



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
May 10, 2015
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

- A. Gene Ruehle: Roads Committee Update (Gene stopped in this morning and said he would speak in Open Forum)

ANNOUNCEMENTS

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting April 12, 2016 Minutes*
- B. Resolution 2016-08, Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04*
- C. Resolution 2016-07, Approving Coverage for City Workers' Compensation Insurance Policy*

CITY BUSINESS – REGULAR AGENDA

- A. Tennis Sanitation: Staff & Council Discussion (Rate Increase Request)*
- B. Approval of Treasurer's Report*
- C. John Lund/DNR: Deer Population Update
- D. Second Reading of Tree Preservation Language to City Code*
 - a. Public Hearing
 - b. Council Deliberation and Consideration of Approval
- E. Sheriff's Report*
- F. City Engineer Report: Lift Stations

- G. Viewing of 2015 Annual Report*
- H. Resolution 2016-14, Authorizing a Transfer of \$30,000 to Capital Projects - Public Works*
- I. Discussion of Joint Planning Commission/Council Meeting: 3rd Party Planner & Building Height
- J. City Administrator Report
- Spring Leaf Collection
- K. City Attorney's Report

ADJOURN

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
April 12, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson, and Bill Hullsiek. Not present: Council member Randy LaFoy.

STAFF PRESENT: Mike Anderson, City Administrator and Alan Kantrud, City Attorney.

OTHERS PRESENT: Residents Bryan McGinnis, Alan Mitchell, Eugene Ruehle, Mary Sue Simmons, Ben & Chris Creagh, Megan & Ryan Malvey, Mary Rollinger, Debbie Harrod, Casey Potter, Len Pratt, Doug Danks, 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 the subject of the MS4 Report – public hearing for May City Council meeting

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

OPEN PUBLIC FORUM:

Resident Bryan McGinnis: He is opposed to augmenting White Bear Lake. He recommends the City hire a dedicated Planner/consultant planner.

Resident Alan Mitchell: He announced upcoming Music-in-the-Park details.

Resident Eugene Ruehle: Announced and introduced Street Committee's newest member, Ben Creagh.

Resident Mary Sue Simmons: Update on Birchwood Dock Assoc. Spring meeting. Docks will be put in the water April 16th or 23rd.

ANNOUNCEMENTS: Mayor Wingfield acknowledged the accomplishments and hard work of former Washington County Commissioner Ted Bearth who passed away last month.

Mayor Wingfield reminded the public of the Jacob Wetterling Presentation on April 19th at St. Andrew's Church, 6:30-7:15pm. This is free of charge and is sponsored by the City of Birchwood, White Bear Lake Community Ed & Mahtomedi public schools. The presentation will also be televised and rebroadcasted.

PLANNING COMMISSION:

A. Variance Request – 195 Wildwood Avenue – Nancy Calderon.

Administrator Anderson: Informed Council of the planning commission's recommendation for approval of a variance petition of a 5 foot side yard (from the 10 foot requirement) requirement in Code Section 302.020.2 for a garage at 195 Wildwood Ave, owner Nancy Calderon. Commission voted 4-0 in favor of the variance and neighbors have voiced their support for the project with the City.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE 5 FOOT SETBACK VARIANCE. ALL AYES. MOTION PASSED.

B. Variance Request – 435 Hall Avenue – Jeff Boldt.

Administrator Anderson: Informed Council of the planning commission's recommendation for approval of a variance petition to allow an increase percentage of slopes from city code 302.055.2.a.5 which allows for a max fill or excavated slope to be no more than 30%, for 435 Hall Ave, owner Jeff Boldt. Commission voted 4-0 in favor of the variance.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE THE SLOPE VARIANCE, REQUIRING OWNERS TO BE RESPONSIBLE FOR ANY FUTURE SLOPE FAILURES. ALL AYES. MOTION PASSED.

CITY BUSINESS – CONSENT AGENDA

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

CITY BUSINESS - REGULAR AGENDA

A. Hall Avenue / Cedar Street Speed Signs

Mayor Wingfield: Provided a historical background behind this discussion.

Resident Ben Creagh: Requested City installs a full pedestrian-friendly path along Hall Avenue.

Resident Megan & Ryan Malvey: Supported Ben Creagh's request and urged City Council to consider developing pedestrian trails throughout the Village and pursue grants to do so.

Resident Mary Rollinger: Urged City Council to consider methods for slowing down the speed of vehicles through the Village.

Resident Debbie Harrod: Supports everyone else's comments about making Cedar Street / Hall Ave pedestrian friendly.

Resident Casey Potter: Added her support to adding a safe pedestrian lane along Cedar Street / Hall Ave to the City Park.

Resident Chris Creagh: Supports pedestrian-friendly path along Cedar / Hall.

Unknown Resident at Birchwood Ct.: Added that speeding cyclists are also a safety problem for pedestrians along Cedar / Hall and that any pedestrian lane should account for those.

Resident Alan Mitchell: Urged Council not to make assumptions on this issue but to research it well and think outside the box before making a decision.

Mayor & Council Members: Deliberated putting in stop signs along Cedar / Hall at crosswalks.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER HULLSIEK TO AUTHORIZE THE ROADS COMMITTEE TO SPEND UP TO \$1,000 TO MITIGATE SPEEDING TRAFFIC THROUGH BIRCHWOOD. ALL AYES. MOTION PASSED.

B. Approval of Treasurer's Report

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.

C. Tree Preservation Language

Resident Bryan McGinnis: Discussed language changes to proposed code.

Attorney Kantrud, Mayor & Council Members: Deliberated proposed clear cut and tree replacement language. Postponed the first reading until May, after the Planning Commission has reviewed the Mayor's suggested revisions and that approved language has been made available to the public in May's Council Meeting packet.

Alan Mitchell: He cautioned Council Members to follow city procedure regarding the deliberation of proposed codes; namely that each proposed version of the language should be included in the Council packet for the public to review and readings should only take place after the public has had plenty of time to review each proposed language. Also, he urged Council to consider publishing the entire code or at least a more descriptive summary than currently proposed.

Mayor & Council Members: In the future, agenda items will be struck from the meeting if supporting documentation is not provided in the packet.

D. Structure Height Language

Mayor Wingfield: DNR is not ready to approve this language; they felt it was too complicated.

Planning Commissioner Danks: He welcomed the DNR to attend next Planning Commission meeting but urged Council not to rely too much on the DNR and instead allow the commission to write the language. This is more of a review and oversight problem than a language problem.

Attorney Kantrud: He suggested that Council involve the DNR and table discussions until DNR's participation could be included but only after Council can answer DNR's questions.

Planning Commissioner Pratt: He suggested hiring a third-party planning/zoning firm to review all related permit applications; fee to be paid for by the applicant. A committee should be created, including members of the Planning Commission and the third-party firm, to review applications. He sought permission to be given to the Planning Commission to seek out three third-party firm candidates.

Mayor & Council Members: Deliberated proposals. Suggested Attorney Kantrud speaks to the DNR directly regarding DNR questions before making any decisions. Planning Commission is welcome to vet third-party candidates to present to the Council for consideration. This topic will be tabled until May's Council meeting.

E. Water Rate Discussion

Mayor Wingfield: Provided a summary of past rate increases to Birchwood's water supply. The water committee will study the issue of the 2017 rate increase by White Bear Lake in the fall and report back to the council.

F. Sheriff's Report

Mayor Wingfield: Provided a summary of Sheriff activity within Birchwood.

G. Kayak Racks

Administrator Anderson: Existing kayak racks have filled up quickly this year. He recommended Council consider creating additional racks at popular beaches, such as Dellwood Beach.

Mayor & Council Members: Deliberated the suggestion and agreed to have Administrator Anderson have new racks built at both Birch and Dellwood beaches.

H. Metropolitan Council – Supporting Principles

Mayor Wingfield: She recommended Council vote to approve the efforts by Dakota and Scott Counties to redesign the way Met Council members are appointed.

Mayor and Council Members: Deliberated on the recommendation.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE DAKOTA COUNTY'S RESOLUTION REGARDING THE MET COUNCIL. ALL AYES. MOTION PASSED.

I. Speed Signs & 4-Way Intersections

Mayor & Council Members: Other traffic calming options will be reviewed after the Roads Committee takes action on stop signs and makes further recommendations.

J. MS4 Report

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE A PUBLIC HEARING TO BE HELD AT MAY'S COUNCIL MEETING REGARDING MS4 REPORTING. ALL AYES. MOTION PASSED.

Notice of this public hearing to be published in the White Bear Press.

K. City Administrator Report

CITY BRANDING

Administrator Anderson: Proposed reaching out to local college/university Graphic Design students to update the City logo.

Mayor & Council Members: Deliberated on and approved this idea if costs were minimal.

HALLS MARSH UPDATE

Administrator Anderson: He updated Council on Halls Marsh.

GENERATOR UPDATE

Administrator Anderson: After deeper inspection of the City's lift stations, the contractor doesn't believe a 60 kilowatt generator is not strong enough to start the pumps and they recommend now a 70 kilowatt generator.

Mayor & Council Members: Deliberated on the proposed change to generator size.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE AN INCREASE OF UP TO \$3,000 FOR A 70 KILOWATT GENERATOR. ALL AYES. MOTION PASSED.

L. Additions

BUILDING PERSONNEL/PLAN REVIEWER

Attorney Kantrud, Mayor & Council Members: Deliberated on progress with hiring a building/planning person/firm.

