



AGENDA OF THE  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
WASHINGTON COUNTY, MINNESOTA  
FEBRUARY 12, 2013  
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the January 8, 2013 Regular Meeting (see exhibit)
2. Acceptance of the Financial Report and Approval of Disbursements (see exhibit)
3. Approval of \$265.00 expenditure for the City Coordinator to attend the 2013 Municipal Clerks and Finance Officers Annual Conference March 20-23 in St. Cloud (see exhibit)
4. Approval by the City Council for the City Coordinator to be a candidate for Treasurer of the Municipal Clerks and Finance Officers Association (see exhibit)
5. Approval of hiring Griffin Joseph Konkler as an Ice Rink Warming House Attendant at \$8.00 per hour (see exhibit)
6. Approval of RESOLUTION 2013-05 Accepting a Donation of \$500.00 from Writers Unlimited (see exhibit)

CITY BUSINESS – REGULAR ORDER

7. 7:15 Remarks from County Commissioner Ted Bearse  
Time Budget: 15 minutes
8. 7:30 City Treasurer/Finance Items
  - a. Request by the City Treasurer for Additional Hours to Complete the Year-End and Annual Financial Report per Statutory Requirements (Reiter)
  - b. Request to Include the Names of All Payees on the Disbursement List (Wingfield)
  - c. Review Need for Attendance of the City Treasurer at Council Meetings (Wingfield)
  - d. Review of Resolution 2012-38 (Wingfield)Time Budget: 30 minutes
9. 8:00 Set Terms of Appointments for White Bear Lake Conservation District and Ramsey Washington Suburban Cable Commission (Wingfield)
  - a. White Bear Lake Conservation District: Suzanne Donnell until June 2015; Jane Harper until March 2013
  - b. Ramsey Washington Suburban Cable Commission: Greg Donovan until January 2017; Randy LaFoy until January 2015Time Budget: 10 minutes

10. 8:10 Planning Commission> Consideration of Appointing John Lund to Fill Vacancy (see exhibit)  
Time Budget: 5 minutes
11. 8:15 White Bear Lake Conservation District> Consideration of Appointing Jane Harper to Fill Vacancy (see exhibit)  
Time Budget: 5 minutes
12. 8:20 Review of Contract with Saint Paul Regional Water Services> Presentation by Dave Wagner of SPRWS (see exhibit)  
Time Budget: 25 minutes
13. 8:45 Review of Frequency of Lift Station Maintenance (see exhibits)
  - a. Report on Lift Station Inspection Requirements – Ted Field
  - b. Review of Memo on League of MN Cities Insurance Trust Inspection Requirements
 Time Budget: 15 minutes
14. 9:00 CONDITIONAL USE PERMIT and VARIANCE REQUEST> Terry and Mary O’Loughlin – 27 Birchwood Lane: CUP for Land Disturbance Activity; Variances for Removal and Replacement of a Retaining Wall, Wider Stairs, and a Patio Area/Landing (see exhibits)
  - a. Report and Recommendation of the Planning Commission
  - b. Consideration of RESOLUTION 2013-06 Regarding a Conditional Use Permit & Six Variances for 27 Birchwood Lane
 Time Budget: 15 minutes
15. 9:15 SCADA Proposal from Barr Engineering/City of White Bear Lake> Review of Issue by Council Member Hullsiek (see exhibit)  
Time Budget: 10 minutes
16. 9:25 City Engineer Appointment Process> Review of KSA Matrix, Discussion of Approach to the Selection Process, and Consideration of Proposed Work Plan by Council Member Hullsiek (Hullsiek - see exhibit)  
Time Budget: 10 minutes
17. 9:35 Prosecution Services> Review of Proposed RFP (Wingfield)  
Time Budget: 10 minutes
18. 9:45 Ordinance 703 (Council Vacancy – Special Election)> Review of Legal Opinion (Sandstrom – see exhibit)  
Time Budget: 15 minutes
19. 10:00 Mayor’s Report
  - a. Directive to Finance Committee > Review Sewer Fund Revenues/Expenses
  - b. Directive to Planning Commission> Address Pre-Existing Impervious Surface Permit Issues
  - c. Review Newsletter options and Proposed Mission Statement and Parameters
  - d. Larry Walker – Team Building Seminar in May
 Time Budget: 15 minutes
20. 10:15 Council Reports  
Time Budget: 15 minutes
21. 10:30 Future Council Meetings
  - a. February 19, 2013 – 7:00pm - Workshop on Finances and Expenses
  - b. March 12, 2013 – 7:00pm – Regular Meeting
  - c. March 25, 2013 – 7:00pm – Joint Workshop with the Parks and Natural Resources Committee
 Time Budget: 15 minutes
22. 10:45 ADJOURN



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## MEMORANDUM

DATE: February 7, 2013  
TO: Mayor and Council  
FROM: Dale Powers, City Coordinator  
RE: Omission of Requested Items from the February 2013 Regular Council Meeting  
=====

Per the provisions of § 3.02 of the City Council's Rules of Procedure, I am advising the Council that an item requested by Mayor Mary Wingfield was not placed on the agenda for Council consideration:

- Mayor and Deputy Mayor to be provided access code to City Hall office.

The reasons Mayor Wingfield's request was not granted are as follows:

1. There are 21 items on the agenda as it now stands: 6 consent agenda items and 15 regular order items. The 15 regular order items contain 26 separate potential decision points for the Council. As it currently stands, the meeting is proposed to be adjourned at 10:45pm. Consideration was made to the Council's time and the desire of the Mayor – as expressed to me in a meeting on Wednesday, January 3, 2013 – to prefer short meetings over long meetings.
2. There was no supporting documentation accompanying her request.
3. There was no statements from the Mayor expressing a degree of urgency to the matter.

A copy of the Rules of Procedure are attached to this memo as an exhibit.

Per the same Section of the Rules of Procedure, the City Council may direct the [coordinator] to include the item[s] on a future meeting agenda. I believe the decision to provide access to the official records of the City to elected officials is not one to make lightly or cavalierly, as suggested by the Mayor in her request to have this matter placed on the consent agenda. While the Council has every right to ignore the Rules of Procedure and add this item to the agenda for the February meeting, I respectfully request that this matter – which is more complicated than it appears at first blush – be held over to the March 2013 meeting to give all the parties more time to develop supporting submittals.

## City of Birchwood Village

### Rules of Procedure

The City Council of the City of Birchwood Village hereby adopts the following Rules of Procedure to guide the actions and conduct of the City Council, staff, and the public in the performance of city business.

#### ARTICLE 1 GENERAL REQUIREMENTS

**1.01. AUTHORITY.** The City of Birchwood is authorized to adopt rules of procedure and provide for order at city council meetings pursuant to Minn. Stat. § 412.191.

**1.02. PURPOSE.** The purpose of these Rules of Procedure is to establish procedures for the conduct of the city council and to provide for orderly and respectful communications between and among council members, city staff, and citizens to promote the efficient working of the public's business at city council meetings.

**1.03. STATE LAW.** All meetings of the city council shall be conducted in accordance with requirements of state law. The requirements of these Rules of Procedure shall be interpreted and applied consistent with other applicable requirements of state law. In the event state law shall impose requirements that are in addition to the requirements of these procedures or inconsistent with these procedures, the state law shall prevail.

#### ARTICLE 2 COUNCIL MEETINGS

**2.01. COUNCIL MEETINGS.** Article 2 establishes requirements for scheduling and noticing city council meetings.

**2.02. LOCATION.** All meetings, including regular, special, recessed, and continued meetings, shall be held at the city hall, unless otherwise designated pursuant to Minn. Stat. § 13D.04.

**2.03. REGULAR MEETINGS.** A schedule of regular meetings shall be kept on file with the city clerk.

**2.04. SPECIAL MEETINGS.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city council members by filing a request for the meeting with the city clerk at least three days before the meeting. The mayor or council members calling for a special meeting shall designate the purpose of the meeting. No special meeting shall be scheduled without first confirming that a quorum will be able to attend.

**2.05. EMERGENCY MEETINGS.** An emergency meeting is a special meeting called because of circumstances that, in the judgment of the city council, require immediate consideration by the council. An emergency meeting may be called by the mayor or any two city council members. No emergency meeting shall be scheduled without first confirming that a quorum will be able to attend.

**2.06. CLOSED MEETINGS; OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minnesota Statutes chapter 13D, allows some meetings to be closed to the public for defined purposes. No meeting of the city council shall be closed to the public except in conformance with the requirements of the Open Meeting Law. When a meeting is to be closed, the presiding officer shall state in public on the record before closing the meeting, the reason for closing the meeting and the state statute that permits closure. The presiding officer shall give a summary of the discussion at the closed meeting at the first open meeting following the closed meeting.

**2.07. RECESSED OR CONTINUED MEETINGS.** When a meeting is recessed or continued, the presiding officer shall state, pursuant to Minn. Stat. § 13D.04, subd. 4, the time and place for the next meeting to occur. The time and place shall be noted in the Minutes.

**2.08. ORGANIZATIONAL MEETING.** The council shall conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

- (a) Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
- (b) Select an official newspaper pursuant to Minn. Stat. § 412.831.
- (c) Select an official depository for city funds.
- (d) Establish the schedule for regular city council meetings.
- (e) At the organizational meeting held the January after a general election, acknowledge the pay for the Mayor and Council members.

**2.09. WORKSHOPS.** The mayor or two council members may call for a workshop. A workshop is a meeting of the council with other governmental bodies or organizations or persons for the purpose of advising the council about matters of interest to the city and the council. A quorum need not be present to hold a workshop. The council shall not take any formal action at a workshop unless proper notice is given in advance that such action may be taken and a quorum is present.

**2.10. NOTICE OF MEETINGS.**

(a) *Notice Generally.* The council shall give such notice of all meetings of any kind as shall be required by state law.

(b) *Posted Notice.* The city shall post a notice and an agenda of each meeting on the bulletin board outside city hall at least three days in advance of the meeting, except for emergency meetings.

(c) *Emergency Meetings.* Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.]

(d) *Recessed or Continued Meetings.* If the time and place of a recessed or continued meeting are stated at the meeting that is recessed or continued, no additional notice of the meeting is required. However, if the time and place are not stated, the notice procedures for special meeting shall be required. Additional notice may be given if time and circumstances permit.

(e) *Workshops.* The council shall give at least three days notice of a workshop by posting notice on the bulletin board outside city hall and by whatever other means the council determines are appropriate.

(f) *Days.* In calculating the number of days for providing notice, the first day that the notice is given is not counted, but the day of the meeting is counted. If the meeting day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation.

(g) *Webpage.* The city shall to the extent reasonable post notice of all meetings and workshops on the city webpage.

(h) *E-mail.* The city shall provide notice via e-mail of all meetings and workshops to individuals who have requested such notice and provided an e-mail address to the city.

### ARTICLE 3 AGENDAS

**3.01. AGENDA.** The city clerk shall prepare an agenda for all city council meetings and workshops in accordance with the requirements of Article 3.

**3.02. COUNCIL MEMBER ITEMS.** The mayor and any city council member may request that an item be placed on a meeting agenda. The clerk shall determine whether to place the matter on the agenda, considering the number of items already on the agenda and whether supporting materials are available and the urgency of the matter. The clerk shall advise the council at the next meeting of all requested items that were not placed on the agenda. The council may direct the clerk to include the item or items on a future meeting agenda.

