



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
November 10, 2015
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 October 13, 2015 Minutes*
- B. Approval of Special Meeting September 16, 2015 Minutes*

CITY BUSINESS – REGULAR AGENDA

- A. Approval of Treasurers Report*
- B. Second Reading of Tree Preservation Language to City Code*
 - a. Public Hearing
 - b. Council Deliberation and Consideration of Approval
- C. First Reading of Ordinance 2015-06-02, Prohibiting Feeding of Deer in Birchwood*
 - a. Public Hearing
 - b. Council Deliberation and Consideration of Approval
- D. Resolution 2015-22 - Certification of Delinquent Utility Accounts to the County*
 - a. Public Hearing
 - b. Council Deliberation and Consideration of Approval
- E. Halls Marsh Discussion

* Denotes items that have supporting documentation provided

F. City Administrator's Report

a. Lift Station Update *

G. City Attorney's Report

ADJOURN

* Denotes items that have supporting documentation provided

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
October 13, 2015**

MINUTES

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

STAFF PRESENT: Mike Anderson, City Administrator

OTHERS PRESENT: Len Pratt, Doug Danks, Mary Sue Simmons, Alan Mitchell, Joanne Haus, Mike Evangelist, Ellen Maas Pratt, Jibby Maas

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

AGENDA APPROVAL:

Mayor Wingfield: added Lift Station 3, Kay Easement Agreement, and Parking Signs on Wildwood.

MOTION WAS MADE BY COUNCILMEMBER ANDERSON AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS PRESENTED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Alan Mitchell: Discussed open meeting law concerns and the policies and procedures of city council.

ANNOUNCEMENTS: Mayor Wingfield mentioned leaf pick up on Mondays in October.

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting August 5 & September 8, 2015 Minutes

MOTION WAS MADE TO APPROVE AUGUST 5 & SEPTEMBER 8 MINUTES BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER HULLSIEK. FOUR AYES. MOTION PASSED

- B. Approval of Special Meeting September 26 Minutes
Minutes were pulled for review for October 13 Council Meeting.

CITY BUSINESS - REGULAR AGENDA

A.1. Len Pratt 407 Lake Ave

Mayor Wingfield: asked to hear about the compliance problems of 407 Lake Ave from the builder's perspective.

Council Member Hullsiek: Wants to focus on the timeline that was presented so council was all on the same page.

Len Pratt: Presented council with a packet of materials that included a start to finish recap of the process of 407 Lake Ave. Documents outline the steps that were taken in the process. Informed the council he has been building homes for 43 years and served on the Planning Commission for ten years. Len then went on to describe the process that took place from start to finish of the project. Len explained that the structure was built to code and proper steps were taken.

Mayor Wingfield: Explained that the city received complaints not on the looks of the structure, but the height. The city then looked into this matter and determined that the height was not in compliance and that a new process needs to be in place. Mayor Wingfield also mentioned a staff transition took place during the peak of this project.

Len Pratt: Stated that the structure never changed. The roof line used to determine structure height was used from the start of the project. He went on to say that when he found out the city didn't have the final plans and only the preliminary plans he brought copies into city hall. Modifications have been made to the grade plan to bring the structure into zoning code height compliance.

Mayor Wingfield: Asked Len to discuss his proposed process suggestions to the council.

Len Pratt: Brought to the council a plan with three steps to improve Birchwood's process. He would like to see a third party involved in the building process. Len then went to suggest adding the need to require illustrations and a height calculation worksheet.

Len Pratt: Went into discussing the previous meeting where statements were made and expressed his displeasure of them. He asked the council to look at "The Promises of Birchwood" which were handed to all council members. He finished with stating his time serving was coming to an end but after a proper process is in place.

Council Member Hullsiek: Asked when the signed copy of the site plan was given to City Hall.

Administrator Anderson: Plans were submitted end of August.

Council Member Hullsiek: Would like to see the timeline amended with the date the signed building plans were submitted to city hall.

Mayor Wingfield: Agreed that the city needs to have a process in place with proper procedures. Mayor discussed having someone come in and oversee the zoning aspects of building plans.

Mayor Wingfield: Discussed the issues that we have with our structure height code and reviewing our policies to find a solution to solve the problem. She then stated that it would be best to remove the zoning from Building Inspector Jack Kramer's plate and follow the process in Birchwood's zoning code with the help of Planning Commission member Doug Danks.

Planning Commission Member Danks: Mr. Danks said he would be happy to help with reviewing future plans on an interim basis until a proper procedure was in place.

Mayor Wingfield: would like to know who is qualified for zoning review. She mentioned that collectively we will find a way to solve this issue.

Building Official Kramer: Kramer said the best outcome would come with hiring a planner to be the checks and balances system Birchwood is looking for. He stated that the other cities he works with use that process.

A.2. Open Meeting Law

Resident Alan Mitchell: Advised that during the last meeting, in his opinion, there was a violation of the open meeting law that needs to be addressed in the future.

City Attorney Kantrud: Stated that the open meeting law is case by case basis and getting the most information out as possible would be best. He says when there is a last minute discussion to close the meeting it is hard to post notice, when you know ahead of time it is easy to place it on the agenda.

B. Council Member Hullsiek: Birchwood Dock Association

Council Member Hullsiek: Stated that the Dock meeting went well. He continued that some residents will be off the list in 2016 and new additions will be added. He asked council to remove the city fee of \$400 for the Dock Association.

Mayor Wingfield: Asked Dock Association member Mike Evangelist to put the money generated by the Dock Association towards new docks and installation. Adding that some incentive for volunteers to install/remove the docks would be helpful.

Dock Association Member Mike Evangelist: Stated that the dock association does not have the budget to pay for professional serviced to put in the docks, lifts, and have them removed.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE REMOVAL OF THE \$400 FEE. ALL AYES. MOTION PASSED.

C. Kay Beach Dock Application

Council Member Hullsiek: Discussed the lengthening of Kay Beach dock to 100 feet.

Council Member Woolstencroft: Mentioned that the Kay Beach dock in its current state should be returned to 100 feet. He stated that there is no view on either side of the dock and only straight across the lake. He continued that it isn't fair for the entire community to have the dock at a shorter length than the two docks on each side.