LED STREET LIGHTS

Mayor & Council Members: Are interested in obtaining costs associated with installing new City LED street lights and poles. Council members would like details regarding what Xcel will permit on their poles, which will be providing installation and service, and how the energy use is metered.

M. City Attorney Report

Attorney Kantrud: Updated council on lift station repairs. The engineer needs more time to put forward a report on this issue. Also provided status on the easement law suit – no update.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER WOOSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:41 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

RESOLUTION 2016-08

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

**A Resolution Declining to Waive the Statutory Monetary Limits on Municipal Tort
Liability Established by Minnesota Statute 466.04**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 10, 2016, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Anderson, Bill Hullsiek, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 10th day of May, 2016.

Mary Wingfield
Mayor

Attest:

Mike Anderson
City Administrator-Clerk

RESOLUTION 2016-07

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

**APPROVING COVERAGE FOR CITY WORKERS' COMPENSATION
INSURANCE POLICY**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 10, 2016, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Anderson, Bill Hullsiek, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

WHEREAS, the City of Birchwood Village has workers' compensation insurance coverage through the League of Minnesota Cities; and,

WHEREAS, the City's workers' compensation insurance policy must be renewed on June 12, 2016.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village, pursuant to Minnesota Statute 176.011, subd. 9(6), the Minnesota Workers' Compensation Act, members of the following groups are included in the City's worker's compensation coverage:

1. Members of the Birchwood City Council;
2. Members of all Birchwood advisory commissions; and,
3. Volunteers working for the City of Birchwood Village.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 10th day of May, 2016.

Mary Wingfield, Mayor

Attest:

Mike Anderson
City Administrator-Clerk



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: May 5, 2016
SUBJECT: Tennis Sanitation Rate Adjustment Request

Tennis Sanitation Rate Adjustment Request

Tennis Sanitation has provided services for Birchwood for more than 6 year. The current rate structure is based on 2010 evaluations. Tennis has asked for a rate adjustment of 5% to help cover the overall cost of doing business. The new rate structure would be:

- 96 gallon container $\$18.90 + \$1.84 \text{ (SWM)} + \$5.29 \text{ (CEC)} = \$26.03/\text{month}$
- 64 gallon container $\$15.75 + \$1.54 \text{ (SWM)} + \$4.41 \text{ (CEC)} = \$21.70/\text{month}$
- 35 gallon container $\$11.55 + \$1.13 \text{ (SWM)} + \$3.23 \text{ (CEC)} = \$15.91/\text{month}$

These new rates would be in place until the end of 2017, at that time they will not change until either the City or Tennis approach one another with a new proposal.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or

call City Hall at 651-426-3403.



May 6th, 2016

Mike Anderson, City Administrator
City of Birchwood
207 Birchwood Ave
Birchwood, MN 55110

RE: Request for rate adjustment

Dear Mike Anderson, Mayor and Members of the City Council,

Tennis Sanitation, LLC is requesting your approval of our proposed rate adjustments as defined in section 9.2 of the Refuse contract that defines that the Contractor may initiate adjustments in rates. A rate adjustment has not been requested since 2010.

Tennis Sanitation is requesting a rate adjustment of 5% to help with increased costs in overall costs of doing business. These include increased costs in labor, maintenance and insurance.

These rate adjustments would be as follows:

Volume Level	Old Rate per Month*	5% Adjustment	Tip	New Rate per Month*
96 gallon cart	\$18.00 per month	\$.90 per month		\$18.90 per month
64 gallon cart	\$15.00 per month	\$.75 per month		\$15.75 per month
35 gallon cart	\$11.00 per month	\$.55 per month		\$11.55 per month

The Break-out with Taxes will be as follows:

Current Rates

Volume Level	Base Rate	MN SW Tax	CEC Tax	Total Monthly Rate
96 gallon cart	\$18.00	\$1.76	\$5.04	\$24.80 per month
64 gallon cart	\$15.00	\$1.46	\$4.20	\$20.66 per month
35 gallon cart	\$11.00	\$1.07	\$3.08	\$15.15 per month

Proposed New Rates

Volume Level	Base Rate	MN SW Tax	CEC Tax	Total Monthly Rate
96 gallon cart	\$18.90	\$1.84	\$5.29	\$26.03 per month
64 gallon cart	\$15.75	\$1.54	\$4.41	\$21.70 per month
35 gallon cart	\$11.55	\$1.13	\$3.23	\$15.91 per month



Tennis Sanitation takes pride in providing great service to our customers. As part of providing great service – it is important that we pass-on increased costs to maintain the quality of service that you come to expect.

Best regards,

David Domack

David Domack
General Manager / CEO

Tennis Sanitation

Davidd@tennissanitation.com

Office: 651-459-1887 Cell: 612-760-0046

"Family-owned quality service since 1966"

**CONTRACT FOR PICKUP OF SOLID WASTE WITHIN
THE CITY OF BIRCHWOOD VILLAGE**

This Contract, made and entered into this _____ day of _____, 2016, by and between Tennis Sanitation, LLC, a limited liability company organized under the laws of the state of Minnesota with offices at 720 4th St., P.O. Box 62, St Paul Park, Minnesota, 55071 and the City of Birchwood Village, a Minnesota municipal corporation, with offices at 207 Birchwood Avenue, Birchwood, MN 55110

WHEREAS, the City of Birchwood Village needs to provide its residents with service to collect and dispose of solid waste materials in the community; and

WHEREAS, Tennis Sanitation, LLC, has provided such services for more than two years and is willing to continue to provide such services as specified in this Contract; and

WHEREAS, the Parties desire to formalize their relationship by execution of this Contract;

NOW, THEREFORE, IT IS MUTUALLY AGREED BY THE PARTIES, as follows:

1. Parties. The Parties to this Contract are Tennis Sanitation, LLC (hereinafter referred to as Tennis Sanitation or the Hauler), and the City of Birchwood Village (hereinafter referred to as the City).

2. Exclusive Right. The City grants to Tennis Sanitation the exclusive right to collect and dispose of all solid waste from residents in Birchwood in accordance with the conditions set forth in this Contract.

3. Term. The term of this Contract shall be from the day of execution until December 31, 2013. This Contract shall be automatically extended after expiration of the initial term until either party shall give written notice of termination by certified mail to the other at least sixty days prior to the termination of the Contract.

4. Collection Service Provisions and Schedule.

4.1. All Residences. Tennis Sanitation shall provide each residence in the City with a trash container of the size requested by the resident and collect and dispose of solid waste from each residence.

4.2. City Facilities. Tennis Sanitation shall provide service as necessary for the collection and disposal of solid waste from all City owned or leased facilities, properties, parks, and street containers.

4.3. Daytime Collection. All collection services shall be conducted during the hours of 7:00 a.m. to 8:00 p.m., weekdays only. Tennis Sanitation shall not make collections on Saturdays, Sundays, or legal holidays.

4.4. Week Day. All collection services shall be done in one day, selected by Tennis Sanitation. Presently, the collection day is Thursday. Tennis Sanitation may change the regular collection day with the approval of the City. Tennis Sanitation shall bear all costs involved in notifying the City's residents of a change in the collection day. Tennis Sanitation may on its own volition change the collection day for a particular week due to a holiday. Whenever the Hauler receives a complaint that a location in Birchwood has not received scheduled service, the Hauler shall return to the location within one working day and pick up the solid waste from that location, unless the complainant is satisfied to wait until the following regularly scheduled pickup.

4.5. Access to Containers. On collection day, if the Hauler's vehicle does not have clear access to any of the solid waste containers to be picked up, Hauler shall be excused from picking up the solid waste from these customers, provided the Hauler shall make one additional attempt to service the customers later the same day. If Hauler is required to return a third time, or on a later day, any additional collection will be classified an "extra pick-up" and so duly charged, which cost shall be invoiced to and passed on to the individual resident to the extent the resident is responsible for the inability to access the equipment.

4.6. Routes. Tennis Sanitation shall provide the City with a description of its normal routes for picking up solid waste in the City. The City reserves the right to improve any street or alley that may prevent the Hauler from traveling its customary routes for collection and to request residents to place their solid waste receptacles in alternate locations to minimize traffic during collection. Tennis Sanitation may contact the City at any time to determine areas of construction or activity that may interfere with the normal route. Tennis Sanitation shall bear the costs of any route changes and no additional compensation will be made for alternate routes or solutions.

4.7. Appliances and Compost. Tennis Sanitation may offer to pick up and dispose of appliances and compostable yard waste for residents at an additional charge determined by Tennis Sanitation.

5. Performance Standards and Operation

5.1 Immediate Cleanup. Tennis Sanitation shall immediately clean up any solid waste dumped or spilled in collection or transportation of solid waste in Birchwood.

5.2. Vehicles. All vehicles utilized by Tennis Sanitation shall be kept clean and shall not be allowed to stand in any street, alley or other place longer than is reasonably necessary to collect the solid waste. Tennis Sanitation shall be responsible to keep all vehicles used for collecting and disposing of solid waste in Birchwood painted and marked uniformly with the Hauler's name prominently displayed in letters of contrasting color one each side of each vehicle used in Birchwood. The Hauler shall keep all equipment used in Birchwood in a clean, operable and sanitary condition. All equipment shall meet all Federal, State, County,

and Municipal regulations concerning vehicles used on public roads. Each collection vehicle shall be equipped with:

- All Occupational Safety and Health Act (OSHA) requirements regarding warning devices.
- A fire extinguisher.

5.3. Container Handling. Hauler's employees shall handle all containers with reasonable care to avoid damage. Hauler shall replace at no charge all containers damaged during collection.