**3.03. PUBLIC ITEMS.** Any person may request that an item be placed on a council agenda. All requests to place an item on an agenda shall describe the subject matter to be

considered by the council and any action requested. The clerk may require the person to submit the request in writing. The clerk shall determine whether or not to place the item on the agenda. The clerk shall advise the council at the next meeting of all items that were requested to be placed on the agenda that were not included. The council may direct the clerk to include the item or items on a future meeting agenda or may take such other action as the council deems appropriate. Any person whose requested agenda item has not been placed on the agenda may appear at the council meeting and bring the matter to the attention of the council pursuant to section 3.06 and 4.08 (Public Forum).

**3.04. CONSENT AGENDA.** The clerk may include a consent agenda for items that can be approved by the council without discussion and with only one motion and vote. Any item on the consent agenda may be removed from consideration by the request of any one council member. Any item removed from the consent agenda shall be placed on the regular agenda for discussion and consideration at a time determined by the presiding officer.

**3.05. MINUTES.** The agenda shall include an item for consideration of the Minutes from the previous meeting or meetings if such Minutes are available.

**3.06. PUBLIC FORUM.** Each regular meeting shall include a time for the public to address the council on any matter. This item shall be placed early in the agenda to accommodate the public. The public forum item may be used to announce upcoming community events.

**3.07. ACTION ITEMS.** Other than for routine matters like approval of Minutes and adoption of the agenda, the clerk shall include with each item on the agenda a description of the action the council will consider taking.

**3.08. DOCKET NUMBERS.** The clerk may assign a docket number to each major item on a meeting agenda. The docket number, once assigned, shall continue with the matter for future reference and action.

**3.09. AVAILABILITY OF AGENDA.** The agenda for any meeting, except an emergency meeting, shall be prepared at least five days in advance of the meeting. The agenda shall be posted on the city bulletin board at city hall and posted on the city webpage.

**3.10. DELIVERY TO COUNCIL.** For all regular meetings the agenda for each meeting, along with any supporting materials for the various items on the agenda, shall be delivered to each council member at least five days in advance of the meeting. For emergency meetings and special meetings, the clerk shall deliver the required materials as far in advance of the meeting as time permits. Delivery may be by mail or e-mail or by actual delivery to the council member. The council may allow additional written materials to be submitted after this date or at the meeting but the council can also determine to postpone consideration of the matter to allow additional time to consider late-filed information.

## ARTICLE 4 CONDUCT OF MEETINGS

**4.01. CONDUCT OF MEETINGS.** All meetings of the council shall be conducted in accordance with the requirements and procedures set forth in Article 4.

**4.02. QUORUM.** No meeting of the city council shall occur without the presence of a quorum. A simple majority of the council – three members – shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

**4.03. MEETING CANCELLATION.** The clerk shall cancel any scheduled meeting of the city council when it is determined that a quorum will not be present for the meeting. In such event, the clerk shall post notice of the cancellation on the bulletin board outside city hall and provide notice to all council members by e-mail or telephone and to all individuals who have requested to be notified by e-mail of all council meetings. Any subsequent meeting scheduled after cancellation of a meeting shall occur only after compliance with applicable notice requirements.

**4.04. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council, unless the mayor is absent, in which case the deputy mayor shall preside. In the absence of both the mayor and the deputy mayor, the city clerk shall call the meeting to order and the remaining three council members shall decide who shall preside. The presiding officer shall have the following duties and authority:

(a) *Preserve Order.* The presiding officer shall preserve order and decorum, enforce the requirements of chapter 104, and determine all questions of procedure and order, subject to the final decision of the council on appeal as provided in paragraph (e).

(b) *Council Discussion.* The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have had an opportunity to speak.

(c) *Motions and Voting.* The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. The presiding officer may make motions, second motions, speak on any question, and vote on any matter properly before the council.

(d) *Adjourn Meetings.* If considered necessary to preserve order, the presiding officer may adjourn or continue a meeting to another time or suspend a meeting for a specified time.

(e) *Appeal of Ruling.* In the event a council member disagrees with the ruling of the presiding officer on a procedural matter, the council member may make a motion to appeal the decision to the full council. The member making the motion may speak once on the motion and the presiding officer may explain the ruling, and other council members may speak once on the motion. Once both the maker of the motion and the presiding officer have been heard, the matter shall be voted on by the council.

**4.05. ADOPTION OF AGENDA.** The council shall follow the agenda that has been prepared for the meeting, but the council may add, delete, and/or re-order the agenda at the start of the meeting prior to adopting the agenda. When the council determines that a matter not on the agenda should be considered at the meeting in order to avoid delay, the matter may be added to the agenda. The presiding officer may switch the order of items on the agenda in order to accommodate schedules or other requests.

**4.06. DECORUM OF COUNCIL MEMBERS.** The following rules of decorum shall apply to all council meetings.

(a) All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

(b) No councilmember shall engage in conduct that delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.

(c) All council members shall conduct themselves in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

**4.07. PUBLIC PARTICIPATION.** Members of the public are generally not allowed to participate in council discussion and deliberation. Members of the public shall not engage in conversation or other behavior that may disrupt proceedings of the council. Members of the public shall refrain from applauding unless invited to do so by the presiding officer. The presiding officer may recognize a member of the public and allow the person to speak to an agenda item under terms established by the presiding officer. A member of the public who is permitted to speak may be asked questions by the council members. Speakers shall comply with the requirements of section 4.08(b).

**4.08. PUBLIC FORUM.** A limited forum for members of the public to speak with the council will be provided on the agenda for regular meetings. Public comments during the public forum are subject to these limitations:

(a) Speakers may be requested to sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address.

(b) Speakers must be recognized by the presiding officer before speaking and may be limited to three minutes for comment. Speakers must direct their remarks toward the presiding officer. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.

(c) The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the

meeting to hear all public comments, the comment period may be deferred to another meeting.

(d) Council will generally not respond at the same meeting to an issue initially raised by a member of the public. The council may request that additional information be gathered and identify persons who will be asked to undertake that task.

## ARTICLE 5 COUNCIL ACTION

**5.01. COUNCIL ACTION.** The city council shall take action on items in accordance with the provisions of Article 5.

**5.02. PROPER MEETING.** The council shall not take any official action as a council except at a properly called and noticed meeting of the council.

**5.03. DELIBERATION.** Each council member shall be permitted to participate in council deliberation of an item on the agenda. Deliberation may occur before and after a motion has been made. No council member shall speak until recognized by the presiding officer.

**5.04. MOTIONS.** A motion is a request by a council member for formal action by the city council. Motions shall be made and considered in accordance with the following provisions:

*(a) Making Motions.* Any city council member including the presiding officer shall be entitled to make and second motions. All motions must be seconded before being discussed. Only one motion at a time shall be considered and debated by the city council.

*(b) Objections.* Any member of the council may object to a motion if the member believes the motion is not in order. A motion is in order if:

- (i) it is germane to the item under consideration, and
- (ii) made at a proper time in the proper format, and
- (iii) does not violate any rule of law, and
- (iv) is not made for the purpose of delaying the proceedings.

An objection must be made immediately following the motion before debate begins and at no other time. Before ruling, the presiding officer shall allow the objector and then the mover to explain their positions on why the motion is or is not in order. The presiding officer shall determine whether the motion is in order, subject to appeal of the ruling. If the presiding officer rules that the motion is out of order, the motion shall not be considered.

(c) *Debate on a Motion.* Only one motion may be considered at a time in debate. A council member must be recognized by the presiding officer before speaking to the motion. The presiding officer may limit the amount of time any one council member may speak to the motion.

(d) *Amendment of Motion.* Any council member may move to amend a motion at any time before a vote is taken. The amendment requires a second. If the amendment is acceptable to the mover and seconder of the original motion, the amendment shall be considered a friendly amendment and no vote of the council is required to replace the original motion with the amended motion.

(e) *Motion to Withdraw a Motion.* A motion to withdraw a motion can be made by the maker of the motion before it is seconded and the motion will be withdrawn. After a second is received, the seconder must agree to the withdrawal.

(f) *Motion to Limit Debate.* Any council member may move to limit debate on a motion under consideration. The motion must be seconded. The mover shall identify the length of time debate should occur. The motion itself is not subject to debate.

(g) *Motion to Table.* Any council member may move to table a motion at any time. The motion must be seconded. The motion is not subject to debate. The motion need not identify a length of time to table the motion but a date or time may be specified. A motion that has been tabled may be taken off the table by action of the council but the matter must be properly on the agenda in order to be taken off the table and acted upon.

(h) *Motion to Call the Question.* Any council member may move to call the question. The motion must be seconded. The motion is not subject to debate. If the motion passes, debate shall cease and the council shall vote on the motion before it.

**5.05. RESOLUTIONS.** The council shall determine those matters that are of such significance that action on the matter shall be taken by resolution rather than by motion. Such action may include approval of contracts, licenses, and permits, the adoption or amendment of city policies, rules, and ordinances, receipt of grants, donations, and other funds, and adoption of budgets. All resolutions shall be written and numbered in a manner consistent with the city's record keeping practices. All resolutions shall be acted upon in accordance with the provisions of these procedures. In the case of land use resolutions, the resolution should contain the findings of fact leading to the proposed decision of the Council.

**5.06. VOTING.** All votes of the city council shall be conducted in accordance with the following:

(a) No action shall be taken by the city council except upon a majority vote of the council, unless state law requires more than a majority on a particular matter. If only three members of the council are present and constitute the quorum, a matter may pass on a vote of two to one, unless state law provides otherwise or unless the matter is the

adoption or amendment of an ordinance, which shall require three votes regardless of the size of the quorum. If a matter shall end in a two to two tie vote, no action shall be taken but the matter may be placed on the agenda for a future agenda, unless state law provides otherwise. In the event a matter incurring a tie vote is placed on a future meeting agenda, any member may change his or her vote from one meeting to the next.

(b) Any council member or the clerk may ask the presiding officer to restate the motion that is being voted upon prior to the actual vote.

(c) The votes of the city council shall be taken by voice vote. Any member may call for a roll call vote on any motion or resolution. On a roll call vote, the clerk shall call on council members in random order so the same council member is not called upon first with every roll call vote.

(d) At the conclusion of every vote the presiding officer shall announce the results of the vote.

(e) Any member who abstains from voting because of a conflict of interest or other reason shall state on the record the reason for abstaining.

(f) A clear statement of the action voted upon and the votes of each member shall be stated in the Minutes of the meeting.

**5.07. RECONSIDERATION.** Any matter acted upon by the council may be reconsidered at a subsequent meeting or at any time until the deadline for an appeal has expired or as otherwise provided by state law. Only a council member who voted in the majority on the original action can make a motion for reconsideration. The matter must be on the agenda for the meeting and can be acted upon according to the provisions of these rules.

## **ARTICLE 6 RECORDKEEPING**

**6.01. MINUTES.** The clerk shall prepare and maintain Minutes of each council meeting. Minutes of workshops shall not be required. The Minutes of each meeting shall be posted on the city webpage after approval by the council.

**6.02. CONTENT OF MINUTES.** The Minutes shall contain at a minimum the following:

- (a) The city council members who are present at the meeting.
- (b) The type of meeting (regular, special, continued, emergency).
- (c) Date and place the meeting was held.
- (d) Time the meeting was called to order.

(e) Approval of Minutes approved at the meeting.

(f) A description of all action of the council, including the name of the member making any motion and the member seconding the motion and the vote of each council member on the motion.

(g) Ordinances, contracts, and other documents approved by the council shall not be included in the Minutes but shall be maintained on file in the city hall by the clerk. Resolutions shall be included in the Minutes, although the documents that are the subject of the resolution shall not be included.

(h) The Minutes shall not constitute a transcript of the proceedings and shall not contain lengthy descriptions of council discussion of agenda items.

**6.03. CODE BOOK.** The Clerk shall maintain a Code Book containing the city ordinances that are in effect.

**6.04. RECORDING OF MEETINGS.** The clerk shall maintain a video or audio recording of each city council meeting for which such a recording is available.

