed 25% of the lot area. **Impervious Surface Definition:** Surfaces like driveways, sidewalks, and streets prevent stormwater from naturally soaking into the ground.

**Mahtomedi:** Nothing shall exceed 25% at the time of the adopted ordinance. Such maximum coverage may be calculated on an average lot coverage basis within the shoreland of each protected water; but if averaged, impervious surface shall not exceed sixty-five percent (65%) of any one lot.

**Impervious Surface Definition:** An area that releases as runoff, all or large portion of, the precipitation that falls on it, except for frozen soil. Roofs, sidewalks, driveways, parking lots, patios, and streets are examples of areas that are typically impervious

**Dellwood:** Nothing shall exceed 25%.

**Impervious Surface Definition:** Hard cover by roof tops, roads, parking areas, driveways, and/or other land alteration of a similar nature, rendering the land in such a condition that precipitation runs off rapidly with no or little infiltration.

**RCWD:** Does not contain an allowed impervious surface percentage. In addition to the permit triggers for Rule C: Storm water Management Plan, subdivision of an area exceeding one acre also triggers the need for a permit/storm water management plan

**DNR:** Strive to keep it at or under 25%. Variances are required for development seeking more than 25%.

**Birchwood: 302.050:** Impervious Surface coverage of lots must not exceed twenty-five (25%) percent of the lot area.

**Birchwood definition:** A ground surface covered or compacted with material so as to substantially retard the entry of water into the soil, and to cause water to remain on the surface or to run off the surface in greater quantities or at an increased rate of flow than would occur if there was a natural soil surface.

Impervious surfaces shall include improvements utilizing concrete, asphalt, gravel, or other non-porous materials. Examples of impervious surfaces include, but are not limited to, roads, driveways, parking areas, sidewalks, patios, rooftops, and covered decks. Examples of impervious surfaces resulting from compacting are unpaved or ungraveled driveways and parking areas.

**EXCEPTIONS:** Open decks and walkways with open joints at least ¼ inch wide per 8 inch wide board, and areas beneath overhangs less than 2 feet wide, if bare or vegetated soil is beneath the decks or walkways or overhangs, shall not be considered impervious surfaces.

JN	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Cross St Name	City	Literal Desc
CSO	2016-07-30	820009621201	178	Justin McDonough	Citation	0	LAKE AVE		Birchwood	CRIM-Possess Small Amount of Marijuana in MV (1.4 grams or more)
CSO	2016-07-30	820022621201	1202	J. Stringer	Citation	0	JAY ST		Birchwood	CRIM-DISORDERLY CONDUCT-OFFENSIVE/ABUSIVE/NOISY/OB SCENE
CSO	2016-07-21	820031620301	1281	David Sawacke	Citation	0	WILDWOOD AV	LAKE AV	Birchwood	CRIM-Possess Small Amount of Marijuana in MV (1.4 grams or more)
CSO	2016-07-21	820016620303	111	M. Rindfleisch	Citation	0	WILDWOOD AVE	LAKE AVE	Birchwood	CRIM-Possess or Sell Small Amount of Marijuana (42.5 grams or less)
CSO	2016-07-21	820016620302	111	M. Rindfleisch	Citation	0	WILDWOOD AVE	LAKE AVE	Birchwood	CRIM-Possess or Sell Small Amount of Marijuana (42.5 grams or less)
CSO	2016-07-12	820022619401	115	M. Tellez	Citation	0	CEDAR ST	BIRCHWOOD AVE	Birchwood	MOV-Stop Sign Violation
CSO	2016-07-06	820006618803	115	M. Tellez	Citation	0	CEDAR ST	EAST COUNTY LINE RD	Birchwood	MOV-Speed-Exceed 25 mph

## **LOCAL CITY STAFFING COMPARISONS**

### **DELLWOOD**

Position: City Clerk and Treasurer\*

Population: 1000

Salary: \$22,400 based on 19.5 hours per week. (3/4 FTE \$36,600)

Hours posted: 8-2:30 M, Tues, Th

Years at position: 20 years

Benefits: PERA, health Insurance, 3 weeks vacation

\*attends city council and planning commission meetings; no utility billing; does include election staffing