5.4. Equipment Damage. Tennis Sanitation shall be responsible for safekeeping of its equipment, including, but not limited to, fire damage, theft and graffiti to the equipment. This provision shall in no way limit Tennis Sanitation's right or ability to seek repayment for damages caused to its equipment from the party(ies), other than the City, responsible for the damages.

5.5 Customer Notice. Tennis Sanitation shall be responsible for advising and monitoring individual residents of Birchwood regarding their duty to safeguard the Hauler's equipment from damage and to avoid overfilling or overloading their solid waste containers.

5.6. Employee Safety. The Hauler shall provide and maintain all sanitary and safety accommodations for the use and protection of its employees as may be necessary to provide for their health and welfare .

5.7. Applicable Regulations. The Hauler shall comply with all applicable ordinances of the City and with all laws and rules of Washington County, the State of Minnesota and its agencies relating to the collection and disposal of solid waste.

5.8. Licenses. Tennis Sanitation shall maintain at all times whatever licenses may be required by state, county, and local government for the pickup, collection, and disposal of solid wastes.

5.9. Disposal. Tennis Sanitation shall be responsible for the proper disposal of all solid waste collected under this Contract within the city of Birchwood, in accordance with all applicable laws relating to disposal of solid waste.

5.10. Complaints. Tennis Sanitation shall establish and maintain an office with supervision and a telephone number for accepting complaints and calls. The address and telephone number of such office shall be provided to the City, and the Hauler shall promptly notify the City in writing of any changes in either. The Hauler shall respond to all complaints promptly and courteously. The Hauler shall maintain a written record of all complaints received and the action taken in response. The Hauler shall provide the City with a copy of its written record of complaints upon request of the City.

6 Toxic and Hazardous Wastes.

6.1. Prohibition. Nothing in this Contract shall allow for the collection and disposal of toxic wastes or hazardous wastes.

6.2. Notice to Residents. Tennis Sanitation shall be responsible for periodically notifying and advising individual residents of Birchwood that waste materials placed in containers for pickup by the Hauler shall not contain any toxic wastes or hazardous wastes.

7. Damage to Pavement. The City recognizes the difficulty of ensuring that the pavement or driving surface on City streets and roads is adequate to bear the weight of Tennis Sanitation's vehicles. Therefore, the City agrees that the City will be responsible for any damage to its pavement, curbing or other driving surfaces resulting from the weight of Hauler's vehicles providing service within Birchwood. Tennis Sanitation warrants that its vehicles, when fully loaded, shall not exceed nine (9) tons. Tennis Sanitation shall be responsible for damage caused to pavement, curbing, or other driving surfaces caused by the negligent or careless driving or other misconduct of the Hauler besides the mere weight of its vehicles. Tennis Sanitation shall be responsible for all damage to other City property such as buildings, posts, signs, fences, hydrants, water lines, sewer lines, storm sewers, manholes, lift stations, or other City infrastructure, as well as damage to property owned by City residents, caused by the negligent or careless driving or other misconduct of the Hauler.

8. Definitions. The following terms shall have the meanings given below.

8.1. Equipment. "Equipment" refers to the containers for waste materials that are provided by Tennis Sanitation to the residents of Birchwood.

8.2. Garbage. "Garbage" is all waste resulting from the handling, preparation, cooking, service, and consumption of food.

8.3. Refuse. "Refuse" is all waste, including construction and demolition material, from residential, commercial, industrial, professional, governmental or institutional operations that is the result of normal operations, excluding yard waste, recyclables, toxic waste, and hazardous waste.

8.4. Solid Waste. "Solid Waste" is as defined in Minn. Rules 7035.0300, subp. 100 and includes solids, semisolids, liquids, or contained gaseous forms, and includes both garbage and refuse as defined above.

8.5. Toxic and Hazardous Wastes. "Toxic and Hazardous Wastes" includes all waste materials that are classified by State or Federal law as a toxic waste or a hazardous waste.

8.6. Yard Waste. "Yard Waste" includes all garden waste, leaves, lawn clippings, weeds, and pruning, except it does not include toxic or hazardous wastes.

9. Charges.

9.1. Present Schedule. As of the date of execution of this Contract, Tennis Sanitation is charging Birchwood residents the following rates:

- 96 gallon container \$18.90 + \$1.84 (SWM) + \$5.29 (CEC) = \$26.03/month
- 64 gallon container \$15.75 + \$1.54 (SWM) + \$4.41 (CEC) = \$21.70/month
- 35 gallon container \$11.55 + \$1.13 (SWM) + \$3.23 (CEC) = \$15.91/month

9.2. Adjustments in Fee Schedule. Tennis Sanitation may adjust the Schedule of Charges from time to time to reflect actual increases in disposal fees and/or county, state, local, and federal taxes. Increases for other reasons must be approved by the City. Tennis Sanitation shall notify the City and individual residents in writing of any increase in rates at least thirty days before such increases shall take effect.

9.3. Payments. Tennis Sanitation shall be responsible for all invoicing and collection of payments from the individual residents in Birchwood.

10. Independent contractor. Tennis Sanitation and its employees, agents or subcontractors shall be deemed an independent contractor for purposes of all services to be provided under this Contract. Nothing contained in this Contract is intended or should be construed as creating the relationship of co-partners or joint ventures within the City. Unless otherwise agreed by the parties, Tennis Sanitation shall provide its own tools and equipment and shall select its own manner and method of performing its services. Tennis Sanitation and its employees, agents or subcontractors shall not be considered an employee of the City for any purpose, and shall waive, release, and not be entitled to any of the benefits usually accorded regular City employees, including but not limited to severance pay, health insurance benefits, PERA, unemployment benefits, retirement credits, worker's compensation coverage, or any other rights or benefits that accrue to present City employees.

11. Notice to parties. Notices required to be provided pursuant to this Contract shall be given by United States Mail to the following addresses, by personal service, or fax, or by e-mail if the parties agree:

To the City:	To Tennis Sanitation:
City of Birchwood Village 207 Birchwood Avenue Birchwood, Minnesota 55110 Fax: 651-426-7747	Tennis Sanitation P.O. Box 62 St. Paul Park, MN 55071 Fax: 651-

12. Insurance. Tennis Sanitation shall maintain appropriate insurance coverage to cover its activities at all times while this Contract is in effect, in at least the following amounts:

- General liability: \$500,000/\$1,500,000
- Property: \$1,000,000
- Auto liability: \$500,000/\$1,500,000
- Worker's Comp: Per Statute

Tennis Sanitation shall provide the City with a certificate of insurance to demonstrate the required coverage. Tennis Sanitation shall name the City as an additional insured on all such policies of insurance. Any lapse of insurance coverage shall be cause for the City to immediately terminate the Contract. All policies evidencing insurance required by this paragraph shall insure the city and the Hauler for any act or omission, including negligence, of the Hauler or of the Hauler's employees or agents in connection with the performance of collection services, including claims arising out of the use of or operation of any vehicles used by the Hauler or the Hauler's employees or agents in performing collection services.

13. Indemnity. Tennis Sanitation agrees to indemnify and hold harmless the City, its agents, officers, and employees from any and all claims, causes of action, liabilities, losses, damages, costs, expenses including reasonable attorney's fees, suits, demands and judgments of any nature, because of bodily injury to, or death of, any person or persons and/or because of damages to property of the Hauler or others, including loss of use from any cause whatsoever, which may be asserted against the City on account of any act or omission, including negligence, of the Hauler, or the Hauler's employees or agents in connection with the Hauler's performance. The Hauler agrees to defend any action brought against the City on any such matters, and to pay and satisfy any judgment entered thereon together with all costs and expenses incurred in connection therewith.

14. Force Majeure. Neither party shall be held responsible for performance of this Contract if the party's performance is prevented by unforeseeable acts or events beyond the party's reasonable control including, but not limited to: severe weather and storms, earthquake or other natural occurrences, strike and other labor unrest, power failures, electrical power surges or current fluctuations, nuclear or other civil military emergencies, or acts of legislative, judicial, executive or administrative authorities.

15. Transfer of Rights and Obligations. Tennis Sanitation shall not assign, transfer, or subcontract its obligations under this Contract without notice to and approval of the City. Any attempt to assign or transfer or subcontract this Contract in whole or in part without prior approval of the City shall be grounds for immediate termination of the Contract.

16. Nondiscrimination. Tennis Sanitation agrees that during the term of this Contract, it will not within the State of Minnesota discriminate against any employee or applicant for employment because of race, color, creed, sex, national origin, or ancestry and will include a similar provision in all subcontract(s) entered into for the performance hereof. This paragraph is included in this Contract to comply with provisions of Minnesota Statutes § 181.59. Violation of this statute is a misdemeanor, and if violated, will permit the City to cancel this Contract.

17. Costs and Attorneys Fees. The prevailing party in any dispute arising out of this Contract shall be entitled to reimbursement of its costs and attorneys' fees in asserting or defending its rights hereunder against the nonprevailing party.

18. Merger, Amendment & Savings Clause. It is understood and agreed that the entire Contract between the parties is contained herein and that this Contract supersedes all oral agreements, negotiations, and past practices between the parties relating to the subject matter. This Contract

may be amended at any time by mutual agreement of the City and Tennis Sanitation. Any amendments shall be in writing to be effective. If any section of this Contract is found to be invalid or not enforceable, the remainder of the Contract shall remain in force and binding.