**6.05. WEBPAGE.** The city clerk shall post on the city webpage such information as the clerk deems appropriate or as is required by chapter 104 or the city council. The city clerk shall maintain an up-to-date code book on the city webpage.

**6.06. DATA RETENTION.** The council hereby adopts the Minnesota City General Records Retention Schedule (revised 2008) on file with the Minnesota Historical Society, State Archives Department. The city shall not destroy or discard any information required to be maintained by law except in conformance with this Schedule.

## ARTICLE 7 ORDINANCES

**7.01. PROPOSED ORDINANCE.** Any council member may bring to the attention of the council a proposed ordinance or a proposed amendment to an existing ordinance if the matter is properly on the agenda. The proposed ordinance or amendment shall be presented to the council in writing.

**7.02. PROCEDURE FOR ADOPTION.** No new ordinance or amendment to an existing ordinance shall be adopted except in accordance with the following procedures:

(a) *Proposal.* The council shall first pass a motion to propose the adoption of a new ordinance or ordinance amendment. The language of the ordinance or ordinance amendment shall be in writing at the time of the action. No ordinance or amendment may be passed by the council at the meeting at which it is introduced.

(b) *Notice.* The council shall give notice of the proposed adoption of the ordinance or amendment in the same manner as notice of a regular meeting is given. The

notice shall include a summary of the ordinance language and indicate where a complete copy of the proposed ordinance may be reviewed. The notice shall inform the public that they will be permitted to submit oral comments at the public hearing and advise the public of how and when it may submit written comments on the proposed ordinance.

(c) *Public Hearing.* The council shall hold a public hearing as part of a council meeting on the proposed ordinance or amendment. The hearing shall be held in accordance with the requirements of Article 8.

(d) *Adoption.* The city council may take action on the ordinance or amendment any time after completion of the public hearing.

(e) *Majority Decision.* No ordinance or ordinance amendment shall be adopted by the council except upon the vote of a majority of the council members, regardless of how many constitute a quorum at the meeting at which the matter is decided.

**7.03. Publication.** After adoption of a new ordinance or ordinance amendment, the city shall publish notice of the adoption and the ordinance itself in the official newspaper of the city. The city may elect to publish a summary of the ordinance if the ordinance is lengthy provided four council members vote to do so and approve the summary.

**7.04. EFFECTIVE DATE.** Unless the city council provides differently in the adoption of the ordinance or amendment, the new language shall be effective after publication in the official newspaper. The clerk shall record the new ordinance in the code book within twenty days after publication.

**7.05. CODE BOOK.** Upon completion of the procedures to adopt an ordinance or an amendment, the clerk shall record the new ordinance in the code book.

## ARTICLE 8 PUBLIC HEARINGS

**8.01. HEARING REQUIRED.** A public hearing shall be held whenever required by city ordinance, state law, or order of the city council.

**8.02. PUBLIC NOTICE.** Whenever a public hearing will be held, the city shall give notice of the hearing in the same manner as for the council meeting at which the hearing will be held. The city shall give such other notice as may be required by city ordinance or state law. The matter that is the subject of the hearing shall be included on the agenda for the meeting.

**8.03. CONDUCT OF HEARINGS.** Each public hearing shall be conducted in accordance with the following:

(a) The presiding officer shall open the hearing and announce the purpose of the public hearing.

(b) The presiding officer may call upon staff or other council members to make any opening statements if appropriate.

(c) The presiding officer shall recognize members of the public who would like to address the council and enter comments into the record. Persons making oral statements may be asked questions by members of the council. The presiding officer may ask commenters to limit the amount of time they speak or to select a spokesperson to represent a group of people if time becomes an issue.

(d) The presiding officer shall accept written comments into the record.

(e) The presiding officer shall identify any written comments that were received from persons not wishing to speak at the hearing and enter those into the record. The presiding officer may elect to have the written comments read into the record if appropriate. The presiding officer may refuse to accept unsigned, anonymous written comments.

(f) After every person who wishes to speak has had an opportunity to do so, the presiding officer shall close the public meeting.

(g) The presiding officer shall announce whether a period of time for the public to submit written comments will be established. If a comment period is established, the council shall not take final action on the matter that is the subject of the hearing until after close of the comment period.

**8.04. CONTINUATION OF HEARING.** The presiding officer may elect to continue a public hearing if necessary to accommodate all members of the public who wish to speak.

**8.05. COUNCIL ACTION.** Any time after completion of the public hearing, including the day of the hearing, or any time after the close of a public comment period if one is established, the council may take action on the matter.

## ARTICLE 9 COMMITTEES AND POLICIES

**9.01. COMMITTEES.** The city council may establish a committee to assist the council in carrying out its duties. Whenever the council creates a committee, it shall give the committee a name, establish its purpose, determine the number of members and their terms, and determine whether any compensation will be provided to members who serve on the committee. The council shall also determine whether the committee shall expire on a date certain or continue until further action of the council. The council's action in creating a committee shall be reduced to writing and may be placed on the city webpage by the clerk.

**9.02. POLICIES.** The council may adopt policies regulating matters within the jurisdiction of the council. All policies shall be in writing. The council may adopt a new policy or amend an existing policy at any time, provided the matter is properly on a council meeting agenda. The clerk shall maintain a handbook containing all policies adopted by the council and place all policies adopted by the council on the city webpage.

**\*\* ADOPTED March 8, 2011\*\***



**CITY OF BIRCHWOOD VILLAGE**  
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## **EXECUTIVE SUMMARY – FEBRUARY 12, 2013 CITY COUNCIL MEETING**

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

**CONSENT CALENDAR:** There are seven items on the consent calendar, as follows:

1. Approval of the Minutes of the February 12, 2013 Regular Meeting
2. Acceptance of the Financial Report & Approval of Disbursements
3. Approval of \$265.00 expenditure for the City Coordinator to attend the 2013 Municipal Clerks and Finance Officers Annual Conference March 20-23 in St. Cloud: I've attended the past two conferences, and found the opportunities to learn more about my profession to be well worth the registration fee. I also have been part of the planning process for the conference for the past 23 years. Being that the conference is in St. Cloud, there is no need for payment of lodging or meals. A copy of the conference program is included in the agenda packet as an exhibit.
4. Approval of the City Coordinator to Serve as Treasurer of the Municipal Clerks and Finance Officers Association: Several of the officers of the Association have encouraged me to be a candidate for the MCFOA Executive Committee. Serving as Treasurer is the entry point in the process; the organization is set up much like a fraternal (such as Lions) in that officers move up through the ranks to be Secretary, Vice President, and then President. The organization's by-laws "encourage" potential candidates to receive permission from their City Council to serve MCFOA on the Executive Committee. A copy of the relevant portion of the by-laws, as well as a draft letter of support, is included in the agenda packet as exhibits.
5. Approval of the hiring of Griffin Joseph Konkler as an Ice Rink Warming House Attendant at a wage of \$8.00 per hour: No background check is required for Mr. Konkler, as his application materials indicate that he is under 18 years of age.
6. Approval of RESOLUTION 2013-05 Accepting a Donation of \$500.00 from Writers Unlimited: State statute mandates acceptance of donations only by resolution.

### **CITY BUSINESS – REGULAR ORDER:**

7. REMARKS FROM COUNTY COMMISSIONER TED BEARSE: Council Member LaFoy invited Ted Bearse, the county commissioner representing Birchwood, to this meeting to introduce himself to the City Council and offer some remarks and observations.

8. CITY TREASURER/FINANCE ITEMS

8a. REQUEST BY THE CITY TREASURER FOR UP TO 40 ADDITIONAL HOURS TO COMPLETE THE YEAR-END AND ANNUAL FINANCIAL REPORTS PER STATUTORY REQUIREMENTS: City Treasurer Cindie Reiter is contracted to work 12 hours a week for the City. These hours are devoted to the usual course of business and do not account for time needed for the completion and submission of year-end and annual requirements as mandated by the State. For the past two years, the City Council has authorized up to an additional 40 hours until the end of March for the City Treasurer to complete these required reports. Cindie will be attending the February 12<sup>th</sup> meeting and be available to respond to questions from the Council.

**QUESTION: Should the City Council continue the past practice of authorizing up to an additional 40 hours of time, between now and the end of March 2013, for the City Treasurer to complete the year-end and annual reports as required by State Statute?**

8b. REQUEST TO INCLUDE THE NAMES OF ALL PAYEES ON THE DISBURSEMENT LIST: Mayor Wingfield is bringing this matter to the Council's attention. A review of the disbursement lists from previous months indicates that the only aggregation of payees is for payroll. A review of Minnesota Statutes Chapter 13.43 indicates that while gross pay is public data, deductions (and thus, net pay) are not considered public data. That is the reason why payroll is aggregated. A copy of Minnesota Statutes Chapter 13.43 is included in the agenda packet as an exhibit.

8c. REVIEW NEED FOR ATTENDANCE OF THE CITY TREASURER AT COUNCIL MEETINGS: Mayor Wingfield is bringing this matter to the Council's attention. I strongly recommend continuing the past practice of the City Treasurer attending and offering professional accounting advice to the Council. Cindie is more knowledgeable about city finances than I am; any finance-related questions directed at me that I am not 100% certain of will not be responded to until I can consult with Cindie on the matter. Especially when it pertains to the monthly disbursements list, Cindie puts that document together and has more detailed knowledge of the subject matter than I do. I believe it would be penny-wise and pound-foolish to not have Cindie at Council meetings.

**QUESTION: Should the City Council continue the past practice of having the City Treasurer attend Council meetings and provide professional accounting advice to the Council?**

8d. REVIEW OF RESOLUTION 2012-38: On December 11, 2012, the City Council approved Resolution 2012-38, which directed the transfer of General Fund dollars to the Sewer Fund to Retain the Required Minimum Fund Balance For the 2004 and 2008 Sewer Bonds. The Council relied on information it received indicating that transfer of \$15,000 was required as a condition of bond issuance. Mayor Wingfield researched this matter and confirmed with Tim Myers of U S Bank that the reserve requirement does not apply to the bonds that mature in 2018 are not subject to a reserve requirement. Since the Mayor did not confide with staff as to her intentions in bringing this matter to the Council, we can only surmise that her intention is to reverse the \$15,000.00 transfer into the Sewer Fund from the General Fund as directed by the Council via Resolution 2012-38. A copy of Resolution 2012-38 and e-mail correspondence from Mayor Wingfield to Tim Myers of U S Bank is included in the agenda packet as exhibits.

**QUESTION: Should the City Council reverse the \$15,000.00 transfer into the Sewer Fund from the General Fund as directed by the Council via Resolution 2012-38?**

9. SET TERMS OF APPOINTMENTS FOR WHITE BEAR LAKE CONSERVATION DISTRICT AND RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION: Mayor Wingfield is bringing this matter to the Council's attention. At the January 8, 2013 regular meeting, the Council discussed staggering the terms of members of committees such as Planning Commission, Roads & Streets Committee, and Parks & Natural Resources Committee. At that time, the consensus of the Council was to leave the situation as it is, with 3-year terms for the Parks and Roads Committees and no limit on the term of Planning Commission members. The Council did not directly the length of terms for non-City committees that the City contributes members, such as the White Bear Lake Conservation District and the Ramsey Washington Suburban Cable Commission. Mayor Wingfield is proposing that the term of WBLCD member Suzanne Donnell expire June 2015 and WBLCD member Jane Harper expire March 2013 (Later on in the agenda is Council consideration of re-appointing Harper to the WBLCD). *There is some question as to which entity sets the term of WBLCD members – the District or the City Council.* Mayor Wingfield is also proposing that the term of RWSCC member Greg Donovan expire January 2017 and RWSCC member Randy LaFoy expire January 2015.