Council Member Hullsiek: Placed a photo of the current dock placement and the obstructed view that is being caused by the dock being shorter than neighboring docks.

Council Member Anderson: Said that there are two sections that had to be added with a temporary plank just to bring access from shore with the lake level dropping. He asked that people be aware that bringing the dock back to 100 feet doesn't necessarily mean it will be extended into the lake but just to connect the dock to the shoreline for easier access.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE DOCK APPLICATION BE SUBMITTED WRITTEN. ALL AYES. MOTION PASSED

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE TO EXTEND KAY BEACH DOCK BACK TO 100 FEET. ALL AYES. MOTION PASSED

D. Approval of Treasurer's Report

MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCILMEMBER ANDERSON TO APPROVE THE TREASURERS REPORT. ALL AYES. MOTION PASSED.

E: Second Reading of Tree Preservation Language to City Code

Mayor Wingfield: Discussed changing some of the language in the proposed ordinance in terms of shore land and wetlands.

Council Member Anderson: Asked about adding Halls Marsh into code language.

Council Member Woolstencroft: Suggested that council wait to make changes until there was a public hearing at the next council meeting for public input.

Resident Alan Mitchell: Would like to see more information in the packets to clarify what the council is voting on. Stated he appreciated the background information on this ordinance but moving forward would like to see resolutions and clauses included.

City Attorney Kantrud: Stated that if Birchwood has it in their policies and procedures, then it should have a public hearing in order to pass an ordinance.

MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO MOVE THIS ITEM TO THE NOVEMBER COUNCIL MEETING AND HOLD A PUBLIC HEARING AND POST NOTICE. ALL AYES. MOTION PASSED

F: Resolution 2015-07: Hiring and Appointing Tobin Lay to Serve as City Treasurer

City Administrator Anderson: Recommended the hiring of Tobin Lay based on his interview with him.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO HIRE TOBIN LAY AS TREASURER. ALL AYES. MOTION PASSED

G: Second Reading of Ordinance 2015-8-01, Amending Section 302.045 of City Code

Mayor Wingfield: Discussed the issue of language in code that needs to be addressed. This was on for the September special meeting but was deferred due to lack of quorum.

City Attorney Kantrud: The purpose of the special meeting was to get this process started. The DNR liked what the previous code read in terms of calculating structure height.

Council Member Anderson: Would like to have a joint meeting with Planning Commission in December to review the code.

Mayor Wingfield: Suggested Council and Planning Commission have a joint meeting on Tuesday, December 1 at 7pm.

MOTION WAS MADE BY MAYOR WINGFIELD SECONDED BY COUNCIL MEMBER LAFOY TO HOLD A JOINT MEETING WITH THE PLANNING COMMISSION ON DECEMBER 1. ALL AYES. MOTION PASSED

H: First Reading of Ordinance 2015-06-02, Prohibiting Feeding of Deer in Birchwood

Mayor Wingfield: Stated that since this is an ongoing problem the city would like to take action on this matter.

Council Member Woolstencroft: Explained that the deer come through his property all day long and there are people who feed them which draw more deer in.

Mayor Wingfield: Mentioned that adding a purpose to the proposed language to fit in with how the city wants to act.

Resident Joanne Haus: Told the council that the deer are running wild through the city and she has seen many deer in her yard. Also that she acquired a deer tick recently.

Resident Alan Mitchell: Stated that he would like to see the council follow policies and procedures in adopting the proposed ordinance.

Council Member Anderson: Would like to wait on taking action on this ordinance until the November meeting after holding a public hearing.

COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE MOVING THE DEER ORINANCE TO NOVEMBER COUNCIL MEETING SECONDED BY COUNCIL MEMBER WOOLSTENCROFT. ALL AYES. MOTION PASSED

I: City Administrators Report

City Administrator Anderson: Stated there will be elections held at city hall on Tuesday, November 3.

City Administrator Anderson: He went on to inform the council that the snowplowing contract has been extended to 2 years and the ending date pushed out to May.

COUNCIL MEMBER ANDERSON MADE A MOTION TO APPROVE THE SNOW PLOWING CONTRACT SECONDED BY COUNCIL MEMBER HULLSIEK. ALL AYES. MOTION PASSED

City Administrator Anderson: Gave an update on the lift stations. The process has begun to bring the lift station to controls to grade and estimated to be finished by November council meeting.

J: City Attorney Report

City Attorney Kantrud: Stated that there is no more controversy on the Kay Beach easement.

K: Lift Station 3

City Administrator Anderson: Informed the council that the signal from lift station 3 is being blocked and the receiver pole needs to be moved. He went on to inform the council that he met with White Bear Township to discuss a solution.

Council Member Hullsiek: Discussed an alternative to running a hard wire from the lift station to city hall to try and save money.

Mayor Wingfield: Discussed having Roseville run our hard wires but the cost was too high to consider.

M: Signs at Wildwood Regarding Parking

Council Member Anderson: Recommended putting one sign on each end of the park and attach it to the existing signs.

Council Member Lafoy: Said he would go to the neighbors and talk with them regarding the parking.

Council Member Woolstencroft: Would like to see the parking enforced and to do that Birchwood would need to put up a sign.

Mayor Wingfield: Stated that Council Members Hullsiek and Anderson will work together on coming up with a solution for the parking signs for November meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY, SECONDED BY COUNCIL MEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:45 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
SPECIAL CITY COUNCIL MEETING
September 26, 2015**

MINUTES

MEMBERS PRESENT: Council members: Bill Hullsiek, Randy LaFoy, Mark Anderson, and Kevin Woolstencroft

MEMBERS ABSENT: Mayor Mary Wingfield

STAFF PRESENT: Mike Anderson, City Administrator

OTHERS PRESENT: Doug Danks, Len Pratt, Al Mitchell

Council Member LaFoy called the regular meeting to order at 5:27 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY
COUNCILMEMBER ANDERSON TO APPROVE THE AGENDA AS PRESENTED. ALL AYES. MOTION
PASSED.**

OPEN PUBLIC FORUM:

N/A

ANNOUNCEMENTS:

Councilmember LaFoy stated that his schedule was set and he needed to leave by 5:30 p.m..