19. Termination. This Contract shall terminate upon one party giving the other party adequate notice of such intent to terminate under Paragraph 3. Upon termination of the Contract, the relationship shall end, except for the indemnity obligations of the Hauler under paragraph 13 and Data Practices obligations under Paragraph 21. If the Hauler fails to perform any of the provisions of this Contract or so fails to administer the work as to endanger the performance of the Contract, this shall constitute default. Unless the Hauler's default is promptly remedied, the City may, upon written notice, immediately cancel this Contract in its entirety.

20. Firearms. Unless specifically required by the terms of this contract, neither Hauler nor its employees, agents, or subcontractors shall carry or possess a firearm on City premises. Violation of this provision shall be considered a substantial breach of the Contract. Violation of this provision is grounds for immediate suspension or termination of this contract.

21. Data Practices & Record Retention. All data collected, created, received, maintained, or disseminated for any purposes by the activities of Hauler because of this Contract is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such act now in force or as adopted, as well as federal regulations on data privacy. Hauler agrees that the City, the State Auditor, or any of their duly authorized representatives at any time during normal business hours and as often as they may reasonably deem necessary, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, etc., which are pertinent to the accounting practices and procedures of the Hauler and invoice transactions relating to this Contract. Hauler agrees to maintain these records for a period of three (3) years from the date of termination of this Contract.

22. Governing Law. The laws of Minnesota shall govern the interpretation and enforcement of this Contract. The parties consent to the jurisdiction and venue of the Washington County District Court for all disputes arising hereunder.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed as of the dates set forth below.

CITY OF BIRCHWOOD VILLAGE

By: _____
Mary Wingfield, Mayor

Dated: _____

By: _____
Mike Anderson, Clerk

Dated: _____

TENNIS SANITATION, LLC

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

For the Period 04/13/2016 to 05/05/2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$533,476.67	\$2,006.55	\$20,948.14	\$514,535.08			
Special Rev Projects	\$875.02	\$0.00	\$460.00	\$415.02			
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	\$0.00	\$0.00	\$48,758.91			
Water Enterprise Fund	\$22,515.96	\$0.00	\$7,585.40	\$14,930.56			
Sewer Enterprise Fund	\$46,478.12	\$0.00	\$8,923.34	\$37,554.78			
Sewer Infrastructure	\$3,845.00	\$0.00	\$0.00	\$3,845.00			
Total	\$664,374.30	\$2,006.55	\$37,916.88	\$628,463.97	\$4,064,659.81	\$4,491,973.34	\$1,055,777.50

City of Birchwood Village

Receipts List

05/05/2016

Date range: 04/08/2016 to 05/05/2016

Remitter	Date	Receipt #	Total	Description	Deposit ID	Void	Account #	Detail
Resident Rollinger	04/11/2016	1693	\$10.00	Dog License - 2 Years	(04/11/2016) -	No	100-32240	\$10.00
Resident Malles	04/11/2016	1694	\$200.00	Boat Slip Wait List Fee	(04/11/2016) -	No	210-32260	\$200.00
Resident Wittenberg	04/11/2016	1695	\$20.00	Kayak/Canoe Permit x 2 - Cash	(04/11/2016) -	No	100-32220	\$20.00
Resident Sorenson	04/11/2016	1696	\$10.00	Kayak/Canoe Permit - Cash	(04/11/2016) -	No	100-32220	\$10.00
MN STATE	04/12/2016	1710	\$244.99	Court Fine	(04/12/2016) -	No	100-34170	\$244.99
Resident Haupt	04/18/2016	1704	\$20.00	Kayak/Canoe Permit x 2	(04/18/2016) -	No	100-32220	\$20.00
Heart, Tami	04/18/2016	1705	\$20.00	Kayak/Canoe Permit x 2 - Cash	(04/18/2016) -	No	100-32220	\$20.00
Xoel Energy	04/18/2016	1706	\$7.23	Credit Final Refund	(04/18/2016) -	No	100-36240	\$3.68
Gohl, DJ	04/18/2016	1707	\$10.00	Kayak/Canoe Permit	(04/18/2016) -	No	100-36240	\$3.55
Calderon, Nancy AJ	04/18/2016	1708	\$510.25	Permit	(04/18/2016) -	No	100-32210	\$10.00
JK Solutions LLC	04/18/2016	1709	\$744.71	Permit	(04/18/2016) -	No	100-32210	\$510.25
Advantage Construction	05/02/2016	1712	\$229.95	Roof Permit	(05/02/2016) -	No	100-32210	\$744.71
Bruette Roofing, Inc.	05/02/2016	1713	\$84.41	Roof Permit	(05/02/2016) -	No	100-32210	\$229.95
Spring Plumbing LLC	05/02/2016	1714	\$180.00	Permit	(05/02/2016) -	No	100-32210	\$84.41
White Bear Lake Area Public Schools	05/02/2016	1715	\$100.00	Wettering Seminar	(05/02/2016) -	No	100-34100	\$180.00
Mahtamedi Public Schools	05/02/2016	1716	\$100.00	Wettering Seminar	(05/02/2016) -	No	100-34100	\$100.00

Total For Selected Receipts

\$2,491.54

\$2,491.54

City of Birchwood Village

Disbursements List

05/05/2016

Date range: 04/08/2016 to 05/05/2016

Vendor	Date	Check #	Total	Description	Void No	Account #	Detail
Payroll Period Ending 03/31/2016	04/11/2016	29140	\$321.12		No	100-41400-100	\$321.12
League of Women Voters	04/11/2016	29141	\$25.00	Hall Rental - Refund	No	100-41940-810	\$25.00
Payroll Period Ending 04/12/2016	04/12/2016	29142	\$1,410.79		No	100-41400-100	\$1,410.79
Payroll Period Ending 04/12/2016	04/12/2016	29143	\$407.89		No	100-41400-100	\$407.89
PERA	04/12/2016	eft41216	\$274.40	Employee Retirement	No	100-41400-121	\$274.40
Paul Kaluzniak	04/14/2016	29144	\$200.00	Boat Slip Refund	No	210-49200-810	\$200.00
City of White Bear Lake	04/18/2016	29145	\$7,585.40	Q1 Water Bill 2016	No	601-43180-305	\$7,585.40
MN Department of Revenue	04/18/2016	EFT041816	\$622.30	Quarter 1 Filing 2016	No	100-41400-115	\$622.30
Quality Flow Systems, Inc.	04/25/2016	29146	\$7,260.00	Lift Station Inspection/Repair	No	605-43190-380	\$2,866.00
IRS - US Treasury	04/25/2016	EFTIRSQ116	\$3,881.94	Q1 2016 Payment	No	605-43190-380	\$4,394.00
Payroll Period Ending 04/26/2016	04/26/2016	29147	\$1,410.79		No	100-41400-100	\$3,580.58
PERA	04/26/2016	EFT42216	\$274.40	Employee Retirement	No	100-45200-100	\$301.36
Mary Wingfield	05/02/2016	29148	\$350.00	Reimbursement for stamps	No	100-41400-100	\$1,410.79
On-Site Sanitation Inc	05/02/2016	29149	\$195.80	Rental Monthly Units x 2	No	100-41400-121	\$274.40
White Bear Township	05/02/2016	29150	\$895.46	Annual Lift Station Check / Repairs (3/31/15 - 4/17/16)	No	100-41430-810	\$350.00
White Bear Township	05/02/2016	29151	\$295.00	Annual Lift Station Check / Repairs (3/21/15 - 4/03/16)	No	100-45200-305	\$98.47
Companion Animal Control LLC	05/02/2016	29152	\$240.00	Animal Control - Qtr1, 2016	No	100-45200-305	\$97.33
White Bear Lake Conservation Distri	05/02/2016	29153	\$1,742.54	Annual Apportionment Fiscal 2016	No	605-43190-305	\$895.46
TSE, INC	05/02/2016	29154	\$46.00	City Hall Janitorial Services Jan x2	No	605-43190-305	\$295.00
Washington County	05/02/2016	29155	\$5,751.28	Assessment Billing 2016	No	100-42810-305	\$240.00
					No	100-46100-430	\$1,742.54
					No	100-41940-305	\$23.00
					No	100-41940-305	\$23.00
					No	100-41550-305	\$5,751.28

City of Birchwood Village

Disbursements List

05/05/2016

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Menards - Oakdale	05/02/2016	29157	\$268.58	Kayak Rack Repairs	No	100-45200-305	\$164.92
White Bear Lift & Dock, Inc.	05/02/2016	29158	\$260.00	Dock Installation x 13	No	100-45200-305	\$103.66
Ronnan, Kenny	05/02/2016	29159	\$78.75	Council Meeting Services 4/12/16	No	210-45200-305	\$260.00
MN Dept of Labor and Industry	05/02/2016	29160	\$289.82	Mn Bldg Permit Surcharge 1st Qtr 2016 - 24642163025	No	100-41950-305	\$78.75
Tennis Sanitation, LLC	05/02/2016	29161	\$1,656.00	Recycling Contract Mar-Apr 2016	No	100-42401-430	\$289.82
City of White Bear Lake	05/02/2016	29162	\$1,568.75	Fire Services - April 2016	No	100-43300-305	\$1,656.00
City of Roseville	05/02/2016	29163	\$670.44	Mar & Apr 2016 IT/Phone Services	No	100-42200-305	\$1,568.75
Payroll Period Ending 04/30/2016	05/02/2016	29164	\$321.12		No	100-41955-305	\$274.75
Xcel Energy	05/02/2016	EFTa050216	\$810.20	electric for lift stations / warminghouse	No	100-41955-305	\$60.47
						100-41955-305	\$60.47
						100-41955-305	\$274.75
						100-41400-100	\$321.12
Xcel Energy	05/02/2016	EFTb050216	\$1,242.31	electric for street lights	No	100-41940-380	\$172.75
						100-45200-380	\$164.57
						605-43190-380	\$472.88
						100-43160-380	\$1,242.31
Total For Selected Checks			\$40,356.08				\$40,356.08