### **GRANT (2010)**

Position: City Clerk\*

Population: 4000

Salary: \$20.50/hour, 20-30 hours per week (3/4 FTE \$31,000)

Hours Posted: 9-noon M-Th

Years in position: some office experience

Benefits: PERA, no paid vacation, no health benefits

\*attends council and planning commission meetings, no utility billing

### **GRANT (Current)**

Salary: \$55,167 Full time (3/4 FTE \$41,000)

Years in position: 11 years

Benefits: PERA only

\*attends council and planning commission meetings, no utility billing

### **WILLERNIE**

Position: City Clerk and Treasurer\*

Population: 500

Salary: \$36,167 based on 35 hours per week (3/4 FTE \$31,000)

Hours Posted: 9-noon M-Th

Years in position: 19 years

Benefits: PERA, Medicare reimbursement (\$104/mo), vacation is flexible as long as work gets done, but is not used frequently, includes staffing for elections

\*attends council meetings, does utility billing as well

### **BIRCHWOOD**

Position: City Clerk (2012)\*

Population: 850

Salary: \$36,100 (2012), 30 hours per week

Years in position: 2 years with 20 years prior experience in other jurisdictions

Benefits: PERA, two weeks vacation, plus 10 paid holidays

\*PERA, position did not include health care coverage; staffing for elections included

# City Clerk Job Description

March 2010

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## **Purpose of Position**

To perform administrative work, conducting the daily business activities of the City of Birchwood Village including, but not limited to; statutory and regulatory duties as required, performing skilled bookkeeping and record keeping; managing contracts; keeping the official minutes of the city council; conducting city elections, and supervising city employees.

## **Supervision**

Works under the general and administrative supervision of the City Council and its designated Personnel Director.

## **Typical Duties**

### General Administration

- Assists the council in the coordination and administration of city policies and procedures including conducting research and assisting in the development of solutions to problems.
- Prepares and types correspondence, reports, memos, letters, ordinances, etc. on behalf of the council.
- Receives requests, complaints and information from the public; conducts the appropriate research and transmits to council.
- Attends regular and special council meetings; prepares agendas and packets; records council actions; and maintains records of minutes, ordinances and resolutions.
- Arranges and publishes notices of meetings and public hearings as required by law.
- Attests the mayor's signature on official documents wherever required and maintains responsibility for the city seal.
- Provides certified copies of proceedings and records of the city upon request.
- Acts as liaison with state and county officials, and city attorney.
- Maintains office equipment.
- Oversees work of contractors consistent with city council direction.
- Prepares draft contracts and requests for proposals.
- Oversees management of city hall including building maintenance and repairs; hall cleaning; and hall rental.

### Land Use and Development

- Coordinates zoning permit application and approval process.

### Financial

- Acts as the city's bookkeeper, maintaining an account book including all financial transactions of the city.
- Prepares accounts payable and receivable transactions and posts information to journals, verifies account information and generates checks for bill payments.
- Maintains and processes payroll, payroll deductions, payroll records and reports, etc.
- Processes claims and warrants for all funds.

- Assists the council in developing the annual city budget by pulling prior year's budget, recommending adjustments, discussing financial issues with the council and preparing the final budget.
- Bills for special assessments, collects payments and records as appropriate.
- Prepares disbursement list for city council approval.
- Works with treasure to research financial matters.

#### Elections

- Administers local, state, county and federal elections in accordance with state and county requirements.
- Oversees, schedules, trains, election judges and maintains election records.

#### Knowledge, Skills and Abilities

- Knowledge of accounting, payroll and billing practices and procedures.
- Knowledge of laws, rules and regulations affecting city government.
- Knowledge of state and county election procedures and laws.
- Knowledge of governmental accounting and budgeting.
- Ability to prepare an annual budget.
- Ability to keep accurate and complete records and files.
- Ability to read and analyze technical information and identify concerns.
- Ability to communicate effectively, both orally and in writing, with city staff, state and county officials, elected officials and the public.
- Ability to prioritize work research files and solve problems.
- Ability to operate typical office equipment including a computer and related software, printer, fax machine, copier, and typewriter.
- Ability to use cable TV and related equipment.
- Ability to type or enter data into a computer with speed and accuracy.