Councilmember LaFoy recommended moving this meeting's agenda; and tabling the discussion on this issue until the regular October meeting.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER ANDERSON
TO TABLE THIS MEETING'S AGENDA ITEM UNTIL THE REGULAR OCTOBER COUNCIL MEETING. ALL
AYES. MOTION PASSED**

ADJOURN

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT, SECONDED BY
COUNCILMEMBER ANDERSON TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED.
MEETING ADJOURNED AT 5:30 P.M.**

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

As of 11/05/2015

Fiscal Year:2015

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$557,778.13	\$219,688.84	\$288,991.44	\$488,475.53
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)	\$61,295.76	\$42,237.85	\$11,987.83
Sewer Enterprise Fund	\$72,748.17	\$101,707.00	\$108,554.20	\$65,900.97
Sewer Infrastructure	\$30,000.00	\$0.00	\$26,155.00	\$3,845.00
Total	\$676,105.94	\$454,944.10	\$500,857.16	\$630,192.88

City of Birchwood Village

Receipts Register

11/05/2015

Fund Name: All Funds
Date Range: 10/09/2015 to 11/05/2015

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
10/09/2015	Residents - via St Anthony Village	U/B 10/09/15	1567	\$3,289.06	601-34110	\$1,468.22
					601-34160	\$4.65
					601-34170	\$36.57
					605-34160	\$12.50
					605-34190	\$1,767.12
10/13/2015	Residents - via St Anthony Village	U/B 10/13/15	1566	\$10,133.08	100-36140	\$50.00
					601-34110	\$4,331.30
					601-34170	\$109.05
					605-34190	\$5,642.73
10/15/2015	Residents - via St Anthony Village	U/B 10/15/15	1565	\$3,914.87	601-34110	\$1,696.02
					601-34160	\$8.58
					601-34170	\$46.78
					605-34160	\$10.55
					605-34190	\$2,152.94
10/16/2015	Residents - via St Anthony Village	U/B 10/16/15	1563	\$832.23	601-34110	\$340.02
					601-34160	\$4.80
					601-34170	\$7.95
					605-34160	\$12.42
					605-34190	\$467.04
10/16/2015	Residents - via St Anthony Village	U/B 10/16/15	1564	\$2,290.60	601-34110	\$1,081.61
					601-34160	\$2.43
					601-34170	\$23.85
					605-34160	\$6.23
					605-34190	\$1,176.48
10/23/2015	Residents - via St Anthony Village	U/B 10/23/15	1562	\$1,072.57	601-34110	\$542.37
					601-34160	\$6.97
					601-34170	\$11.06
					605-34160	\$14.69
					605-34190	\$497.48
10/28/2015	Alliance Title Co	Levy balance payment	1555	\$442.83	100-31000	\$442.83
10/28/2015	Legacy Restoration	Permit fee	1556	\$128.00	100-32210	\$128.00
10/28/2015	Dabruzzo, A	Permit Fee	1557	\$30.00	100-32210	\$30.00
10/28/2015	Scherer Lumber Co	Building permit fee	1558	\$215.16	100-32210	\$215.16
10/28/2015	Stonewood LLC	Building permit fee	1559	\$9,729.43	100-32210	\$9,729.43
10/29/2015	Residents - via St Anthony Village	U/B 10/29/15	1561	\$1,578.49	601-34110	\$569.94
					601-34160	\$24.81
					601-34170	\$17.57
					605-34160	\$61.31
					605-34190	\$904.86
11/02/2015	Residents - via St Anthony Village	U/B 11/02/15	1560	\$1,374.49	100-32250	\$25.00
					100-36140	\$50.00
					601-34110	\$384.15
					601-34160	\$39.99
					601-34170	\$10.19
					605-34160	\$88.52

City of Birchwood Village

Receipts Register

11/05/2015

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
					605-34190	\$776.64
Total For Period				\$35,030.81		
Total Year To Date				\$454,944.10		

Fund Name: All Funds
Date Range: 10/09/2015 to 11/05/2015

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
10/13/2015	Payroll Period Ending 10/13/2015		28939	\$1,510.15	100-41400-100	\$1,510.15
10/13/2015	Payroll Period Ending 10/13/2015		28940	\$435.69	100-41400-100	\$435.69
10/13/2015	PERA	Employee Retirement	EFT101315	\$274.40	100-41400-121	\$274.40
10/27/2015	Payroll Period Ending 10/27/2015		28941	\$1,510.15	100-41400-100	\$1,510.15
10/27/2015	PERA	Employee Retirement	EFT102615	\$274.40	100-41400-121	\$274.40
11/03/2015	Dale Boeticher	Reimbursement for elections	28942	\$8.51	100-41410-810	\$8.51
11/04/2015	Mission Bay Farms	Tree Install	28943	\$1,950.00	100-45200-999	\$1,950.00
11/05/2015	Manship Plumbing & Heating Inc	Monthly Standby/locates	28944	\$910.00	601-43180-305	\$910.00
11/05/2015	Tennis Sanitation, LLC	Recycling Contract Sep-Oct 2015	28945	\$1,656.00	100-43300-305	\$1,656.00
11/05/2015	Gopher State One Call	Locates (13 Tickets)	28946	\$18.85	100-42805-305	\$18.85
11/05/2015	Metropolitan Council Env. Service	Wastewater Service Nov 2015	28947	\$3,777.92	605-43190-217	\$3,777.92
11/05/2015	TSE, INC	City Hall Janitorial Services Oct x2	28948	\$46.00	100-41940-305	\$46.00
11/05/2015	KEJ Enterprizes	Mowing	28949	\$2,565.00	100-45010-305	\$2,565.00
11/05/2015	City of Roseville	Nov 2015 IT/Phone Services	28950	\$404.88	100-41955-305	\$404.88
11/05/2015	White Bear Township	Weekly Lift Station Check/Repairs (10/5-10/18)	28951	\$1,076.73	605-43190-305	\$1,076.73
11/05/2015	Menards - Oakdale	Office Supplies	28952	\$41.02	100-41420-200	\$41.02
11/05/2015	Ronnan, Kenny	Council Meeting 10/13/15	28953	\$78.75	100-41950-305	\$78.75
11/05/2015	Companion Animal Control LLC	Animal Control - Qtr3, 2015	28954	\$269.15	100-42810-305	\$269.15
11/05/2015	White Bear Township	Weekly Lift Station Check/Repairs (9/21-10/04)	28955	\$934.00	605-43190-305	\$934.00
11/05/2015	City of White Bear Lake	Fire Services - Oct 2015	28956	\$1,503.42	100-42200-305	\$1,503.42
11/05/2015	On-Site Sanitation Inc	Rental Monthly Unit x2	28957	\$170.41	100-45200-305	\$170.41
11/05/2015	Xcel Energy	electric for lift stations / warminghouse	h	\$598.36	100-41940-380	\$128.54
					100-45200-380	\$63.92
					605-43190-380	\$405.90
11/05/2015	Xcel Energy	electric for street lights	h1	\$1,225.78	100-43160-380	\$1,225.78