As of 05/05/2016

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$135,957.92	\$0.00	(\$135,957.92)
Total Acct 310	\$135,957.92	\$0.00	(\$135,957.92)
Building Permits	\$0.00	\$9,766.79	\$9,766.79
Kayak/Canoe Permit	\$0.00	\$310.00	\$310.00
Dog Licenses	\$0.00	\$250.00	\$250.00
Zoning App Fee	\$0.00	\$300.00	\$300.00
Total Acct 322	\$0.00	\$10,626.79	\$10,626.79
General Government	\$0.00	\$790.63	\$790.63
City Hall and Garage Rent	\$0.00	\$75.00	\$75.00
State and Misc fees	\$0.00	\$5,465.03	\$5,465.03
Total Acct 341	\$0.00	\$6,330.66	\$6,330.66
Miscellaneous	\$0.00	\$135.00	\$135.00
Total Acct 361	\$0.00	\$135.00	\$135.00
Interest Earnings	\$0.00	\$189.11	\$189.11
Refund-Reimbursemnt-Dividend	\$0.00	\$7.23	\$7.23
Total Acct 362	\$0.00	\$196.34	\$196.34
Total Revenues	\$135,957.92	\$17,288.79	(\$118,669.13)
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$866.67	\$996.77	(\$130.10)
Total Acct 411	\$866.67	\$996.77	(\$130.10)
City Council	\$1,625.00	\$796.70	\$828.30
Total Acct 413	\$1,625.00	\$796.70	\$828.30
Clerk - Treasurer	\$27,343.75	\$26,980.66	\$363.09
Elections	\$1,072.92	\$0.00	\$1,072.92
Office Operations/Supplies	\$1,166.67	\$550.62	\$616.05
Postage/Postal Permits	\$270.83	\$475.34	(\$204.51)
Total Acct 414	\$29,854.17	\$28,006.62	\$1,847.55
Financial Administration	\$166.67	\$100.00	\$66.67
Accounting	\$2,083.33	\$0.00	\$2,083.33
Assessing	\$2,270.83	\$6,351.28	(\$4,080.45)
Total Acct 415	\$4,520.83	\$6,451.28	(\$1,930.45)
Legal Services	\$2,916.67	\$0.00	\$2,916.67
Engineer Service	\$2,916.67	\$0.00	\$2,916.67
Total Acct 416	\$5,833.33	\$0.00	\$5,833.33
Grants	\$833.33	\$1,534.00	(\$700.67)
Planning and Zoning	\$208.33	\$0.00	\$208.33
City Training and Development	\$433.33	\$40.00	\$393.33

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

05/05/2016

City Hall-Gov't Buildings	\$2,291.67	\$1,316.16	\$975.51
City Insurance	\$3,125.00	\$437.00	\$2,688.00
Cable Eqpmnt and Service	\$0.00	\$275.63	(\$275.63)
Phone/IT	\$2,166.67	\$1,340.88	\$825.79
Total Acct 419	\$9,058.33	\$4,943.67	\$4,114.66
Police	\$21,250.00	\$24,415.47	(\$3,165.47)
Total Acct 421	\$21,250.00	\$24,415.47	(\$3,165.47)
Fire	\$8,333.33	\$7,778.42	\$554.91
Total Acct 422	\$8,333.33	\$7,778.42	\$554.91
Building Inspection	\$41.67	\$13,428.71	(\$13,387.04)
Total Acct 424	\$41.67	\$13,428.71	(\$13,387.04)
Other Protection	\$41.67	\$129.88	(\$88.21)
Utility Locates	\$0.00	\$172.50	(\$172.50)
Animal Control	\$375.00	\$519.50	(\$144.50)
Total Acct 428	\$416.67	\$821.88	(\$405.21)
Streets and Road Mntnc	\$2,500.00	\$12,637.15	(\$10,137.15)
Street Sweeping	\$1,666.67	\$0.00	\$1,666.67
Ice and Snow Removal	\$6,666.67	\$6,440.25	\$226.42
Tree Removal	\$2,083.33	\$3,040.00	(\$956.67)
Utility - Drain Structure Care	\$833.33	\$0.00	\$833.33
Street Lights	\$7,500.00	\$5,774.22	\$1,725.78
Total Acct 431	\$21,250.00	\$27,891.62	(\$6,641.62)
Recycle	\$4,166.67	\$4,968.00	(\$801.33)
Total Acct 433	\$4,166.67	\$4,968.00	(\$801.33)
Lawn Care/Mntnc	\$4,166.67	\$0.00	\$4,166.67
Total Acct 450	\$4,166.67	\$0.00	\$4,166.67
Recreation	\$166.67	\$200.00	(\$33.33)
Total Acct 451	\$166.67	\$200.00	(\$33.33)
Parks	\$5,208.33	\$8,069.07	(\$2,860.74)
Total Acct 452	\$5,208.33	\$8,069.07	(\$2,860.74)
Conservation - Natural Resourc	\$785.42	\$1,742.54	(\$957.12)
Total Acct 461	\$785.42	\$1,742.54	(\$957.12)
Unallocated Expenditures	\$5,539.17	\$30.00	\$5,509.17
Total Acct 492	\$5,539.17	\$30.00	\$5,509.17
Other Financing Uses	\$12,500.00	\$0.00	\$12,500.00
Total Acct 493	\$12,500.00	\$0.00	\$12,500.00
Total Disbursements	\$135,582.92	\$130,540.75	\$5,042.17
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$627,787.04	
Cash Balance as of 05/05/2016		\$514,535.08	

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

05/05/2016

As of 05/05/2016

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$400.00	\$400.00
Total Acct 322	\$0.00	\$400.00	\$400.00
Total Revenues	\$0.00	\$400.00	\$400.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$0.00	\$2,585.00	(\$2,585.00)
Total Acct 452	\$0.00	\$2,585.00	(\$2,585.00)
Unallocated Expenditures	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
Total Disbursements	\$0.00	\$2,785.00	(\$2,785.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$2,800.02	
Cash Balance as of 05/05/2016		\$415.02	

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

05/05/2016

As of 05/05/2016

Spec Rev - Warm House

	<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 05/05/2016		\$0.00	

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

05/05/2016

As of 05/05/2016

Sewer 2004 Bonds	<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 05/05/2016		\$0.00	

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

05/05/2016

As of 05/05/2016

Birchwood In Re-hab Bond	<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 05/05/2016		\$0.00	

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

05/05/2016

As of 05/05/2016

Sewer Re-hab 2008 Debt

	<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		\$8,424.62	
Cash Balance as of 05/05/2016		\$8,424.62	

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

05/05/2016

As of 05/05/2016

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$48,758.91	
Cash Balance as of 05/05/2016		\$48,758.91	

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

05/05/2016

As of 05/05/2016

Water Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$16,965.98	\$16,965.98
Penalty - Late Water/Sewer	\$0.00	\$84.44	\$84.44
State and Misc fees	\$0.00	\$583.00	\$583.00
Total Acct 341	\$0.00	\$17,633.42	\$17,633.42
Total Revenues	\$0.00	\$17,633.42	\$17,633.42
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Financial Administration	\$0.00	\$2,072.65	(\$2,072.65)
Total Acct 415	\$0.00	\$2,072.65	(\$2,072.65)
Water Utility	\$0.00	\$16,247.80	(\$16,247.80)
Total Acct 431	\$0.00	\$16,247.80	(\$16,247.80)
Total Disbursements	\$0.00	\$18,320.45	(\$18,320.45)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$15,617.59	
Cash Balance as of 05/05/2016		\$14,930.56	

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

05/05/2016

As of 05/05/2016

Sewer Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$173.71	\$173.71
Sewer Fee	\$0.00	\$27,648.09	\$27,648.09
Total Acct 341	\$0.00	\$27,821.80	\$27,821.80
Total Revenues	\$0.00	\$27,821.80	\$27,821.80
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Sewer Utility	\$0.00	\$62,703.61	(\$62,703.61)
Total Acct 431	\$0.00	\$62,703.61	(\$62,703.61)
Total Disbursements	\$0.00	\$62,703.61	(\$62,703.61)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$72,436.59	
Cash Balance as of 05/05/2016		\$37,554.78	

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

05/05/2016

As of 05/05/2016

Sewer Infrastructure	<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		\$3,845.00	
Cash Balance as of 05/05/2016		\$3,845.00	



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: May 5, 2016
SUBJECT: Tree Preservation Ordinance

Tree Preservation Ordinance

This code was discussed at the joint planning commission meeting May 3, 2016.

The committee thought that trees in the Natural Environmental Areas should be more protected than the other trees in the city. The April 7, 2016 draft proposal required that one tree be planted for every three tree removed in NEAs. Other trees within the city are required to be replaced at a rate of one to one. By removing the NEA designation, the new code aligns more with the planning commission's expectations and requires all trees in the city to be protected to the same extent (one to one ratio for replacement).

Other tree species have been added to the exceptions list: cottonwoods, poplar family, most elms.

Some language was edited for clarity.

Following this memo you will find the original draft of the tree language followed by the final version that has been edited.

If you have questions please direct them to the City Clerk at Mike.Anderson@CityofBirchwood.com or call City Hall at 651-426-3403.