**QUESTION: Should the City Council approve the recommendations of Mayor Wingfield in setting the expiration date of WBLCD members Suzanne Donnell and Jane Harper, and RWSCC members Greg Donovan and Randy LaFoy?**

10. PLANNING COMMISSION> CONSIDERATION OF APPOINTING JOHN LUND TO FILL VACANCY: Don Hankins submitted his resignation as Planning Commissioner in September 2012, effective at the end of 2012. The City publicized the vacancy over the past five-plus months on its website and newsletter. John Lund, Chair of the City's Parks and Natural Resources Committee, submitted correspondence on January 21, 2013 expressing his interest in serving on the Planning Commission. Mr. Lund's correspondence is included in the agenda packet as an exhibit.

**QUESTION: Should the City Council appoint John Lund to the vacant position on the Birchwood Planning Commission?**

11. WHITE BEAR LAKE CONSERVATION DISTRICT> CONSIDERATION OF RE-APPOINTING JANE HARPER TO FILL VACANCY: Staff was notified by the Conservation District that the term of Member Jane Harper – who was appointed to fill the unexpired term of Joe Allaben – expires in March. Harper submitted correspondence dated January 30, 2013 expressing interest in continuing to represent the City for another 3-year term on the Board. Ms. Harper's correspondence – along with the notification letter from the Conservation District – is included in the agenda packet as an exhibit.

**QUESTION: Should the City Council re-appoint Jane Harper to a full 3-year term on the White Bear Lake Conservation District Board?**

12. REVIEW OF CONTRACT WITH SAINT PAUL REGIONAL WATER SERVICES (SPRWS) > PRESENTATION BY DAVE WAGNER OF SPRWS: At the January 8<sup>th</sup> Council meeting, the Council expressed a desire to learn more about the certified water operator services provided by Saint Paul Regional Water Services (SPRWS) in return for the \$1,500.00 monthly fee. Staff invited Dave Wagner of SPRWS to attend the February 12<sup>th</sup> Council meeting to educate the Council on the services SPRWS provides the City and to respond to any questions the Council has on this matter.

13. REVIEW OF FREQUENCY OF LIFT STATION MAINTENANCE: At the January 8<sup>th</sup> Council meeting, the Council expressed a desire to find out whether the City's policy of having its three lift stations inspected 3 times a week exceeded the minimum requirements set forth by the League of Minnesota

Cities Insurance Trust (LMCIT) for maintaining its “no fault” sewer backup coverage and inclusion in the LMCIT’s Sewer Incentive Program.

13a. REPORT ON LIFT STATION INSPECTION REQUIREMENTS BY TED FIELD: Mayor Wingfield noted at the January 8<sup>th</sup> meeting that she was informed by Ted Field, a retired civil engineer, that inspecting lift stations involves “going down into the hole and coming up out of the hole”. Wingfield invited Field to attend the February 12<sup>th</sup> meeting to report on what he believes the City should adopt for a policy on lift station maintenance. *As of the time of this writing, Field had not provided staff with any supporting documentation for inclusion in the agenda packet.*

13b. REVIEW OF STAFF MEMO ON LEAGUE OF MINNESOTA CITIES INSURANCE TRUST (LMCIT) INSPECTION REQUIREMENTS: Staff was directed by the Council to contact LMCIT to find out if reducing the frequency of lift station inspections would impact the City’s insurance coverage and qualification for the Sewer Incentive Program. The City’s Sanitary Sewer Collection System Maintenance Policy was reviewed by Beth Pingee, LMCIT Underwriter. Ms. Pingee advised staff that, since the City’s lift stations are monitored by a remote alarm system – SCADA – that the inspection frequency could be reduced to once a week without negatively impacting the City’s insurance coverage or qualification in the Sewer Incentive Program.

Staff then contacted White Bear Lake City Engineer Mark Burch to find out if there would be any cost reduction to the City by reducing the lift station inspections to once a week. Burch responded that he would hesitate to provide a lower level of service to Birchwood than is currently provided to White Bear Lake residents. Burch further commented that any short-run cost savings could turn into additional long-run costs as a residue of a problem that festered over the course of 7 days as opposed to catching the problem within 2 or 3 days. A copy of the staff memo is included in the agenda packet as an exhibit.

*Staff recommends that any decision on this matter be tabled pending the hiring of a City Engineer who can review the City’s lift station maintenance policy and provide comment and recommendations to the Council.*

**QUESTION:** Should the City Council reduce the frequency of lift station inspections from 3 times a week to 1 time a week? Should the City Council take into account the hesitancy of the City of White Bear Lake to provide Birchwood residents a reduced level of service than it provides its own residents? Should the City Council table this matter pending the hiring of a City Engineer who can review the City’s lift station maintenance policy and provide comment and recommendations to the Council?

14. CONDITIONAL USE PERMIT AND VARIANCE REQUEST> TERRY AND MARY O’LOUGHLIN – 27 BIRCHWOOD LANE> CUP FOR LAND DISTURBANCE ACTIVITY AND VARIANCES FOR REMOVAL AND REPLACEMENT OF A RETAINING WALL, WIDER STAIRS, AND A PATIO AREA/LANDING: The Planning Commission held several public hearings on the request of Terry and Mary O’Loughlin for a conditional use permit for land disturbance activity, as well as a host of variances for the removal and replacement of a retaining wall, wider stairs, and a patio area/landing.

14a. REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION: The site plan submitted by the O’Loughlins has changed several times over the course of the past year, so much so that the City Planner recommended denial of the CUP and variances in order for the O’Loughlin’s to develop and

submit a final revised site plan. The Planning Commission, at its February 5<sup>th</sup> meeting, supported the staff recommendation for denial of the zoning requests.

14b. CONSIDERATION OF RESOLUTION 2013-06 DENYING A CONDITIONAL USE PERMIT AND VARIANCES FOR 27 BIRCHWOOD LANE: The Council is required by statute to list the reasons for denial at the time the action is taken. Resolution 2013-06, drafted by the City Planner, lists the reasons for denial.

**QUESTION: Should the City Council approve Resolution 2013-06?**

15. SCADA PROPOSAL FROM BARR ENGINEERING/CITY OF WHITE BEAR LAKE> REVIEW OF ISSUE BY COUNCIL MEMBER HULLSIEK: The City's 3 sanitary sewer lift stations each house alarms that notify White Bear Lake Public Works – the City's provider of sanitary sewer maintenance - when they are down. White Bear Lake commissioned a study of its SCADA alarms, and Barr Engineering (who performed the analysis) found the existing SCADA system to be "obsolete", and the availability of parts is limited. Barr recommends upgrading the SCADA system at a cost of approximately \$11,000 per lift station. A copy of Barr Engineering's analysis is included in the agenda packet as an exhibit.

Council Member Hullsiek, who is employed by Xcel Energy as a SCADA engineer, has reviewed the Barr analysis and wrote a memo to the Council regarding the City's options. A copy of Hullsiek's memo is included in the agenda packet as an exhibit. Hullsiek would like the Council to review his memo to see if he has identified the critical issues, and also to authorize him to discuss this matter with White Bear Lake Public Works and Barr Engineering to ascertain whether there are lower-cost alternatives to the proposed SCADA system.

**QUESTIONS: Has Council Member Hullsiek identified the critical issues in regards to the City's current SCADA system? Does the Council authorize Hullsiek to represent the City in discussing this issue with White Bear Lake Public Works and Barr Engineering?**

16. CITY ENGINEER APPOINTMENT PROCESS> REVIEW OF KSA MATRIX, DISCUSSION OF APPROACH TO THE SELECTION PROCESS, AND CONSIDERATION OF PROPOSED WORK PLAN BY COUNCIL MEMBER HULLSIEK: Council Member Hullsiek was authorized to review the knowledge, skills, and abilities matrix developed by the City in 2010 when it last reviewed proposals from municipal engineering firms. A copy of the matrix is included in the agenda packet as an exhibit.

Hullsiek submitted an e-mail to staff on January 29<sup>th</sup> that indicates that he does not see a need for repeating the RFP process, and proposes a work plan involving reviewing the 2010 proposals, preparing a 1-page letter requesting additional updates (if any) to their original RFP (including cost), and scheduling a Council workshop for the Council to interview the final firms and update the final rank.

**QUESTIONS: Should the City Council re-perform the RFP process to secure additional municipal engineering proposals? Should the City Council adopt the recommendation of Council Member Hullsiek and approve his work plan on securing a contract city engineer?**

17. PROSECUTION SERVICES> REVIEW OF REQUEST FOR PROPOSALS: Mayor Wingfield asked that this matter be brought to the Council's attention. Other than the draft RFP, she did not provide any other supporting documentation.

**QUESTION: Should the City Council authorize getting proposals from law firms for prosecution services?**

18. **ORDINANCE 703 (COUNCIL VACANCY – SPECIAL ELECTION) > REVIEW OF LEGAL OPINION:** At the January 8<sup>th</sup> regular meeting, the City Council requested the City Attorney to review the applicability of the recently-adopted Ordinance 703 addressing the requirement of a special election to fill a Council vacancy to the vacancy created by the resignation of Tony Sampair and the appointment of Greg Donovan to fill the vacancy. City Attorney Kevin Sandstrom has reviewed the matter and submitted a memo to the Council. A copy of the memo, as well as a copy of the published version of Ordinance 703, is included in the agenda packet as an exhibit. It appears from reading Sandstrom's memo that the ordinance was intended to apply to the Sampair/Donovan vacancy. Sandstrom's memo did state that the City Council could repeal the ordinance, which would eliminate the need for a special election. Staff believes a repeal ordinance would need to be drafted, approved by the Council, and published in order for the repeal to take place.

**QUESTIONS: Should the City Council take the steps required to repeal Ordinance 703? Or should the City Council authorize the special election?**

19. **MAYOR'S REPORT:** Mayor Wingfield asked that the following items be discussed by the Council:

- 19a. Directive to the Finance Committee to review Sewer Fund Revenues and Expenses
- 19b. Directive to the Planning Commission to address pre-existing impervious surface permit issues
- 19c. Review newsletter options and proposed Mission Statement: Currently, the newsletter is a 4-color production that, I believe, presents more information in a more visually-appealing manner than the previous newsletter, which was black-and-white with almost all text. Mayor Wingfield submitted a draft "Newsletter Mission Statement" for review and comment; a copy of the draft is included in the agenda packet as an exhibit. The "mission statement" – which reads more like a policy – posits a few major changes to existing policy. The first is that the newsletter "shall be mailed to all persons residing within the City limits of the City of Birchwood Village.....[to]be included in every utility bill." The City currently advises resident via the utility bill when the newsletter is posted on the City's web site, and mails the quarterly newsletter to the 5 or 10 residents who request it be mailed. The mission statement establishes the position of "newsletter coordinator" , which I assume is not me. Finally, any 2 Council members can exercise a veto over the content of the newsletter. *Staff has no comment on the "Newsletter Mission Statement", excepting that we recommend that the responsibilities of the "newsletter coordinator" be performed by a volunteer.*

**QUESTION: Should the City Council adopt the "Newsletter Mission Statement"?**

19d. Larry Walker and a team building seminar in May.