City of Birchwood Village

Disbursements Register

11/05/2015

Total For Period	\$21,239.57
Total Year To Date	\$500,857.16

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

11/05/2015

As of 11/05/2015

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$299,107.42	\$166,695.95	(\$132,411.47)
Total Acct 310	\$299,107.42	\$166,695.95	(\$132,411.47)
Business Licenses and Permits	\$0.00	\$914.73	\$914.73
Total Acct 321	\$0.00	\$914.73	\$914.73
Building Permits	\$0.00	\$21,821.32	\$21,821.32
Kayak/Canoe Permit	\$0.00	\$350.00	\$350.00
Dog Licenses	\$0.00	\$60.00	\$60.00
Spring Leaf Collection	\$0.00	\$2,470.85	\$2,470.85
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	\$28,101.12	\$28,101.12
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	\$225.00	\$225.00
Water Fee	\$0.00	\$50.06	\$50.06
State and Misc fees	\$0.00	\$8,605.30	\$8,605.30
Total Acct 341	\$0.00	\$8,880.36	\$8,880.36
Fines	\$0.00	\$219.98	\$219.98
Total Acct 351	\$0.00	\$219.98	\$219.98
Miscellaneous	\$0.00	\$337.41	\$337.41
Total Acct 361	\$0.00	\$337.41	\$337.41
Interest Earnings	\$0.00	\$293.97	\$293.97
Contrib. and Donations-Private	\$0.00	\$150.00	\$150.00
Refund-Reimbursemnt-Dividend	\$0.00	\$2,276.00	\$2,276.00
Total Acct 362	\$0.00	\$2,719.97	\$2,719.97
Total Revenues	\$299,107.42	\$219,688.84	(\$79,418.58)

Other Financing Sources:

Sale of Investments	\$0.00
Transfers from other Funds	\$0.00

Disbursements:

Publishing	\$1,906.67	\$906.98	\$999.69
Total Acct 411	\$1,906.67	\$906.98	\$999.69
City Council	\$3,575.00	\$5,047.51	(\$1,472.51)
Total Acct 413	\$3,575.00	\$5,047.51	(\$1,472.51)
Clerk - Treasurer	\$60,156.25	\$63,789.61	(\$3,633.36)
Elections	\$2,360.42	\$308.51	\$2,051.91
Office Operations/Supplies	\$2,566.67	\$873.50	\$1,693.17
Postage/Postal Permits	\$595.83	\$454.42	\$141.41

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

11/05/2015

Total Acct 414	\$65,679.17	\$65,426.04	\$253.13
Financial Administration	\$366.67	\$0.00	\$366.67
Accounting	\$4,583.33	\$0.00	\$4,583.33
Assessing	\$4,995.83	\$5,642.37	(\$646.54)
Total Acct 415	\$9,945.83	\$5,642.37	\$4,303.46
Legal Services	\$6,416.67	\$0.00	\$6,416.67
Engineer Service	\$6,416.67	\$1,653.75	\$4,762.92
Total Acct 416	\$12,833.33	\$1,653.75	\$11,179.58
Grants	\$1,833.33	\$1,686.50	\$146.83
Planning and Zoning	\$458.33	\$0.00	\$458.33
City Training and Development	\$953.33	\$991.00	(\$37.67)
City Hall-Gov't Buildings	\$5,041.67	\$3,085.55	\$1,956.12
City Insurance	\$6,875.00	\$8,060.00	(\$1,185.00)
Cable Eqpmt and Service	\$0.00	\$506.25	(\$506.25)
Phone/IT	\$4,766.67	\$4,453.68	\$312.99
Total Acct 419	\$19,928.33	\$18,782.98	\$1,145.35
Police	\$46,750.00	\$48,879.39	(\$2,129.39)
Total Acct 421	\$46,750.00	\$48,879.39	(\$2,129.39)
Fire	\$18,333.33	\$16,530.45	\$1,802.88
Total Acct 422	\$18,333.33	\$16,530.45	\$1,802.88
Building Inspection	\$91.67	\$8,282.00	(\$8,190.33)
Total Acct 424	\$91.67	\$8,282.00	(\$8,190.33)
Other Protection	\$91.67	\$68.38	\$23.29
Utility Locates	\$0.00	\$403.35	(\$403.35)
Animal Control	\$825.00	\$669.15	\$155.85
Total Acct 428	\$916.67	\$1,140.88	(\$224.21)
Streets and Road Mntnc	\$5,500.00	\$11,010.00	(\$5,510.00)
Street Sweeping	\$3,666.67	\$0.00	\$3,666.67
Ice and Snow Removal	\$14,666.67	\$5,952.85	\$8,713.82
Tree Removal	\$4,583.33	\$2,890.00	\$1,693.33
Utility - Drain Structure Care	\$1,833.33	\$0.00	\$1,833.33
Street Lights	\$16,500.00	\$13,457.05	\$3,042.95
Total Acct 431	\$46,750.00	\$33,309.90	\$13,440.10
Recycle	\$9,166.67	\$9,936.00	(\$769.33)
Total Acct 433	\$9,166.67	\$9,936.00	(\$769.33)
Lawn Care/Mntnc	\$9,166.67	\$10,338.75	(\$1,172.08)
Total Acct 450	\$9,166.67	\$10,338.75	(\$1,172.08)
Recreation	\$366.67	\$650.00	(\$283.33)
Total Acct 451	\$366.67	\$650.00	(\$283.33)
Parks	\$11,458.33	\$13,692.74	(\$2,234.41)
Total Acct 452	\$11,458.33	\$13,692.74	(\$2,234.41)
CONSERVATION - NATURAL RESOURC	\$1,727.92	\$1,884.15	(\$156.23)
Total Acct 461	\$1,727.92	\$1,884.15	(\$156.23)
Unallocated Expenditures	\$12,186.17	\$1,887.55	\$10,298.62
Total Acct 492	\$12,186.17	\$1,887.55	\$10,298.62