Proposed Tree Preservation Language: First Draft

(Move and re-label 302.060. VEGETATIVE ALTERATIONS. To

302.055 LAND DISTURBANCE ACTIVITY STANDARDS)

(Purpose: To put tree preservation more in the main stream of the 302 ordinance.)

2. The following are Specific Standards:

.....

.....

d. Vegetative Alterations *(A new section with changes to original wording of 302.060 follows after sections a. through c.)*

The purpose of this section is to preserve and protect the Natural Environment Areas of the City and to minimize the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. Ground cover vegetation shall be preserved insofar as is practical and reasonable in order to retard surface water runoff and /soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be carried out in accordance with the following criteria:

a. (i) Clearcutting of trees shall be prohibited within all Natural Environment Areas, except as necessary for placing public facilities and roads, and private and public structures. Clearcutting of trees shall also be allowed on land within 20 feet of buildings and driveways. On any property, removal of all box elder, green ash, silver maple, American elm, and buckthorn trees is allowed.

(ii) When Part (i) allows clearcutting on any part of an NEA that is within 10 feet of a side or rear property boundary, the property owner shall provide as part of the permitting process, a plan for restoration of that area to provide screening reasonably equivalent to that provided by the original NEA. As an alternative to achieving an NEA, the property owner may elect to plant evergreens, lilacs, or other relatively dense plants to provide permanent screening.

b. (iii) Clearcutting of shrubs and/or ground cover vegetation shall be prohibited on shore lots and slopes greater than thirty (30) percent. Ground cover vegetation shall be restored insofar as feasible after any construction project. Land Disturbance Activity.

e. (iv) The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.

d. (v) All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.

e. (vi) Alterations on Shore Lots. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands as long as sufficient cover is left to reasonably screen motor vehicles and structures when viewed from the water and existing shading of water surfaces is preserved. Natural shrubs which are removed must be replaced with other vegetation which is equally effective in retarding runoff, preventing erosion, and screening structures, vehicles, or other facilities. A protective buffer strip of natural vegetation at least 16.5 feet in width shall be maintained around all wetlands.

(The following two parts are to remain in their original locations, 302.055.c parts 2 and 3, respectively, and also added to this section with a few changes.)

(vii) During Land Disturbance Activities no more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

(viii) Temporary ground cover, (mulch) shall be applied within 2 weeks of the finish of Land Disturbance Activities. Permanent vegetative cover, sod, or plantings shall be provided as soon as possible but not exceeding 1 year after the completion of Land Disturbance Activities.

(Add a new part to 304.040 2. Criteria for Granting a Variance.)

h. The City Council shall determine if the granting of the variance would result in preservation of more trees and other vegetative cover than if the project would be completed without a variance.

(An "incentive" for landowner and City to preserve trees and other vegetation.)

(Changes in Definitions)

Birchwood 300.020 DEFINITIONS

9. Clearcutting. Complete removal of trees or shrubs or **ground cover** in a contiguous patch, strip, row or block.

24. Land Disturbance Activity (LDA). Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, **and removal of vegetation.**

EXCEPTION: Gardening or the planting of trees or shrubs shall not be considered to be a land disturbance activity.

(Add a definition to 300.020 DEFINITIONS)

32.a. Natural Environment Area (NEA): A contiguous area greater than 400 square feet, comprising part or all of a lot, where there has been no periodic mowing, cultivation, raking, gardening, or similar activity. This area would usually contain trees greater than 3 inches in diameter and numerous mature shrubs and small trees. A lot may contain more than one such area.

Proposed Tree Preservation Ordinance Final

(Delete 302.060. VEGETATIVE ALTERATIONS, and include this material in a new section "d" of 302.055 LAND DISTURBANCE ACTIVITY STANDARDS)

302.055.2 The following are Specific Standards:

.....

d. Natural Environment Area and Tree Preservation

The purpose of this section is to preserve, protect and reduce the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. The removal of woody, non-noxious, vegetation in the City shall be carried out in accordance with the following criteria:

1. Requirements and Standards

(i) Clear-cutting Clear-cutting of trees shall be prohibited except as necessary for placing public facilities and roads, and private and public structures. Clear-cutting of trees shall also be allowed on land within 20 feet of buildings and 5 feet of driveways.

(ii) Removal of Trees – Replacement Required Whenever significant trees, defined as healthy coniferous trees six (6) feet or more in height or deciduous trees eight (8) inches or more in diameter, are to be removed, Parts (ii). 1, 2, & 3. shall be followed. Trees covered under Part 1.(iii) are not included in Part 1. (ii).

1. Replacement Standards. At a minimum in any subdivision, Land Disturbance Activity, or building permit/new construction areas, trees that are removed shall be replaced at a rate of one (1) tree replaced for each one (1) significant tree lost. Replacement trees shall be no less than two and one half (2½) inches in diameter for deciduous trees and six (6) feet tall for coniferous trees. Replacement shall be completed within one (1) year of the removal of tree(s) or one (1) year of the conclusion of development or construction activities. For activities requiring permits, the City may require the applicant to provide the City with a cash deposit, surety bond or letter of credit to secure the applicant's obligation to replace the lost trees.

2. When Part (i) allows clear cutting that is within 10 feet of a side or rear property lot line, the property owner shall provide, as part of the permit application, a plan for restoration of that area to provide vegetative screening reasonably equivalent to the original vegetative screening.

(iii) Removal – No Replacement. On any parcel the removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards, and of all cottonwood, poplar family, box elder, green ash, silver maple, elm (Siberian and American), and buckthorn trees of any size is permitted without replacement.

(iv) Existing vegetative buffer strips along any property lot lines shall be maintained, or made more dense, to provide vegetative screening. Replacement of vegetation type(s) is permitted as long as the resultant screening is reasonably equivalent to that provided by the original vegetation.

(v) All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.

(vi) Vegetation Alterations on Lots Abutting Water.

Limited removal or alteration of vegetation on lots abutting lakes, ponds, or wetlands, is allowed subject to the following standards:

1. Clear-cutting or intensive clearing of vegetation is not allowed.
2. Limited clearing of trees, subject to 302.055.2.d.1.(ii) and (iii), and shrubs, and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of buildings, stairways and landings, picnic areas, access paths, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:
 - (a) The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced.
 - (b) Vegetation which is removed must be replaced with other vegetation which is equally effective in retarding water runoff and preventing erosion.
 - (c) A protective buffer strip of vegetation at least 16.5 feet back from the ordinary high water mark shall be maintained abutting the shorelines of all lakes and wetlands.

(vii) Land Disturbance Activities shall be conducted on no more than one-third (1/3) of the surface area of a lot at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

Erosion Control, (mulch, fiber matting or similar) shall be applied during Land Disturbance Activities. Permanent vegetative cover, sod, or plantings shall be provided as soon as possible but not exceeding six months after the completion of Land Disturbance Activities.

2. Nonconformity. Any use which lacks reasonable screening of development on lots abutting lakes, ponds, or wetlands, or which does not provide for adequate erosion control on any property within the City, is a Nonconformity. When a development or building permit is sought for property with nonconforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation to meet the purposes of 302.055.d. Tree Preservation code.

3. Variance. When a variance is requested for non-compliance with section 302.055.d.1 -Tree Preservation code, the land owner, shall submit a plan to plant evergreens, shrubbery, and other vegetative dense plants or trees to provide screening to mitigate the loss of vegetation.

(Changes in 300.020 Definitions)

Birchwood 300.020 DEFINITIONS

9. Clear-cutting. Complete removal of trees or shrubs or woody ground cover in a contiguous patch, strip, row or block.

24. Land Disturbance Activity (LDA). Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, and removal of vegetation.

EXCEPTION: Gardening or the planting of trees or shrubs shall not be considered to be a land disturbance activity.

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

RESOLUTION 2016-11

**A Resolution Amending Chapter 302.055
to Land Disturbance Activity Standards, and to Eliminate 302.060 Vegetative Alterations.**

WHEREAS, the City of Birchwood Village is a political subdivision, organized and existing under the laws of the State of Minnesota; and

WHEREAS, the City has adopted chapter 302.055 adopting Tree Preservation; and

WHEREAS, the present ordinance needs to be updated to reflect changes in certain parts of City Code,

WHEREAS, the City has amended chapter 302.055 of the city code to address Tree Preservation; and

WHEREAS, the Birchwood Planning Commission reviewed the draft ordinance amendments and made a recommendation to the Council and the Council has taken this recommendation into account; and

WHEREAS, the City Council held a public hearing on May 10, 2016, and no person testified in opposition to the proposed amendments; and

WHEREAS, the amendments proposed for chapter 302.055 are reasonable and appropriate

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

1. That Chapter 302.055 of the City Code, entitled TREE PRESERVATION, is amended as shown in the attached document to update and reflect City Code.

The effective date of these Ordinance amendments shall be upon publication as required by law.

Adopted by the City Council on this 10th day of May, 2016.

Approved:

Mary Wingfield, Mayor

Attest:

Mike Anderson, City Administrator

RESOLUTION: SUMMARY OF ORDINANCE 302.055

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

AN ORDINANCE AMENDING THE CITY'S ZONING CODE TO HELP PRESERVE THE TREES IN BIRCHWOOD. CITY CODE 302.060: VEGETATIVE ALTERATIONS WILL BE CHANGED TO 302.055: LAND DISTURBANCE ACTIVITY STANDARDS.