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
January 8, 2013**

**MINUTES**

**MEMBERS PRESENT:** Mayor Mary Wingfield; Council Members Greg Donovan, Bill Hullsiek, Randy La Foy, and Kevin Woolstencroft

**STAFF PRESENT:** City Coordinator Dale Powers, City Treasurer Cindie Reiter, and City Attorney Kevin Sandstrom

**OTHERS PRESENT:** Tami Heart and Mark Anderson

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

**OATH OF OFFICE:** Powers administered the oath of office to new members Wingfield, Hullsiek, and La Foy.

**AGENDA APPROVAL:** Donovan mentioned that he wanted to move Agenda Item # 1 (Approval of the Minutes of the December 11, 2012 Regular Meeting) from the Consent Calendar to Regular Order for discussion. Wingfield wanted to add an item at the end of the agenda as Item # 27 pertaining to the White Bear Lake Conservation District meeting reviewing the dock application; the City needs to send a representative to that meeting. Powers requested an additional agenda item adoption of the schedule of regular Council meetings and official holidays; Wingfield recommended that be placed as Item # 9a after discussion of the December 11<sup>th</sup> meeting minutes.

*LaFoy/Wingfield unanimous to approve the agenda for the January 8, 2013 Regular Meeting, as amended to move Agenda Item # 1 (Approval of the Minutes of the December 11, 2012) from the Consent Calendar to the first item of Regular Order, add Item # 27 regarding sending a representative to the White Bear Lake Conservation District meeting that is reviewing the dock application; and to add Item # 9a (Approval of the Schedule of Regular Council Meeting and Official Holidays) immediately after discussion of the December 11, 2012 meeting minutes.*

**OPEN PUBLIC FORUM:** Heart, of 506 Wildwood Avenue, addressed the Council to welcome the new members and the new mayor.

**CONSENT CALENDAR:** Donovan/LaFoy unanimous to approve the following consent calendar items:

- 2. *Approval of the Minutes of the December 27, 2012 Special Meeting*
- 3. *Approval of the Hiring of Michael McGill, Johnathan Tauer, and Grant Rohrig as Seasonal Rink Attendants at a wage of \$8.00 per hour, subject to Rohrig and McGill each passing a background check*
- 4. *Approval of RESOLUTION 2013-01 Acceptance of Cash Donations*
- 5. *Approval of RESOLUTION 2013-02 Approving State of Minnesota Joint Powers Agreements with the City of Birchwood Village On Behalf of Its City Attorney and Police Department*

- 47 6. **Approval of RESOLUTION 2013-03 Authorizing the Ramsey Washington Suburban Cable**  
48 **Commission to Broadcast and Re-Broadcast Council Meetings on Other Cable Channels**  
49 7. **Approval of RESOLUTION 2013-04 Naming U. S. Bank, N. A. and the 4M Fund as the Official**  
50 **Depositories of Municipal Funds**  
51 8. **Approval of Mayor Mary Wingfield and Acting Mayor Randy LaFoy as Authorized Signers on**  
52 **Checks.**

53  
54 1. **APPROVAL OF THE MINUTES OF THE DECEMBER 11, 2012 REGULAR MEETING:** Donovan noted  
55 that he had received an e-mail from former Mayor Alan Mitchell with requested changes and  
56 corrections to the draft minutes of the December 11, 2012 Regular Meeting, and believes the minutes  
57 should reflect these changes and corrections.

58  
59 *Donovan/LaFoy unanimous to approve the minutes of the December 11, 2012 Regular Meeting,*  
60 *provided that the changes and corrections sent by former Mayor Alan Mitchell be incorporated into*  
61 *them.*  
62

63 9a. **APPROVAL OF THE DATES OF THE REGULAR MEETINGS OF THE CITY COUNCIL AND THE DATES**  
64 **OF THE OFFICIAL HOLIDAYS OF THE CITY:** Powers shared with the Council a document with the dates of  
65 the regular Council meetings and the list of official City holidays, and noted by approving this list, the  
66 Council does not need to post and/or publish when the regular Council meetings are. **Wingfield** noted  
67 that she just received this before the meeting, and has a concern about the holidays, stating that the  
68 copy of the Coordinator's employment agreement she has does not include New Year's Eve and  
69 Christmas Eve; **Powers** responded that the issue is that since he does not intend on being here for either  
70 of those days, whether the City wants the Coordinator to burn comp time and vacation time or just  
71 make it a City holiday. **Wingfield** stated that her recollection is that the employment agreement calls for  
72 10 paid holidays and if the Coordinator wants additional paid time off he is to use comp time or vacation  
73 time. **Wingfield** recommended to the Council that the holiday decision be held over to the February meeting  
74 pending review of the City Coordinator employment agreement; **LaFoy** proposes that the list of Council  
75 meetings be approved tonight.  
76

77 *LaFoy/Wingfield unanimous to approve the schedule of the regular Council meeting as presented.*

78 9. **APPROVAL OF THE FINANCIAL REPORT AND STATEMENT OF DISBURSEMENTS:** **Wingfield** asked  
79 the City Treasurer about the payroll figures; **Reiter** indicated the first payroll mentions it is for the pay  
80 period ending 11/30/2012 and the next payroll figures are for the period ending 12/15/2012. **Wingfield**  
81 also asked whether the \$50.00 reimbursement request for Greg McNeely was included in the report;  
82 **Reiter** said it was not as an invoice is required for auditing purposes. **Wingfield** shared with the Council  
83 that some time ago, during her previous term as Mayor, a boulevard tree fell on McNeely's property  
84 that he had removed, and that McNeely requested \$50.00 as partial reimbursement of the cost of  
85 removing the tree. **Wingfield** added that her recollection is that she approved the reimbursement  
86 request but there was no record of the Council approving it. **Powers** informed the Council that a review  
87 of the minutes from 2009-2010 do not indicate Council approval of the expenditure and requested  
88 McNeely present a request for payment.

89 *Wingfield/LaFoy unanimous to accept the Financial Report and Disbursements Register as prepared by*  
90 *the City Treasurer and presented to the City Council on January 8, 2013 in the amount of \$68,403.59,*  
91 *including Check #'s 27570-27590, 27592-27607, and Electronic Funds Transfers SC122012, LIFT122012,*  
92 *PERA121512, TRNS2-110, TRNS2-210, TRNS2-301, TRNS2-305, TRNS2-605, TRNS2CP, TRNSFR-605, and*  
93 *also to authorize payment of \$50.00 to Greg McNeely as partial reimbursement for his cost of*  
94 *removing a boulevard tree that fell on his property in 2009 or 2010.*

95  
96 **10. RECOGNITION OF OUTGOING MAYOR AND COUNCIL MEMBERS:** Wingfield noted that in the  
97 past it has been customary for the former Mayor to attend this meeting to receive recognition of their  
98 service, and although former Mayor Mitchell could not attend this meeting, it still is important for this  
99 Council to recognize their efforts. LaFoy agreed, stating that the Council pay doesn't come close for  
100 compensating for the time and effort put in by Council members.

101  
102 **11. APPROVAL OF THE MAYOR'S 2013 COUNCIL ASSIGNMENTS:** Wingfield commented that, while  
103 as Mayor she makes the assignments, the list is subject to Council consent and approval.

104  
105 *Donovan/Woolstencroft unanimous to approve the Mayor's 2013 Council Assignments.*

106  
107 **12. APPROVAL OF THE 2013 APPOINTMENTS AND ASSIGNMENTS:** Wingfield noted that City is  
108 required by law to appoint a acting mayor, official newspaper, and official depositories, and reviewed  
109 with the Council the list of appointments and assignments in the agenda packet.

110  
111 *LaFoy/Donovan unanimous to approve the 2013 appointments and assignments.*

112  
113 **13. ROADS COMMITTEE> REVIEW OF BY-LAWS AND APPOINTMENT OF COMMITTEE MEMBERS:**  
114 Wingfield noted that this has been on the agenda in the past, and the by-laws have been approved.  
115 Wingfield stated that last June, 5 citizens requested to be appointed to the Committee: Mark Anderson,  
116 John Anderson, Tom Patsy, David Reynolds, and Gene Ruehle. Wingfield further said the by-laws allow  
117 for seven members, but feels five is a better working number as far as scheduling meetings; LaFoy  
118 added that additional members can be added to the Committee. Wingfield also said that a concern was  
119 raised about all of the Committee members residing or otherwise owning property on Hall/Cedar, but  
120 doesn't feel that is an issue because the Committee is a recommending body that makes no final  
121 decisions. Wingfield also raised an issue with the section of the Committee's by-laws that do not allow  
122 more than three Committee members to live on the same street, and recommends that the by-laws be  
123 amended to remove that restriction.

124  
125 *Wingfield/Donovan unanimous to appoint Gene Ruehle, Tom Patsy, Mark Anderson, John Anderson,*  
126 *and David Reynolds to the Roads and Streets Committee, and also to amend the Committee's by-laws*  
127 *by striking the following sentences from Article III, Section A: "No more than three members shall live*  
128 *on or border the same street in Birchwood or own property on the same street. For purposes of this*  
129 *Section, Hall Avenue and Cedar Street are to be considered one street."*

130  
131 **14. SAINT PAUL REGIONAL WATER SERVICES: REVIEW OF CONTRACT:** Wingfield mentioned that  
132 there are two contracts with Saint Paul Regional Water Services (SPRWS): one for emergency water  
133 services and one for providing certified water operator services. Wingfield noted that the certified  
134 water operator contract call for payment of \$4,500.00 per quarter in exchange for an array of services,  
135 and mentioned that the City spent \$9,000.00 in 2012 for engineering and repairs beyond the contract,  
136 bringing the amount up to \$27,000.00. Wingfield recalled that under the previous certified water

137 operator, John Manship, the City spent anywhere from \$5-7,000.00 per year for these same services.  
138 **Sandstrom** advised the Council that the \$9,000.00 was billed for emergency services and not an  
139 additional amount under the certified water operator contract. **Hullsiek** said that there are some items  
140 in the certified water operator contract that are worthwhile, such as an electronic version of our  
141 underground network, but would like more information about what service is being provided on a  
142 monthly basis to justify the \$1,500.00 monthly cost, and the Council may want to go over the contract  
143 line item-by-line item to see if there are any areas that the City really doesn't need. **LaFoy** mentioned  
144 that the electronic version may indicate where individual service lines enter the main, so contractors  
145 know accurately where to dig. **Hullsiek** said the GIS information is useful as a critical component for  
146 long-range planning and forecasting. **Wingfield** said the Council needs to know what the "value added"  
147 is with SPRWS. **Donovan** recommended that a representative of SPRWS be invited to the next Council  
148 meeting to go over the contract. The Council directed Powers to send correspondence to SPRWS asking  
149 that a representative attend the February 12, 2013 meeting to explain the services provided in the  
150 contract and the "value added" by contracting with SPRWS.

151  
152 **ADDITIONAL ISSUE WITH THE ROADS AND STREETS COMMITTEE BY-LAWS:** **LaFoy** noted that the by-  
153 laws for the Roads Committee state, in Article III Section F, that the Council liaison for Public Works is  
154 also the liaison for this Committee, and stated that Birchwood doesn't have a Council liaison for Public  
155 Works. **LaFoy** recommends changing "Public Works" to "Roads Committee".

156  
157 ***LaFoy/Donovan unanimous to amend Article III Section F by deleting the phrase "Director of Public***  
158 ***Works", to be replaced by "liaison to the Roads and Streets Committee".***

159  
160 **15. WASTE MANAGEMENT: REVIEW OF RECYCLING CONTRACT AND DRAFT REQUEST FOR**  
161 **PROPOSALS:** **Wingfield** brought this matter to the Council's attention, stating that the contract for  
162 residential recycling services expires at the end of April. **Wingfield** revised a request for proposals (RFP)  
163 for garbage, using it for recycling services. **Donovan** requested that the RFP call for 64-gallon, single sort  
164 containers; **Wingfield** said she will amend the draft accordingly, and also noted that the draft RFP  
165 encourages bidders to offer additional services for the Council's review. **Wingfield** recommends only  
166 publishing the RFP on the League of Minnesota Cities; **Sandstrom** assured the Council that is allowable.