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

11/05/2015

Other Financing Uses	\$27,500.00	\$0.00	\$27,500.00
Total Acct 493	\$27,500.00	\$0.00	\$27,500.00
Total Disbursements	\$298,282.42	\$243,991.44	\$54,290.98
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$45,000.00	
Beginning Cash Balance		\$557,778.13	
Cash Balance as of 11/05/2015		\$488,475.53	

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

11/05/2015

As of 11/05/2015

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	
Beginning Cash Balance		\$15,468.65	
Cash Balance as of 11/05/2015		\$2,800.02	

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

11/05/2015

As of 11/05/2015

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	
Beginning Cash Balance		\$9,444.86	
Cash Balance as of 11/05/2015		\$0.00	

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

11/05/2015

As of 11/05/2015

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		\$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	
Beginning Cash Balance		\$1,157.24	
Cash Balance as of 11/05/2015		\$0.00	

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

11/05/2015

As of 11/05/2015

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	
Beginning Cash Balance		\$3,758.91	
Cash Balance as of 11/05/2015		\$48,758.91	

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

11/05/2015

As of 11/05/2015

Water Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$57,199.64	\$57,199.64
Penalty - Late Water/Sewer	\$0.00	\$301.61	\$301.61
State and Misc fees	\$0.00	\$1,923.93	\$1,923.93
Total Acct 341	\$0.00	\$59,425.18	\$59,425.18
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	\$61,295.76	\$61,295.76
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	\$4,653.91	(\$4,653.91)
Total Acct 415	\$0.00	\$4,653.91	(\$4,653.91)
Utility Locates	\$0.00	\$10.15	(\$10.15)
Total Acct 428	\$0.00	\$10.15	(\$10.15)
Water Utility	\$0.00	\$37,232.96	(\$37,232.96)
Total Acct 431	\$0.00	\$37,232.96	(\$37,232.96)
Unallocated Expenditures	\$0.00	\$14.00	(\$14.00)
Total Acct 492	\$0.00	\$14.00	(\$14.00)
Total Disbursements	\$0.00	\$42,237.85	(\$42,237.85)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		(\$7,070.08)	
Cash Balance as of 11/05/2015		\$11,987.83	

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

11/05/2015

As of 11/05/2015

Sewer Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$696.33	\$696.33
State and Misc fees	\$0.00	\$19.92	\$19.92
Sewer Fee	\$0.00	\$99,120.17	\$99,120.17
Total Acct 341	\$0.00	\$99,836.42	\$99,836.42
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	\$101,707.00	\$101,707.00
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	\$107,202.89	(\$107,202.89)
Total Acct 431	\$0.00	\$107,202.89	(\$107,202.89)
Unallocated Expenditures	\$0.00	\$14.06	(\$14.06)
Total Acct 492	\$0.00	\$14.06	(\$14.06)
Total Disbursements	\$0.00	\$108,554.20	(\$108,554.20)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$72,748.17	
Cash Balance as of 11/05/2015		\$65,900.97	

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

11/05/2015

As of 11/05/2015

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:			
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	
Beginning Cash Balance		\$30,000.00	
Cash Balance as of 11/05/2015		\$3,845.00	

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

ORDINANCE NO. 406

**AN ORDINANCE REGULATING TREE AND NATURAL BARRIER PROTECTION
AND PRESERVATION AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

The City of Birchwood Village does ordain as follows:

406.010 - Title

This ordinance shall be known, cited and referred to as the **TREE AND NATURAL BARRIER PROTECTION ORDINANCE**, except as referred to herein, where it shall be known as "this ordinance".

406.20 - Purpose

1. The purpose of this Ordinance is to preserve and protect the unique natural environment of the City of Birchwood Village and provide for minimal tree loss and mitigation of tree removal in wooded areas of the City. It also provides for protection of natural barriers provided by trees or shrubs along the borders of our city, along major roads and between differing land uses.
2. Tree cover and natural barriers are beneficial in terms of aesthetics, screening, cooling, wildlife habitat protection, watershed control, air quality enhancements, erosion control and preservation and enhancement of property values. Land alteration that causes destruction of trees or shrubs diminishes and impairs the public health, safety and general welfare. The intention of this Ordinance is to provide regulations relating to the cutting and removal of trees in areas where the natural vegetation or topography are to be altered.
3. No clear cutting of significant woodland areas shall be permitted except pursuant to a duly authorized and approved permit or development plan consistent with the provisions of this ordinance.

406.030 - Separability

1. It is the intention of the City Council that the several provisions of this Ordinance are separable and that if any court of competent jurisdiction shall adjudge any provisions of this Ordinance or application thereof to be invalid, such judgment shall not affect any other provisions or this Ordinance not specifically included in such judgment.

406.040 - Interaction Between This Ordinance And Other Ordinances

1. This Ordinance is written to complement the City of Birchwood Village Zoning Ordinance and the City of Birchwood Village Subdivision Ordinance. In the event of conflicting requirements imposed by this Ordinance or by other Ordinances of the City of Birchwood Village, the more restrictive provisions shall apply.

406.050 - Wording Of This Ordinance

1. Words used in the present tense include the past and future tense; the singular includes the

plural; and the plural includes the singular. The word "shall" is mandatory and the "may" is permissive. The masculine gender includes the feminine.