The following is a SUMMARY of the Ordinance:

On May 10, 2016 the City amended Code 302.055: The purpose of this code is to preserve, protect and reduce the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. The removal of woody, non-noxious, vegetation in the City shall be carried out in accordance with this code.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Ave, Birchwood, MN or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

Washington County Sheriff's Office
CONTRACT ICR's
Contract Report for BIRCHWOOD
For the Period 4/01/16 To 4/30/16

Date	Time	ICR #	ID#	Street Name	Complaint
4/01/16	4:00:36	116011474	1202	HALL AV	MEDICAL ALARM LEVEL1
4/01/16	8:40:47	116011485	0128	WILDWOOD AV	POSSIBLE CHICKEN ORD. VIOL.
4/02/16	5:10:40	116011612	0092	BIRCHWOOD AV	ALARM **RSTK**
4/02/16	10:11:49	116011630	0182	HALL AV	DIRECTED PATROL - SPEED
4/02/16	12:21:27	116011641	0128	HALL AV	DIRECTED PATROL: SPEED
4/02/16	12:31:33	116011644	0128	HALL AV	TRAFFIC: SPEED
4/05/16	18:51:48	116012062	0093	BIRCHWOOD AV	LOUD MUSIC COMPLAINT
4/08/16	2:47:59	116012375	1202	WILDWOOD AV	ALARM
4/08/16	16:10:56	116012500	0091	BIRCHWOOD LN	SUSPICIOUS ACTIVITY
4/09/16	14:23:08	116012581	0077	WILDWOOD AV	BURGLAR ALARM
4/14/16	22:31:17	116013262	0177	EAST CO LINE RD	POSSIBLE BURG
4/16/16	12:05:01	116013526	0077	CEDAR ST	THEFT REPORT **RESTACK 21--
4/16/16	16:31:34	116013565	0084	WILDWOOD AV	BURG ALARM
4/16/16	18:04:40	116013576	0118	OAKRIDGE DR	CAT IN TREE **RST-FIRE T
4/17/16	18:32:35	116013673	0082	BIRCHWOOD AV	DRIVING COMPLAINT
4/18/16	16:47:07	116013791	0081	HALL AV	AOA-CHECK ADDRESS
4/18/16	20:14:00	116013815	0165	WILDWOOD AV	BURG ALARM
4/19/16	8:23:57	116013843	0128	HALL AV	DIRECTED PATROL: SPEED
4/19/16	8:33:08	116013847	0100	OAKVIEW CT	OFFICERS INFO
4/19/16	11:42:57	116013876	0081	LAKE AV	ALARM
4/19/16	22:42:02	116013961	0061	WILDWOOD AV	SUSPICIOUS VEHICLE
4/20/16	15:49:49	116014067	0061	JAY ST	MAIL THEFT
4/21/16	15:15:20	116014192	0076	CEDAR ST	SUSPICIOUS ACTIVITY
4/21/16	18:57:26	116014217	0197	LAKE AV	ALARM
4/22/16	21:20:04	116014370	0074	LAKE AV	OPEN DOOR
4/23/16	21:44:00	116014461	0061	LAKE AV	SUSPICIOUS ACTIVITY
4/25/16	18:17:14	116014666	0164	WILDWOOD AV	MAARC RPT
4/26/16	14:44:07	116014776	0100	BIRCH ST	OFFICERS INFO
4/27/16	13:39:46	116014881	0096	BIRCHWOOD AV	NOISE COMPLAINT *DO NOT AI

Total ICRs Processed: 29

** END OF REPORT **

PF Citations by City Rpt

ALCOPFR\$

QIJS Page 1
5/01/16 6:07:19

Washington County Sheriff's Office
CITATIONS BY CITY REPORT

City selected: BIRCHWOOD

From Date: 4/01/2016 To: 4/30/2016

BIRCHWOOD

Offense Date	Offense Time	Location	Citation #
4/02/2016 Statute 169	1230 14	520 BLK HALL AV	CT8223725

Total for City: BIRCHWOOD

1

** END OF REPORT **



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: May 4, 2016
SUBJECT: Annual Report

Annual Report for Birchwood Village Finances

The Annual Report shows the ending balances for the City of Birchwood's finances. Expenditures were again less than income. Consistent with the city's policy of building its public works/capital improvement fund for future improvements without raising the levy, \$30,000 should be transferred to that account. A resolution is attached.

The City of Birchwood holds onto deposits for the Boat Slip waiting list. These funds get placed into the Special Revenue Projects (Account #210) in trust. At this time 10 residents are on the wait list and the City has \$2000 in trust for those on the wait list. Last year the wait list contained 16 applicants.

For the Period 01/01/2015 to 12/31/2015

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>	<u>Less Deposits In Transit</u>	<u>Plus Outstanding Checks</u>	<u>Total Per Bank Statement</u>
General Fund	\$57,778.13	\$407,716.75	\$337,707.84	\$627,787.04			
Special Rev Projects	\$15,468.65	\$2,784.95	\$15,453.58	\$2,800.02			
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00			
Sewer 2004 Bonds	\$9,444.86	\$8,607.99	\$18,052.85	\$0.00			
Birchwood In Re-hab Bond	\$1,157.24	\$6.00	\$1,163.24	\$0.00			
Sewer Re-hab 2008 Debt	(\$7,179.94)	\$15,853.56	\$249.00	\$8,424.62			
Cap Project - PW	\$3,758.91	\$45,000.00	\$0.00	\$48,758.91			
Water Enterprise Fund	(\$7,070.08)	\$70,572.66	\$47,884.99	\$15,617.59			
Sewer Enterprise Fund	\$72,748.17	\$114,703.88	\$115,015.46	\$72,436.59			
Sewer Infrastructure	\$30,000.00	\$0.00	\$26,155.00	\$3,845.00			
Total	\$676,105.94	\$665,245.79	\$561,681.96	\$779,669.77	\$4,042,964.77	\$4,453,013.81	\$1,189,718.81

(Amount in thousands)

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

04/11/2016

As of 12/31/2015

General Fund	Budget	Actual	Variance
Receipts:			
General Property Taxes	\$326,299.00	\$342,811.44	\$16,512.44
Total Acct 310	\$326,299.00	\$342,811.44	\$16,512.44
Business Licenses and Permits	\$0.00	\$914.73	\$914.73
Total Acct 321	\$0.00	\$914.73	\$914.73
Building Permits	\$0.00	\$23,612.88	\$23,612.88
Kayak/Canoe Permit	\$0.00	\$350.00	\$350.00
Dog Licenses	\$0.00	\$165.00	\$165.00
Spring Leaf Collection	\$0.00	\$2,495.85	\$2,495.85
Dock/Lift Permit Fee	\$0.00	\$2,273.95	\$2,273.95
Dock Assn Transfer	\$0.00	\$735.00	\$735.00
Zoning App Fee	\$0.00	\$390.00	\$390.00
Total Acct 322	\$0.00	\$30,022.68	\$30,022.68
Recycle Grant	\$0.00	\$2,212.00	\$2,212.00
Cable Comm. Grant	\$0.00	\$9,607.32	\$9,607.32
Total Acct 336	\$0.00	\$11,819.32	\$11,819.32
City Hall and Garage Rent	\$0.00	\$395.00	\$395.00
Water Fee	\$0.00	\$50.06	\$50.06
State and Misc fees	\$0.00	\$16,896.63	\$16,896.63
Total Acct 341	\$0.00	\$17,341.69	\$17,341.69
Fines	\$0.00	\$219.98	\$219.98
Total Acct 351	\$0.00	\$219.98	\$219.98
Miscellaneous	\$0.00	\$641.98	\$641.98
Total Acct 361	\$0.00	\$641.98	\$641.98
Interest Earnings	\$0.00	\$340.93	\$340.93
Contrib. and Donations-Private	\$0.00	\$150.00	\$150.00
Refund-Reimbursemnt-Dividend	\$0.00	\$3,454.00	\$3,454.00
Total Acct 362	\$0.00	\$3,944.93	\$3,944.93
Total Revenues	\$326,299.00	\$407,716.75	\$81,417.75
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,080.00	\$1,136.48	\$943.52
Total Acct 411	\$2,080.00	\$1,136.48	\$943.52
City Council	\$3,900.00	\$8,244.16	(\$4,344.16)
Total Acct 413	\$3,900.00	\$8,244.16	(\$4,344.16)
Clerk - Treasurer	\$65,625.00	\$72,111.96	(\$6,486.96)
Elections	\$2,575.00	\$308.51	\$2,266.49
Office Operations/Supplies	\$2,800.00	\$944.33	\$1,855.67
Postage/Postal Permits	\$650.00	\$1,158.94	(\$508.94)