167  
168 ***Wingfield/La Foy unanimous to publish the RFP, as revised to call for 64 gallon, single sort containers,***  
169 ***on the League of Minnesota Cities website.***

170  
171 **16. ORDINANCE 703 (COUNCIL VACANCY – SPECIAL ELECTION)> REVIEW:** **Wingfield** reviewed the  
172 history of this ordinance, and asked **Sandstrom** whether the recently-adopted ordinance can be applied  
173 retroactively to the vacancy that was filled by **Donovan**. **Sandstrom** commented that he believes the City  
174 would be bound by the ordinance to conduct the special election. **LaFoy** said that the ordinance is  
175 applied whenever a Council member resigns, and there are no current vacancies. **Wingfield** does not  
176 believe the City has the authority to remove **Donovan**. **Sandstrom** said that the Mayor brings up an  
177 interesting point and will research the issue and report back to the Council. **Wingfield** also noted the  
178 relative lack of contested elections in the City and feels there is a lot of extra process for what might be  
179 an uncontested election, and suggested a moratorium to keep the time period mentioned in the  
180 ordinance from polling pending an opinion from the City Attorney.

181  
182 ***LaFoy/Hullsiek 4-0 (Donovan abstained) to place a moratorium on acting on the provisions of***  
183 ***Ordinance 703 until the February 12, 2013 meeting to allow time for the City Attorney can research***  
184 ***the issue and offer an opinion.***

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**17. REVIEW OF FEE SCHEDULE:** Wingfield requested the City's current fee schedule be included in the agenda packet for Council discussion, and asked the City Attorney whether the City is required to publish the fee schedule; Sandstrom responded that the fee schedule is not required to be published since the schedule is stand-alone and the actual schedule is not part of the ordinance. The consensus of the Council was to leave the fees as they are.

**18. SCHEDULE DATES AND TIMES FOR COUNCIL WORKSHOPS:** Wingfield shared with the Council that she recommends two workshop meetings. The first is for the Council to have an opportunity to review in depth the City's finances and expenses.

*LaFoy/Donovan unanimous to schedule a workshop meeting for Tuesday, February 19, 2013 at 7:00pm for review of the City's finances and expenses.*

The second is a joint meeting with the Parks and Natural Resources Committee to discuss the Committee's activities and for the Council to provide guidance and direction to the Committee.

*Donovan/Hullsiek unanimous to schedule a workshop meeting for Monday, March 25, 2013 at 7:00pm with the Parks and Natural Resources Committee for mutual discussion of the Committee's activities and for the Council to have the opportunity to provide guidance and direction to the Committee.*

**19. REVIEW CITY ATTORNEY ATTENDANCE AT COUNCIL MEETINGS:** Wingfield raised the issue of whether the City needs the City Attorney to regularly attend meetings. Donovan asked the City Attorney whether he bills a flat fee for attending Council meetings; Sandstrom responded that he bills one hour of time for Council meetings, regardless of the actual length of time of the meeting. Donovan further asked the City Attorney about his billing procedures for phone calls; Sandstrom said he bills in 6 minute increments (1/10<sup>th</sup> of a hour). Wingfield also noted that the League of Minnesota Cities is a valuable resource for legal information, and recommended that the Mayor and the Coordinator jointly decide when the City Attorney's presence is required.

*LaFoy/Woolstencroft unanimous to ask the City Attorney to attend Council meetings at the recommendation of the Mayor and City Coordinator.*

**20. CITY ENGINEER APPOINTMENT PROCESS & OBTAINING FILES FROM THE FORMER CITY ENGINEER:** Wingfield stated that with the resignation of the former City Engineer, the Council needs to figure out how to fill the appointment. Wingfield said that Clint Dixon developed a matrix from which to evaluate engineering RFPs, and had each firm rated and invited the top 3 or 4 to interview. Hullsiek offered to review the matrix for discussion at the February meeting. Wingfield also commented that there are files in the possession of the former city engineer that are the property of the City. The Council directed the City Attorney and Coordinator to correspond with the former city engineer on getting the City's files back in its possession.

**21. PLANNING COMMISSION VACANCY> POST FOR OPEN POSITION:** Wingfield said that the City needs to advertise the vacant position on the Planning Commission. Powers commented that the vacancy has been published in the City's newsletter, posted on the City's website, and broadcast on the community access panel.

232 **22. CONSIDERATION OF SETTING STAGGERED TERMS FOR CITY COMMITTEES:** Wingfield raised this  
233 issue for discussion, and noted that except for Parks Committee members there is no staggering of  
234 terms. The consensus of the Council is to leave the system as is.  
235

236 **23. SEWER MAINTENANCE OPTIONS> AUTHORIZE REVIEW:** Wingfield said she talked to a retired  
237 civil engineer recently about the frequency and method of the City's lift station inspections, and this  
238 individual commented that the frequency of inspections may be too labor-intensive. LaFoy thought we  
239 should contact White Bear Lake to find out what is actually inspected during the inspections, and noted  
240 that an alarm system is in place to alert White Bear Lake when a lift station goes down. Wingfield asked  
241 the Council for permission to ask this retired civil engineer to provide information to the Council on this  
242 matter. Donovan asked why the City inspects the lift stations three times a week; Wingfield responded  
243 that it is a requirement for maintaining the City's insurance coverage.  
244

245 *Wingfield/Hullsiek unanimous to authorize Ted Field to provide information to the Council on lift*  
246 *station management, and to invite White Bear Lake Public Works to attend a Council meeting to*  
247 *inform the Council on aspects of lift station inspection.*  
248

249 **24. REVIEW/UPDATE SEWER MAINTENANCE POLICY:** Wingfield noted that this dovetails with the  
250 previous discussion, and asked if the Council has reviewed the memo from the League of Minnesota  
251 Cities regarding sewer maintenance. City staff provided copies of the memo for the Council. Wingfield  
252 noted that the League is the City's insurance carrier and it requires cities to adopt a sewer inspection  
253 policy that conforms to its requirements in order for the City to remain insured. Wingfield said the City  
254 has a policy that appears to be more intensive than is required by the League. The Council directed staff  
255 to research what level of inspection is required to meet the satisfaction of the League and report back to  
256 the Council.  
257

258 **25. CITY SNOW PLOWING> CONSIDERATION OF ESTABLISHING A POLICY:** Wingfield commented  
259 that she and Council Member Donovan met with the City Coordinator, and the topic of snow plow  
260 complaints came up. Wingfield said that the City doesn't have a snow plowing policy. Wingfield noted  
261 that Ken Johnson has not been given direction on snow plowing and believes Ken would benefit from  
262 that. Powers mentioned that given the large snowfall, the complaints were normal. Powers said he  
263 would like to work with Ken to jointly develop and road test a policy before submitting it to the Council.  
264 Wingfield is unsure whether a policy is needed, but believes that better communication with Ken on  
265 problem areas would be beneficial. Donovan said a lot of this is common sense, and Ken may be a bit  
266 gun shy on cleaning up properly. The consensus of the Council was to staff to work with Ken on  
267 developing a policy or standards on snow and ice plowing and removal.  
268

269 **27. WHITE BEAR LAKE CONSERVATION DISTRICT MEETING JANUARY 15> SENDING A CITY**  
270 **REPRESENTATIVE TO THE MEETING:** Wingfield advised the Council that the White Bear Lake  
271 Conservation District will be reviewing the Birchwood Dock Association's permit application at its  
272 January 15, 2013 meeting, and stated that Council Member Hullsiek will be unable to attend the  
273 meeting. Wingfield volunteered to attend the meeting and represent the City.  
274

275 **COMMUNITY ANNOUNCEMENTS:** Wingfield commented that Hockey Day in Birchwood will be on  
276 January 12<sup>th</sup>, and the Birchwood Community Club's Common Table on February 7<sup>th</sup> will feature Marian  
277 Johnson talking about ticks.  
278

279 **ADJOURN:** LaFoy/Wingfield unanimous to adjourn the meeting @ 8:30pm.

280

281

282

283

284 Dale Powers

285 City Coordinator



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*Conference*  
*March 19-22, 2013*



*Exhibit Show*  
*March 21, 2013*

*Best Western Kelly Inn and Rivers Edge Conference Center*  
*St. Cloud, Minnesota*

# Agenda

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## TUESDAY, MARCH 19, 2013

- 8:30-9:00 AM Check-in for Full-Day Session
- 9:00-4:30 PM **Athenian Dialogue: Nellie Taft the Unconventional First Lady of the Ragtime Era**
- 12:30-1:00 PM Check-in for Half-Day Session
- 1:00-4:30 **Intermediate Excel 2010**
- 5:00-8:00 On-Site Conference Check-In
- 7:00-9:00 President's Reception - Networking and Hors d'oeuvres

## WEDNESDAY, MARCH 20, 2013

- 8:00 AM On-Site Conference Check-In and Continental Breakfast
- 9:00 Welcome and Presentation of Colors
- 9:15 **KEYNOTE ADDRESS: You! The Everyday Hero! The Truth About the Power of Kindness**
- 10:15 Break
- 10:45 **CONCURRENT SESSIONS I (CHOOSE ONE)**
1. COBRA, State and MN Public Employee Continuation
  2. Teaching Luddites Tech: Mastering New Technology
  3. Supervision, Coaching & Mentoring
  4. Life Balance: The Perfect Blend
  5. Liquor Licensing
- 12:00 NOON Lunch  
MCMC & CMC Recognition Awards
- 1:15 PM **GENERAL SESSION:  
Focus on Your Region**
- 2:30 Break
- 2:45 **CONCURRENT SESSIONS II (CHOOSE ONE)**
6. Understanding the Legislative Process
  7. Keeping Up with the Joneses: What's Coming Up Next in Technology?
  8. Personnel Files: To Keep or Not to Keep; Public or Private?
  9. Everything You Ever Wanted to Know About Sewer Availability Charges (SAC)
  10. Nuisance Homes — Managing Problem Properties
- 4:00-6:30 Free Time to visit the City of St. Cloud  
(Note: Dinner is NOT included in registration fee.)
- 6:30-8:00 The Spirit of MCFOA (snacks, beverages, etc.)
- 7:00 Formal greetings, introductions & "getting to know you" activities
- 8:00-12:00 Dance with DJ

## THURSDAY, MARCH 21, 2013

- 8:00 AM Sit Down Breakfast  
MCFOA Business Meeting, Oath of Office
- 9:05 **GENERAL SESSION:  
"Active Shooter" — Preparing for the Unthinkable**
- 10:30 Refreshment Break in Exhibit Area  
Silent Auction Opens:  
(Exhibits Open until 4:00 PM)
- 11:15 **CONCURRENT SESSIONS III (CHOOSE ONE)**
11. Accelerated Time Management - Doing Twice as Much in Half the Time
  12. Bond Disclosure — What Every Issuer Needs To Know (And Why It Matters!)
  13. Facilitating Council/Staff Relations (90 minutes)
  14. Using Mobile Devices to Go Paperless
  15. A Day in the Life of An Identity Thief
- 12:30 NOON Lunch in the Exhibit Area
- 1:45 PM **CONCURRENT SESSIONS IV (CHOOSE ONE)**
16. Maximizing Your Memory: How to Memorize Fast & Accurately
  17. Accepting & Using Credit Cards
  18. Strategic Planning: Developing & Prioritizing Your Capital Improvement Plan for Equipment
  19. Goal Setting for Your Council
  20. Avoiding Pitfalls of E-Data: Preparing for E-Discovery; When Smart Phones Are a Dumb Idea
- 3:00 Refreshment Break in Exhibit Area
- 4:00 Exhibits Close  
Silent Auction Closes  
Winners Pay and Pick Up Merchandise
- 4:00 Free Time
- 6:00 Reception
- 7:00 Banquet & Entertainment
- 9:00 Dance with DJ

## FRIDAY, MARCH 22, 2013

- 8:00 AM Light Refreshments
- 8:30 **FINALE GENERAL SESSION:  
The Luck Factor!**
- 10:30-11:30 Brunch, Check-out and CEU Certificate Pick-up

# Tuesday Pre-Conference Workshops

*A First for a MCFOA Conference!*

**Preconference I: Tuesday, 9:00 AM - 4:30 PM**

## **Athenian Dialogue - Nellie Taft: The Unconventional First Lady of the Ragtime Era**

Author: Carl Sferrazza Anthony Publish Date: February 2006  
(Cost includes lunch & refreshments) DOES NOT INCLUDE BOOK PURCHASE – limited to 30 participants  
Facilitator: Anne Uecker

This is a riveting portrait of Nellie Taft, a woman who freely broke racial and class boundaries. Helen "Nellie" Herron Taft was adventurous and curious while also cautious and conservative, lavish yet frugal; she smoked, drank and gambled without regard to societal judgment. In an era where women's status was defined by her father's prestige, Nellie Taft was one of the strongest link in the series of women—from Abigail Adams to Hillary Rodham Clinton—often critically declared "co-presidents." This First Lady was a supporter for higher education and incomplete suffrage for women, and instituted legislation to enhance working conditions for federal employees.