406.60 - Definitions

1. **Applicant** The person or entity proposing land alteration as described in this Ordinance.
2. **City Council** The City of Birchwood Village City Council.
3. **City Designee** A forester or designee appointed by the City of Birchwood Village.
4. **Coniferous/Evergreen Tree** A woody plant which, at maturity, is at least thirty (30') feet in height, with a single trunk, having foliage on the outermost portion of the branches year round.
5. **Deciduous Tree** A woody plant which, at maturity, is at least twenty (20') feet in height, with a single trunk, having a defined crown which loses leaves annually.
6. **Land Alteration** Any modification, tree cutting or removal, grading, clearing, filling or other change to any parcel of land including a woodland, shore land or natural barrier within a five (5) year period which may initially or cumulatively result in:
 - a. The movement of more than four-hundred (400) cubic yards of earth where significant trees are present; or
 - b. Any alteration of land of:
 - i. more than one (1') foot from the natural contour of the ground; or
 - ii. any contiguous four-hundred fifty (450 sf) square feet of ground where significant trees are located; or
 - iii. any cutting, removal or killing of trees equal to or greater than twenty (20%) percent of the significant trees on any parcel of land; or
 - c. Any cutting, removal or killing of trees equal to or greater than twenty (20%) percent of the significant trees on any parcel of land; or
 - d. Any destruction or disruption of tree cover equal to or greater than twenty-five (25%) percent of the total tree cover on any parcel of land; or
 - e. Any changes in the Natural Barriers provided by trees or shrubs along the borders of the City, along major roads, or between differing land uses, or
 - f. Any intensive vegetation clearance (clear cutting) within a shore land area or on steep slopes, or
 - g. Any other significant change in the natural character or topography of the land.

- h. **Natural Barrier** Screening provided by a tree or shrubbery barrier that acts as a visual or noise barrier from roads, railroads and differing land uses, said barrier not to exceed thirty (30') feet in barrier depth. When a Natural Barrier is part of a Woodland, the Natural Barrier shall be considered the first thirty (30') feet of the Woodland.
- i. **Preservation Area** A delineated area which designates trees and vegetation which will be preserved during the construction and land alteration process.
- j. **Performance Bond** A bond with good and sufficient sureties, approved by the City Council, which is conditioned upon satisfactory implementation of an approved plan and which names the City as obligee.
- k. **Critical Root Zone** An area under a tree equal to one and one-half (1'6") feet of radius for every one (1") inch of tree diameter (e.g A 20" tree has a critical root zone of 30' radius or 60' diameter).

Shore Land That area adjacent to White Bear Lake or any other recognized wetland and extending horizontally seventy-five (75') feet back from the mean high water line.

- l. **Significant Tree** A healthy deciduous tree measuring eight (8") inches or greater in diameter, at a point four and one half feet above grade, or a healthy coniferous tree measuring ten (10') feet in height or greater.
- m. **Steep Slopes.** A slope with greater than a thirty-three (33%) percent change in elevation or a 3:1 grade (3 parts horizontal to 1 part vertical).
- n. **Woodland.** An area ~~of at least one-half (1/2) acre in size~~ of land, utility easements, or rights-of-way, with at least twenty (20) significant trees on the parcel or with tree cover over at least thirty-five (35%) percent of the total land area.

406.70 - Protection Standards

- 1. No land alteration shall occur until the City finds that the planned land alteration complies with the following:
 - a. **Maximum Possible Preservation.** All land alteration shall be conducted so that the maximum amount of woodland and natural screening and barriers are preserved by the clustering of structures wherever possible, or by the use of other appropriate methods. Measures shall be taken to protect and preserve all trees and shrubs in the preservation area as described.
 - b. **Protection Of Root Zones.** Grading, contouring, paving and any excavation or trenching shall not detrimentally affect the aeration or permeability of the root zone in the preservation area.

c. Data Submission.

- A. The applicant shall submit data to the City, at the time of a preliminary plat submission or whenever land alteration (as described in this Ordinance) is planned, that outlines the conformance to this Ordinance. This submission shall include:
1. The name and address of the person preparing the plan and applying for a permit to do this alteration, and
 2. The name and address of the person who owns the land that is to be altered, and
 3. The estimated period of time within which this land alteration will be conducted, and
 4. A topographical map of the land on which the proposed land alteration is to occur having a scale of one inch equals 100 feet and showing the ground elevation contours at two foot intervals. The map shall also show:
 - a. The land as it exists prior to the proposed land alteration including, a minimum one-hundred (100') feet of the abutting properties; and
 - b. The proposed ground elevation contours at 2 foot intervals on the land when the proposed land alteration is complete, and
 - c.. A re-grading, drainage and planting plan, if appropriate.
- B. A statement relating to the proposed use of the land including the type of building or structure situated thereon or to be constructed, and
- C. A tree inventory, certified by a registered land surveyor, landscape architect or forester depicting the size, species, condition and location of each significant tree by species, diameter and condition, and
- D. Identification of significant trees that will be lost due to the proposed land alteration and those which will be preserved, and
- E. Identification of all significant trees within 30 feet of the grading limit, and
- F.. Identification of all natural barriers of trees or shrubs.

406.80 - Removal Thresholds

1. Although the applicant must retain the maximum amount of woodland possible, the City recognizes that a certain amount of significant trees and tree cover removal is an inevitable consequence of the urban development process.

2. Therefore, a maximum percentage up to 25% of the woodland may be removed without any obligation for reforestation. If the land alteration results in woodland removal that exceeds 25%, then the applicant shall be responsible to replace the trees in accordance with Section 9 of this Ordinance.
3. Natural borders may not be removed or altered without the written permission of the City.
4. Intensive vegetation clearance within the shore land area or on steep slopes is prohibited.