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

04/11/2016

Total Acct 414	\$71,650.00	\$74,523.74	(\$2,873.74)
Financial Administration	\$400.00	\$0.00	\$400.00
Accounting	\$5,000.00	\$0.00	\$5,000.00
Assessing	\$5,450.00	\$5,642.37	(\$192.37)
Total Acct 415	\$10,850.00	\$5,642.37	\$5,207.63
Legal Services	\$7,000.00	\$5,000.00	\$2,000.00
Engineer Service	\$7,000.00	\$1,653.75	\$5,346.25
Total Acct 416	\$14,000.00	\$6,653.75	\$7,346.25
Grants	\$2,000.00	\$2,524.00	(\$524.00)
Planning and Zoning	\$500.00	\$0.00	\$500.00
City Training and Development	\$1,040.00	\$1,996.00	(\$956.00)
City Hall-Gov't Buildings	\$5,500.00	\$3,285.35	\$2,214.65
City Insurance	\$7,500.00	\$8,060.00	(\$560.00)
Cable Eqpmnt and Service	\$0.00	\$759.38	(\$759.38)
Phone/IT	\$5,200.00	\$4,858.56	\$341.44
Total Acct 419	\$21,740.00	\$21,483.29	\$256.71
Police	\$51,000.00	\$48,879.39	\$2,120.61
Total Acct 421	\$51,000.00	\$48,879.39	\$2,120.61
Fire	\$20,000.00	\$18,033.87	\$1,966.13
Total Acct 422	\$20,000.00	\$18,033.87	\$1,966.13
Building Inspection	\$100.00	\$8,282.00	(\$8,182.00)
Total Acct 424	\$100.00	\$8,282.00	(\$8,182.00)
Other Protection	\$100.00	\$68.38	\$31.62
Utility Locates	\$0.00	\$422.20	(\$422.20)
Animal Control	\$900.00	\$669.15	\$230.85
Total Acct 428	\$1,000.00	\$1,159.73	(\$159.73)
Streets and Road Mntnc	\$6,000.00	\$11,010.00	(\$5,010.00)
Street Sweeping	\$4,000.00	\$0.00	\$4,000.00
Ice and Snow Removal	\$16,000.00	\$7,165.35	\$8,834.65
Tree Care/Inspection	\$0.00	\$480.00	(\$480.00)
Tree Removal	\$5,000.00	\$2,890.00	\$2,110.00
Utility - Drain Structure Care	\$2,000.00	\$0.00	\$2,000.00
Street Lights	\$18,000.00	\$14,697.96	\$3,302.04
Total Acct 431	\$51,000.00	\$36,243.31	\$14,756.69
Recycle	\$10,000.00	\$9,936.00	\$64.00
Total Acct 433	\$10,000.00	\$9,936.00	\$64.00
Lawn Care/Mntnc	\$10,000.00	\$10,338.75	(\$338.75)
Total Acct 450	\$10,000.00	\$10,338.75	(\$338.75)
Recreation	\$400.00	\$650.00	(\$250.00)
Total Acct 451	\$400.00	\$650.00	(\$250.00)
Parks	\$12,500.00	\$14,383.08	(\$1,883.08)
Total Acct 452	\$12,500.00	\$14,383.08	(\$1,883.08)
CONSERVATION - NATURAL RESOURC	\$1,885.00	\$1,884.15	\$0.85
Total Acct 461	\$1,885.00	\$1,884.15	\$0.85
Bond Payment	\$0.00	\$22,996.22	(\$22,996.22)
Total Acct 471	\$0.00	\$22,996.22	(\$22,996.22)

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

04/11/2016

Unallocated Expenditures	\$13,294.00	\$2,237.55	\$11,056.45
Total Acct 492	\$13,294.00	\$2,237.55	\$11,056.45
Other Financing Uses	\$30,000.00	\$0.00	\$30,000.00
Total Acct 493	\$30,000.00	\$0.00	\$30,000.00
Total Disbursements	\$325,399.00	\$292,707.84	\$32,691.16
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$45,000.00	

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

04/11/2016

As of 12/31/2015

Special Rev Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$2,634.95	\$2,634.95
Total Acct 322	\$0.00	\$2,634.95	\$2,634.95
Contrib. and Donations-Private	\$0.00	\$150.00	\$150.00
Total Acct 362	\$0.00	\$150.00	\$150.00
Total Revenues	\$0.00	\$2,784.95	\$2,784.95
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$900.00	(\$900.00)
Total Acct 451	\$0.00	\$900.00	(\$900.00)
Parks	\$0.00	\$419.58	(\$419.58)
Total Acct 452	\$0.00	\$419.58	(\$419.58)
Unallocated Expenditures	\$0.00	\$14,134.00	(\$14,134.00)
Total Acct 492	\$0.00	\$14,134.00	(\$14,134.00)
Total Disbursements	\$0.00	\$15,453.58	(\$15,453.58)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

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

04/11/2016

As of 12/31/2015

Spec Rev - Warm House	Budget	Actual	Variance
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	

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

04/11/2016

As of 12/31/2015

Sewer 2004 Bonds	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A and B	\$0.00	\$7,450.75	\$7,450.75
Total Acct 361	\$0.00	\$7,450.75	\$7,450.75
Total Revenues	\$0.00	\$7,450.75	\$7,450.75
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$1,157.24	
Disbursements:			
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Bond Payment	\$0.00	\$2,184.29	(\$2,184.29)
Total Acct 471	\$0.00	\$2,184.29	(\$2,184.29)
Total Disbursements	\$0.00	\$2,199.29	(\$2,199.29)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$15,853.56	

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

04/11/2016

As of 12/31/2015

Birchwood In Re-hab Bond	Budget	Actual	Variance
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$6.00	
Disbursements:			
Assessing	\$0.00	\$6.00	(\$6.00)
Total Acct 415	\$0.00	\$6.00	(\$6.00)
Total Disbursements	\$0.00	\$6.00	(\$6.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$1,157.24	

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

04/11/2016

As of 12/31/2015

Sewer Re-hab 2008 Debt	<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		\$15,853.56	
Disbursements:			
Assessing	\$0.00	\$243.00	(\$243.00)
Total Acct 415	\$0.00	\$243.00	(\$243.00)
Total Disbursements	\$0.00	\$243.00	(\$243.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$6.00	

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

04/11/2016

As of 12/31/2015

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		\$45,000.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

City of Birchwood Village 2016 Financial Report by Account Number (YTD)

04/11/2016

As of 12/31/2015

Water Enterprise Fund	Budget	Actual	Variance
Receipts:			
Water Fee	\$0.00	\$66,149.56	\$66,149.56
Penalty - Late Water/Sewer	\$0.00	\$382.76	\$382.76
State and Misc fees	\$0.00	\$2,169.76	\$2,169.76
Total Acct 341	\$0.00	\$68,702.08	\$68,702.08
DELQ - Water-Sewer fees	\$0.00	\$1,870.58	\$1,870.58
Total Acct 361	\$0.00	\$1,870.58	\$1,870.58
Total Revenues	\$0.00	\$70,572.66	\$70,572.66
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$326.83	(\$326.83)
Total Acct 414	\$0.00	\$326.83	(\$326.83)
Financial Administration	\$0.00	\$6,438.07	(\$6,438.07)
Total Acct 415	\$0.00	\$6,438.07	(\$6,438.07)
Utility Locates	\$0.00	\$10.15	(\$10.15)
Total Acct 428	\$0.00	\$10.15	(\$10.15)
Water Utility	\$0.00	\$40,743.20	(\$40,743.20)
Sewer Utility	\$0.00	\$232.74	(\$232.74)
Total Acct 431	\$0.00	\$40,975.94	(\$40,975.94)
Parks	\$0.00	\$120.00	(\$120.00)
Total Acct 452	\$0.00	\$120.00	(\$120.00)
Unallocated Expenditures	\$0.00	\$14.00	(\$14.00)
Total Acct 492	\$0.00	\$14.00	(\$14.00)
Total Disbursements	\$0.00	\$47,884.99	(\$47,884.99)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

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

04/11/2016

As of 12/31/2015

Sewer Enterprise Fund

	Budget	Actual	Variance
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$856.46	\$856.46
State and Misc fees	\$0.00	\$19.92	\$19.92
Sewer Fee	\$0.00	\$111,956.92	\$111,956.92
Total Acct 341	\$0.00	\$112,833.30	\$112,833.30
DELQ - Water-Sewer fees	\$0.00	\$1,870.58	\$1,870.58
Total Acct 361	\$0.00	\$1,870.58	\$1,870.58
Total Revenues	\$0.00	\$114,703.88	\$114,703.88
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$376.81	(\$376.81)
Total Acct 414	\$0.00	\$376.81	(\$376.81)
Financial Administration	\$0.00	\$906.44	(\$906.44)
Assessing	\$0.00	\$54.00	(\$54.00)
Total Acct 415	\$0.00	\$960.44	(\$960.44)
Sewer Utility	\$0.00	\$113,664.15	(\$113,664.15)
Total Acct 431	\$0.00	\$113,664.15	(\$113,664.15)
Unallocated Expenditures	\$0.00	\$14.06	(\$14.06)
Total Acct 492	\$0.00	\$14.06	(\$14.06)
Total Disbursements	\$0.00	\$115,015.46	(\$115,015.46)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

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

04/11/2016

As of 12/31/2015

Sewer Infrastructure	Budget	Actual	Variance
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Sewer Utility	\$0.00	\$26,155.00	(\$26,155.00)
Total Acct 431	\$0.00	\$26,155.00	(\$26,155.00)
Total Disbursements	\$0.00	\$26,155.00	(\$26,155.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

RESOLUTION 2016-14

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

A Resolution Authorizing a Transfer of \$30,000 to Capital Projects - Public Works

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 10, 2016, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Mark Anderson, Bill Hullsiek, Randy LaFoy, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

WHEREAS, each year staff budgets certain operating and debt service transfers between funds; and,

WHEREAS, each year, staff evaluates existing funds and identifies those funds in which all activity has concluded and obligations have been satisfied; and

WHEREAS, excess funds in the amount of \$30,000 from the 2015 budget remain in the General Fund (refer to the attached Cash Control Statement).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes the transfer of \$30,000 from the General Fund to Capital Projects - Public Works to cover costs associated with 2016 road maintenance.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 10th day of May, 2016.

Mary Wingfield
Mayor

Attest:

Mike Anderson
City Clerk