"Athenian Dialogues" are conversations that go beyond the usual knowledge recall and application process familiar to all municipal clerks in training seminars. They are unique because they explore leadership principles and practice, drawing on the insights contained in a book that all participants have read. Dialogues are conversations in which clerks share their experience and understanding as it relates to the ideas of the author and the relevance of those ideas to their public leadership role."

**Preconference II: Tuesday, 1:00 - 4:30 PM**

## **Technology: Intermediate Excel 2010**

Linda Muchow, Alexandria Technical & Community College Customized Training Center

This hands-on course will build on your current Excel skills. We will focus on formula and function creation as well as charting skills and features to help you use Excel as a database. We will also discover how to use Excel's powerful list management tools including tables, sorting, filtering and the powerful PivotTable option. Class will be taught using Excel 2010 software, however you can still attend if you use the 2007 version. There will be some differences, but your trainer, Linda Muchow from Alexandria Technical & Community College Customized Training Center will identify those and work with you.

*Please note: A limited number of loaner laptops will be available—indicate your need on the registration form. You will be notified if your request cannot be accommodated. If you are bringing your own laptop, be sure to bring a power cord!*

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# Concurrent Sessions

Concurrent Sessions I: Wednesday, 10:45-12:00 NOON

## 1 COBRA, State and MN Public Employee Continuation

*Bill Singer, Benefits Specialist, A.T. Group*

"Learn what you need to know to avoid turning what should have been a good day into a bad year." Minnesota public groups have three layers of continuation (Federal, State & MN Public Employee) of which they need to be aware. With changing rules, regulations, and court cases, being compliant is extremely complex. Not understanding the proper procedures and design options can really hurt your city group. Our COBRA, State and MN Public Employee continuation class covers everything from the basics to advanced concepts, and will provide answers to your questions regarding continuation administration and compliance. You will receive a vast amount of information covering everything from employers and plans subject to continuation to the COBRA timeline to events terminating continuation coverage and special situations.

## 2 Teaching Luddites Tech: How to Master New Technology (and have fun doing it)

*George Sawyer, Technology Coach, Sawyer Training*

George is a full-time IT instructor who teaches cutting-edge technologies all across the US. Learn how he keeps up with the endless waves of new software and technology (and still gets his daily work done). We will be learning some simple concepts about how companies design software to make it easy to use and how you can intuitively learn new programs based on what you already know. You will master some simple techniques to use any software on any computer as if you were a certified techie. This is a "no-shame" workshop and a safe place if you feel challenged by technology. I will also be helpful for power-users who want to learn more, faster.

## 3 Supervision, Coaching & Mentoring

*Bridgett Gothberg, Organizational Development, City of St. Louis Park*

As a supervisor, you have to deal with those who report to you. Most of the time it is fine and works well. However, you have those moments where you need to deal with someone who reports to you. Your palms feel sweaty and you get tongue-tied just thinking about it. This practical session will show you how you need to set expectations and what it means to monitor and give feedback. Embedded in the workshop is the skill of coaching and using mentors to help your staff grow. You will learn how coaching works, how mentoring works, and how you can use these skills to help you with your supervisory challenges.

## 4 Life Balance: The Perfect Blend

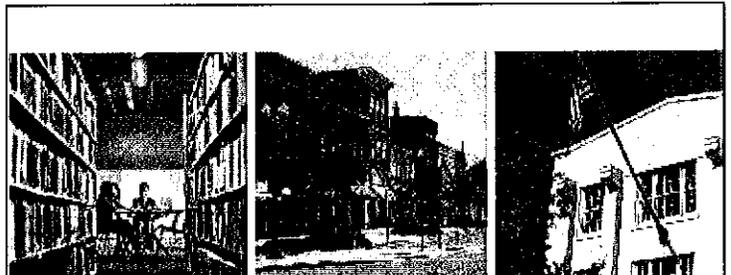
*Amy Dee-Kristensen, Keynote Speaker*

Do you spend your days being pulled in every direction, with busyness at every turn only to end the day feeling you "missed the mark" by not giving attention to the people you love most or the activities you most enjoy? Three out of five employees are dissatisfied with the balance between their work and personal lives. The lack of balance is due to increased work hours, longer commutes, and the deterioration of boundaries between work and home. Life Balance is an ongoing journey and it is achieved by consciously prioritizing and maintaining an organized system. In this effective and informative session Amy will help your group master techniques that will empower them achieve and maintain life balance.

## 5 Liquor Licensing

*Mike McManus, Scott Mueller and Dan Perron, Representatives, MN Department of Public Safety*

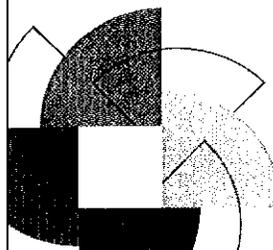
The Minnesota Department of Public Safety, Alcohol & Gambling Enforcement Division will present a summary related to alcoholic beverage licensing at the retail level. We will briefly describe our agency and what we do, then go into the various types of retail licenses local jurisdictions deal with and explain the application process. Learning objectives include: Learning the many different variations of on sale licenses from bars and restaurants to brewer tap rooms and what types of applications and documents are required to be submitted to the state related to the various license types.



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# Concurrent Sessions

Concurrent Sessions II: Wednesday, 2:45 - 4:00 PM

## 6 Understanding the Legislative Process

*Ann Higgins, Retired Intergovernmental Relations Representative, League of MN Cities; Becky Lourey, Nemadji Research Corporation, former State Representative & Senator; Deb Mangen, City Clerk, City of Edina*

Does legislative advocacy seem like something you just don't have the time or budget for? Or perhaps you just don't know where to start? Learn practical and important ways in which city election administrators can help emphasize the importance of the local role in conducting voting activities and the **necessity** of building relationships with local legislators. If they come to rely on the viewpoints and experience of local election officials it will help them understand the impact of elections legislation and how proposed changes to election law will be administered at the local level.

## 7 Keeping Up with the Joneses: What's Coming up Next in Technology?

*George Sawyer, Technology Coach, Sawyer Training*

Technology moves fast and keeping up can seem so impossible we often just give up. It's easier to stay with old tools and hope for retirement. In this session, George will help you grasp the big-picture of technology and develop some simple techniques for seeing what's of value and what's just a fad. We will answer questions like: "What is the cloud and how will it change government?" "Will iPads help or hurt us?", and "Will this [insert-new-technology] help our organization or waste money?" This session will explore current and future trends in government IT without the techie-speak.

## 8 Personnel Files: To Keep or Not to Keep; Public or Private?

*Donyelle Mikacevich, HR Manager, League of Minnesota Cities*

If you have city employees, you should have personnel files! There are State and Federal laws requiring employees to maintain certain data about employees. In this session, we will review best practices on file set up and maintenance, including what should be kept in each file, who has access to the file, what information is public or private and how long you must retain a file on an employee. In addition, you will leave with a better understanding of where to go for more help.

## 9 Everything You Ever Wanted to Know About Sewer Availability Charges (SAC)

*Jason Willett, Director of Finance & Energy Management, Metropolitan Council*

Most cities in Minnesota charge new users a fee for the availability of and/or to hook up to both the city's sanitary sewer and water systems. While the amount charged by each city is different, many cities use the system developed by the Environmental Services Division of the Metropolitan Council. This session will help you be able to explain to both your City Council and city residents how SAC fees are calculated and why they are collected. It will show you what logic was used in calculating the unit charges for each type of use and how your city should use the funds collected through the SAC fees.

## 10 Nuisance Homes — Managing Problem Properties

*Leya Drabczak, Housing Inspector, City of Coon Rapids*

What do we mean when we talk about excessive storage and hoarding by citizens in our communities? This session will examine ordinance and maintenance codes to deal with hoarding and the potential risks associated with hoarding. You will learn procedures for processing a hoarding house, how to implement a plan to deal with hoarders, how to network with other agencies and finally the "after care" that includes counseling and follow-up inspections.

Concurrent Sessions III: Thursday, 11:15 - 12:30 PM

## 11 Accelerated Time Management — Doing Twice as Much in Half the Time

*Michael Monroe Kieffer, President, Powermind Training*

Everyone with a job is now being asked to do more with less. This leads to high stress, burnout, and careless, costly errors. This workshop teaches the techniques required to double your work output without the negative psychological stress factor. You will learn how to combat the eight major time wasters, save time over the phone, use e-mail, prioritize work, set goals, organize your workspace & computer files, save time in meetings, use a planner, handle paperwork, reduce your stress, and gain time control. Each participant will complete a personal time management survey.

## 12 Bond Disclosure – What Every Issuer Needs To Know (And Why It Matters!)

*Rusty Fifield, Senior Vice President & Director of Public Finance; Tammy Omdal, Senior Vice President & Manager of Northland Strategies, Northland Securities*

Almost every municipal clerk and finance officer is familiar with the "official statement" (OS) for a bond issue. It is the collection of bond issue terms and city data used to sell bonds to investors. Chances are you view an OS as just another task on your "to do list" – provide data, review the document and sign off. In reality, the OS has significant and growing implications for every city that issues bonds. This session will address: Overview of the document – what is an OS; Role of OS in bond issuance process; current legal requirements; continuing disclosure; and the emerging issues – practical and legal.

## 13 Facilitating Council/Staff Relations (90 minutes)

*David Unmacht, Senior Vice President & Director of Organizational Management & Human Resources, Springsted Incorporated*

Successful organizations share many common characteristics. Three primary traits include clearly defined roles; a positive workplace culture; and open and trusting personal relationships. Building and sustaining a strong municipal government takes time, patience and commitment of everyone, including staff and elected officials. Each of these three traits is distinctive, yet linked to ultimately define an organization. Experience shows that, for staff, the working relationships with the City Council often are first and foremost on their mind. The status of these relationships helps to define the morale, pride and dedication of the staff. The organizations that have the most success do not take their relationships for granted; they work hard to sustain and maintain a trusting and open communication environment. This session is a follow-up to the session held at the 2012 Conference.