5. **TABLE OF ZONING DISTRICT AND TREE REMOVAL THRESHOLD**

Tree removal in excess of the thresholds shown requires Planning Commission and City Council approval and reforestation.	
COLUMN I ZONING AREA OR DISTRICT	COLUMN II REMOVAL THRESHOLD
RESIDENTIAL	25%
SHORE LAND --All Districts	10%
NATURAL BARRIER --All Districts	0%

406.90 – Reforestation

1. **Tree Removal Beyond The Removal Threshold.**

If the land alteration results in tree removal beyond the tree removal threshold in 406.080 of this Ordinance, or as defined in Section 406.060 of this Ordinance, or a natural barrier is to be altered or removed, the applicant shall be required to submit a reforestation plan. The reforestation plan must be submitted and approved by the City Designee prior to final plat approval, if a subdivision is being done, or before the work of land alteration is begun. The reforestation plan shall include:

- a. Location of proposed reforestation, and
- b. Species and size of proposed plantings, and
- c. Quantity of proposed plantings.

2. **Reforestation Plan**

The reforestation plan shall comply with the following criteria:

- a. Tree replacement will be predicated on the total number of diameter inches of significant trees removed beyond the threshold limits.
- b. Actual replacement quantities shall be adjusted based on the type of trees removed in accordance with the following guidelines:
 - i. Class A Conifers or Softwood- ~~predominantly Poplar, Box Elder, Cottonwood, Aspen and Conifers:~~ 75 %
 - ii. Class B Mixed Hardwoods - predominantly species other than Oak including, but not limited to, Cherry, Birch, Walnut, Elm, Ironwood, Maple, Basswood, Ash: 100 %
 - iii. Class C Hardwood - Predominantly mature Oaks : 125%

3. Where trees are to be located.

Trees to be provided as part of a reforestation plan shall be located adjacent to the development or proposed structures in areas such as yard setbacks, on outlots or common areas, at the project entrance area, in buffer zones between different land uses or roads, or at other locations as directed by the City. Reforestation shall occur in such a way as to replace trees removed with desirable trees of the same or similar species and/or densities. These trees must be planted based on the frequency and density as determined by the City Designee.

a. Sizes and type of replacement trees.

Replacement trees must be no less than the following sizes:

- A. Deciduous trees
 1. No less than two and one-half (2½") inches in diameter on steep slopes, or
 2. No less than three (3") inches on all other grades.
- B. Coniferous trees
 1. No less than six (6') feet high on steep slopes, or
 2. No less than seven (7') feet high on all other grades.

406.100 - Construction Damage To Significant Trees In Or Near The Preservation Area.

1...Significant trees which are within thirty (30) feet of the proposed grading limit shall be surveyed by the applicant. Any significant tree that the applicant commits to preserve that is subsequently damaged, during or as the result of construction, shall be replaced by the applicant on a one for one diameter inch basis.

406.110 - Agreement To Replace Trees

- 1 The developer or applicant, prior to the approval of, or issuance of a permit for any land alteration in connection with which trees are required to be replaced by the provisions in this Ordinance, shall
 - a.. enter into such written agreements or arrangements with the City of Birchwood Village in such form and substance as shall be approved by the City, whereby the applicant shall undertake to comply with the provisions and conditions imposed by this Ordinance and in connection with any such approval or issuance of a permit and shall further provide that the applicant shall indemnify the City against any loss, cost or expense, including an amount as and for reasonable attorneys' fees incurred in enforcing the terms of such agreement or agreements; and
 - b. provide security for the performance of its obligations pursuant to such agreement or agreements. The security may consist of a bond, letter of credit, cash, or escrow deposit, all in such form and substance as shall be approved by the City.
 - i. The amount of this security shall be \$ 1,000 or 150% of the estimated cost to furnish and plant the replacement trees (estimated cost) which ever is greater. The estimated cost shall be at least as much as the reasonable amount charged by nurseries for furnishing and planting of replacement trees. The estimated cost shall be subject to approval by the City, and in the event the estimated cost is not approved, the City shall have the right, in its sole discretion, to determine the escrow amount.

406.120- Collector And Arterial Roads And Trunk And Lateral Utility Construction

~~1...When This Section Applies.~~

~~This section shall only apply to collector and arterial road and trunk and lateral utility construction projects. All interior roads and utility services will be required to adhere to applicable zoning district thresholds.~~

2...Road And Utility Construction.

Significant trees shall not be destroyed or removed within the right-of-way unless such destruction or removal is absolutely necessary because of engineering, safety, sight distances, or maintenance requirements and acceptable alternate means of construction or alternate routes are not possible. Such reasons must be submitted for review by the City.

3...Reforestation.

If the road or utility construction destroys or removes fifty (50%) percent or less of the significant trees or tree cover in the right-of-way, then the person or entity conducting the construction shall not be responsible for reforestation. If, however, more than fifty (50%) percent of the significant trees or tree cover within the easement or right-of-way are destroyed or removed, the person conducting the construction shall be responsible for the following:

- A. Filing a landscape bond pursuant to 406.110; and
- B. Replacement of trees that exceed the fifty (50%) percent threshold shall be in accordance with 406.090 of this Ordinance. The replacement trees shall be planted on the adjoining setback areas, assuming the adjoining landowners consent. Otherwise, the replacement trees shall be planted at locations as determined by the City.

406.130 - Exceptions To This Ordinance

13.1 The requirements of this Ordinance shall not apply to the removal of trees which are dead, diseased, seriously damaged by storm, or other acts of nature.

406.140- Tree Replacement

1...Replacement trees shall be planted not later than 12 months after the date the land alteration has commenced. If the applicant is prevented from performing within this time limit, because of unforeseen circumstances beyond the applicant's control, the City Designee may extend the time for performance. The applicant shall inform the City Designee when all replacement trees have been planted, at which time the City Designee shall inspect the site.

2...Replacement trees shall consist of "certified nursery stock" as defined by Minnesota Statutes Section 18.46 ~~or other trees ("wilding trees") so long as the wilding trees comply with the following standards. A wilding tree measured in diameter inches shall not exceed the maximum height as shown below:~~

TABLE 406.140.3

DIAMETER OF TREE IN INCHES	MAXIMUM HEIGHT OF TREES IN FEET
Two (2.0") Inches	Eighteen (18') Feet
Two and One Half (2.5") Inches	Eighteen (18') Feet
Three (3") Inches	Twenty (20') Feet
Three and One Half (3.5") Inches	Twenty (20') Feet
Four (4") Inches	Twenty-Four (24') Feet
Five (5") Inches	Twenty-Eight (28') Feet

4...~~The lowest branch of a wilding tree shall be at a height above the surface of the ground not more than one half of the total height of the tree. (Example, a 16 foot tree must have a branch within 8 feet of the surface of the surrounding ground.)~~

5...~~Trees planted in place of missing, dead or un-healthy replacement trees shall consist of only "certified nursery stock" as defined by Minnesota Statutes, Section 18.46.~~

406.150- Release And Retention Of Performance Security

1...Release Of Performance Security

a...The performance security shall remain in effect for not less than one (1) year after the date that the last replacement tree has been planted. The City may release the performance security at that time unless the City Designee, upon inspection, finds that any of the replacement trees have died or are unhealthy, or if there was any encroachment upon the protective fencing surrounding any tree to be saved.

b...If the applicant supplies proof of a nursery guarantee which is approved by the City Designee, then the performance security posted by the applicant shall be released upon planting of the last guaranteed tree. The nursery guarantee shall remove liability from the applicant and responsibility will be placed upon the nursery or current land owner.

2.....Retention Of All Or Portion Of Performance Security.

The City may retain the portion of the performance security equal to the cost of removing dead or unhealthy trees and replanting replacement trees.

406.160 - Penalty

Any person violating or refusing to comply with the provisions of this Ordinance shall be guilty of a misdemeanor, and prosecuted and upon conviction thereof, shall be punished by a fine of not more than Seven Hundred and no/100 (\$700.00) dollars or by imprisonment not to exceed ninety (90) days, or both. The costs of prosecution may also be added.

ORDINANCE 2015-06-02

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

**AN ORDINANCE ENACTING SECTION 620 OF CITY CODE IN BIRCHWOOD
VILLAGE TO PROHIBIT FEEDING DEER**

WHEREAS, the City of Birchwood Village seeks eliminate the feeding of deer in the city.

NOW, THEREFORE, BE IT ORDAINED that the City Council of the City of Birchwood Village hereby enacts Section 620 of City Code as follows:

620.010 PURPOSE: This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the citizens of the City through the management of recreational feeding of white tailed deer within the City as part of a comprehensive strategy to reduce or eliminate negative impacts experienced as a result of an increasing deer population in the City.

620.020 FEEDING DEER PROHIBITED.

1. **Prohibited acts**: It shall be unlawful to intentionally place or permit to be placed on the ground or within five feet of the ground surface, any grain, fodder, salt licks, fruit, vegetables, nuts, hay, or other edible materials which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Placement of live trees or plants that are rooted in the ground or in pots, baskets, or planters shall not be considered a violation of this subdivision.
2. **Exceptions**: The prohibition in 620.010(1) above shall not apply to:
 - A. Veterinarians, city animal control officers, or county, state, or federal game officials who are acting in the course of their duties and who have deer in custody or under their management
 - B. Persons authorized to implement a deer management program approved by the City Council.
 - C. Persons trapping, taking, or feeding deer pursuant to a permit issued by the Minnesota Department of Natural Resources.
 - D. Persons feeding birds using self enclosed feeding devices or containers or:
 - E. Persons using straw, hay, or straw related materials for erosion control, mulching, gardening, or other landscape purposes.

609.030 **Enforcement:** Violation of this section is a petty misdemeanor punishable by a fine up to \$300. Each act of violation and each day a violation occurs or continues shall constitute a separate offense.

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

Adopted by the City of Birchwood Village City Council this ___ day of _____, 2015

**CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA**

RESOLUTION 2015-22

RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION

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

WHEREAS, the City has given notice to those residents that the City Council would conduct a public hearing on November 10, 2015, at which residents who are considered delinquent would have an opportunity to be heard; and

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

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

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

(SEE ATTACHED LIST)

2. The resident may pay the amount due at any time. If payment is made before December 14, 2015, the delinquency will not be certified to the county.
3. After December 14, 2015, the City Administrator shall transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county and such assessment shall be collected and paid over in the same manner as property taxes.

Adopted by the City Council this 10th day of November, 2015

Mayor: _____

Date: _____

ATTEST

City Administrator-Clerk: _____

Date: _____



WHITE BEAR TOWNSHIP

1858
RAMSEY COUNTY
MINNESOTA

1281 HAMMOND ROAD
WHITE BEAR TOWNSHIP, MN 55110

651-747-2750
FAX 651-426-2258
Email: wbt@ci.white-bear-township.mn.us

BILLING STATEMENT OCTOBER 6, 2015

City of Birchwood
207 Birchwood Ave.
Birchwood, MN 55110

Account # 01-380

Maintenance 9/21/15 - 10/04/15

Quality Flow Systems
Lift Station Service Check

09/23/15
\$300.00

Weekly Lift Station Check
Public Works Maintenance - 2 hrs. @ \$71.00/hr
Public Works Maintenance - 2 hrs. @ \$62.00/hr
#33 - 2 hrs. @ \$30.00/hr

09/25/15
\$142.00
\$124.00
\$60.00

Weekly Lift Station Check
Public Works Maintenance - 4 hrs. @ \$62.00/hr
#33 - 2 hrs. @ \$30.00/hr

09/30/15
\$248.00
\$60.00

TOTAL AMOUNT DUE \$934.00





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BILLING STATEMENT OCTOBER 20, 2015

City of Birchwood
207 Birchwood Ave.
Birchwood, MN 55110.

Account # 01-380

Maintenance 10/5/15 - 10/18/15

Connelly Industrial Electronics
Lift Station #3 Service Check

09/30/15

\$410.48

Weekly Lift Station Check

10/09/15

Public Works Maintenance - 4 hrs. @ \$62.00/hr
#33 - 2 hrs. @ \$30.00/hr

\$248.00
\$60.00

Weekly Lift Station Check

10/15/15

Public Works Field Maint Supervisor 2 hrs. @ \$65.50/hr
Public Works Maintenance - 2 hrs. @ \$62.00/hr
#25 - 2 hrs. @ \$30.00/hr

\$131.00
\$124.00
\$60.00

Public Works Director - 1/2 hr. @ \$86.50/hr

10/13/15

\$43.25

TOTAL AMOUNT DUE

\$1,076.73



recycled paper