## 14 Using Mobile Devices to Go Paperless

*Clay Baer, Crabtree Companies, Inc.*

Find out how the new world of mobile devices can help you start down a paperless path. From council meetings to code enforcement, mobile device connectivity can change the way you create and view content. You can take notes, edit content, approve invoices on the go

## 15 A Day In the Life Of An Identity Thief – Phishing, skimming, on-line fraud and so much more!

*Stefan Salmonson, President, PROtective Services*

One in 23 US citizens will become the victim of ID (and related) theft. The crime occurs every three seconds ... or less! Phishing, skimming, electronic fraud and organized crime rings are only a few of the crimes being committed. Learn how these crimes are perpetrated, how to detect them and obtain proven methods of recovery/repair.

# Concurrent Sessions

Concurrent Sessions IV: Thursday, 1:45-3:00 PM

## 16 Maximize Your Memory: How to Memorize Fast & Accurately

*Michael Monroe Kieffer, President, Powermind Training*

Everyone needs a good memory on the job. This session will allow participants to determine their genetic memory type with a survey. They will also learn tricks to enhance memory, remember people's names, learn the best times during the day to learn new material and when to memorize notes. Discover which foods enhance or depress memory and learn how to memorize names and notes in less than half of the normal time. This is a very popular workshop with immediate application.

## 17 Accepting and Using Credit Cards

*Mike Garbutt, Director of Operations, Payment Service Network*

Providing multiple payment options—credit cards, eChecks, bank bill pay-issued checks, cash, paper checks—to your residents can help assure you get paid! But how do you know what options to offer and how then do your residents use these options while making the remittance process more efficient, not more burdensome. And then ... What is the true cost, who pays fees, how do you accurately budget for it, does the Council have to be involved and what are the credit card rules you will have to follow. Attend this session and you will learn the answers. Explore the credit card payment options and how to set up payment services that encourage participation while keeping costs down for your city and your residents. Find out best practices from other cities and what impact emerging technology and eServices will have in your future. You will be able to return to your city with lots of actionable ideas on how to better serve your residents, your departments and your Council.

## 18 Strategic Planning: Developing & Prioritizing Your Capital Improvement Plan for Equipment

*Bruce Kimmel, Senior Financial Advisor and Vice President, Ehlers*

Join municipal advisors from Ehlers for a fast-paced discussion of how to create a Capital Improvement Plan and use it effectively in setting your city's budget. Since many communities continue to look for ways to control operating costs, we will also explore options for funding and implementing energy conservation improvements to facilities and equipment.

## 19 Goal Setting for Your Council

*Karen Ray, Consultant/Trainer, Karen Ray Associates*

One of the most fruitful ways to encourage civil discourse in your community is for your Council to have a set of goals they all want to achieve. Then the discussions can focus on the best ways to achieve these goals. This session will discuss how to review previous goal achievements; plan for a goal setting session, and how to build group consensus toward a vision for the city. Many Councils find goal setting sessions the best opportunity to promote frank, open discussion; this session will describe the steps you can take to establish an environment that promotes this kind of discussion.

## 20 Avoiding Pitfalls of E-Data: Preparing for E-Discovery; When Smart Phones Are a Dumb Idea

*Corrine Heine, Attorney, Kennedy & Graven Chartered*

Every modern convenience has its pitfalls. Emails have made communication quick, easy and convenient. But retrieving electronic data in response to litigation is an un-natural disaster for the unprepared. And smart phone use by council members and city employees raise issues, too, especially during council meetings. This presentation will provide you with guidance on preparing for e-discovery requests and will explore some of the data management issues raised by mobile e-devices.

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# General Information

## Location/Accommodations

Located in Central Minnesota on the beautiful Mississippi River, St. Cloud is the site for this year's Conference. The Best Western Kelly Inn (320-253-0505) has been selected as the event headquarters, hosts most of the Conference events and holds the largest sleeping room block. The Le St-Germain Suite Hotel (320-654-1661), which is holding a slightly smaller sleeping room block, is connected to the Best Western via skyway. Both hotels provide overnight guests with a broad range of amenities including heated swimming pools, whirlpools, exercise areas and a variety of dining facilities. Completing the St. Cloud site package is the state-of-the-art Rivers Edge Convention Center which will serve as the location for all exhibits and various Wednesday through Friday Conference events.

The sleeping room blocks for Conference attendees (Kelly Inn-\$85/night plus tax, single or double occupancy and Le-Germain-\$114/night for Queen and \$124/night for Master Double, plus tax single or double occupancy) are being held until February 28 or until they are sold out. Reservations received after that date will be accepted on a "space available basis" and at prevailing rates. Make your overnight reservations via mail, fax, phone or e-mail. See reservation form included in this brochure.

For a map and driving directions to either hotel, visit their websites:

Best Western - [www.bestwesternstcloud.com](http://www.bestwesternstcloud.com)

Le St-Germain - [www.lestgermainsuitehotel.com](http://www.lestgermainsuitehotel.com)

## Fees

The Conference fees for MCFOA members are \$210/ person (if postmarked by 2/12/13) or \$230 (if postmarked after 2/12/13). To qualify for these fees, individuals must be a current, paid member of MCFOA. To determine your membership status contact David Spencer ([dspencer@iw.net](mailto:dspencer@iw.net)). The Conference fees for non-members are \$260/ person (if postmarked by 2/12/13) or \$280 (if postmarked after 2/12/13).

Once again, MCFOA is pleased to offer the following **First Time attendee rates** to those who have never attended a MCFOA Conference but wish to do so in 2013. The available rates are: \$190 for Association Members and \$245 for Non-Members regardless of the date of registration.

All above fees include tuition for Wednesday-Friday, handout materials, Wednesday evening reception, two lunches, Thursday banquet, one breakfast, one brunch, and all refreshment breaks.

Once again MCFOA is pleased to offer a special \$130 rate available to all **MCFOA Retirees** (no longer employed by or under contract with a Minnesota community). This fee includes the Wednesday evening mixer, Wednesday-Friday meals and breaks.

The fees for the optional Tuesday workshops for all Conference registrants are \$45 or \$55/person regardless of membership status or date of registration. **NOTE:** If you are not registering for the Conference but wish to register for a Tuesday workshop, the fees are \$60 or \$65/person.

Extra banquet tickets for Thursday evening are available for \$35 each and can be purchased via the Conference Registration Form included in this brochure. (Note: One banquet ticket is included in each full Conference registration fee.)

The Best Western Kelly Inn  
is located at Highway 23 and  
4<sup>th</sup> Avenue South,  
Downtown St. Cloud  
on the Mississippi River

## Registration

On-line registration (available at [www.mngts.org/MCFOA](http://www.mngts.org/MCFOA)) is the preferred registration method. The system allows group registrations from the same organization, allows payment via all major credit cards and provides an immediate registration confirmation. You may also print or email an invoice for future payment via check. Registrations must be received by **March 5, 2013**. If on-line registration is not possible, you may also register by filling out and returning the form included in this brochure.

## Continuing Education Credits

The Conference carries 3.12 Continuing Education Units (CEUs). The CEU is defined as 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction. Conference CEUs will be on record with St. Cloud State University. Certificates of completion will be available at the Conference if you are registered by March 5. Certificates will be e-mailed after the Conference to anyone requesting credit after that date.

**Notes: The cost for CEU credit is borne by MCFOA as part of the overall Conference budget. While it is pleased to provide this service to its members, MCFOA requests that you apply for them only if such credits play a role in your on-going education plans. A Social Security number must be provided to obtain this credit.**

Once again, CMC/MMC credits will be available for most Conference sessions. Complete details will be included in the on-site final program

## Cancellations/Refunds

Fees will be refunded (less a \$20 service fee) only if cancellation notification is received by March 6, 2013. If you do not cancel your registration and do not attend, you are responsible for payment of the entire applicable fee. Should inclement weather (or other circumstances beyond our control) necessitate program cancellation or postponement, notification will be posted on the WCCO web sites ([www.WCCO.com](http://www.WCCO.com) under the School Closings tab and [www.830wcco.com](http://www.830wcco.com)).

## For Further Information

Registration Questions: Catherine Dubbe — [cdubbe@mngts.org](mailto:cdubbe@mngts.org) x200  
Program Questions: Carol Schoeneck — [cschoeneck@mngts.org](mailto:cschoeneck@mngts.org) x205  
GTS Educational Events  
2233 University Avenue W., Suite 150, St. Paul, Minnesota 55114  
651-222-7409 (Twin Cities)  
800-569-6882 (Greater Minnesota)

# 2013 Planning Committee

---

**Chair, Deb Mangen**  
City of Edina

Darla Berry  
City of New York Mills

Deb Boelter  
City of Winsted

Terri Boese  
City of Dassel

Sandy Borders  
City of Dayton

Kathy Brophy  
City of Aitkin

Dan Buchholz  
City of Spring Lake Park

Jane Cross  
City of Blaine

Amy Domeier  
City of Rosemount

Renee Eckerly  
City of Paynesville

Lanell Endres  
City of Cannon Falls

Sandy Engdahl  
City of Plymouth

Audra Etzel  
City of Rockford

Mark Karnowski  
City of Princeton

Sandy Langley  
Retired

Janet Lewis  
City of Bloomington

Val Martin  
City of Ashby

Dale Powers  
City of Birchwood Village

Linda Rappe  
City of Kasson

Tina Rennemo  
City of Baudette

David Spencer  
MCFOA Administrative Assistant

Andrea Swenson  
City of Hancock

## Staff for GTS Educational Events:

Karen Beaulieu, Exhibit Manager

Claire Buchwald, Program Planner

Mary Sabatke, Lead Program Planner

Carol Schoeneck, Program Manager

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CSAH 10/20, City of Watertown

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*We look forward to seeing you all again this year!*

**Nominating Committee**

According to the MCFOA Constitution, the President shall appoint a Nominating Committee at least two months prior to the Annual Meeting. The President shall promptly notify the members of the Executive Board as to the appointees to the Nominating Committee.

The MCFOA Executive Board approved the following criteria:

1. Any person that is interested in serving on the Executive Board or as a Regional Vice President will be required to submit an application to the Chairman of the Nominating Committee expressing this interest together with a resume. This shall also include those present members of the Executive Board considered for advancement to the next higher position.
2. Regional Vice Presidents will prepare a list of recommendations for their respective regions and they will be requested to ask potential candidates to also submit their letter of interest with a resume.
3. The Nominating Committee shall look at an individual's background as well as the formal letter of interest from which to gather information for the proposed slate.
4. In the event that no member submits an application of interest, it would then be the responsibility of the Nominating Committee to select persons to fill the positions.
5. All candidates for offices shall be informed of the requirements of the positions for which they are being selected.
6. The Nominating Committee shall convene as soon as possible at the March conference to meet with all persons that are being considered as candidates for specific offices.
- 7. Those persons being nominated for specific offices must be fully aware of the responsibilities and requirements of their jobs. It is helpful for persons to obtain approvals from their respective cities so that a full commitment can be achieved.
8. The make-up of the Executive Board shall be of individuals who would serve the MCFOA to the high degree they would serve their own cities back home. These individuals must be able to carry out those goals and objectives for which our organization stands.

**Officer Responsibilities**

**PRESIDENT:** The President shall preside at all meetings, supervise all activities and appoint all committees. The President shall be an ex-officio member to all committees. The President is also responsible for preparing the annual MCFOA Budget; is expected to attend the IIMC Annual Conference and also arrange accommodations and payment of registration for the silent auction



**CITY OF BIRCHWOOD VILLAGE**  
207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 tel  
651-426-7747 fax  
[birchwoodvillage@comcast.net](mailto:birchwoodvillage@comcast.net)

February 13, 2012

Gen Pederson, Chair-Nominating Committee  
Municipal Clerks and Finance Officers Association of Minnesota  
1410 Kansas Avenue  
Benson, MN 56215

RE: CITY COUNCIL SUPPORT FOR DALE POWERS' CANDIDACY FOR TREASURER

Dear Mr. Pederson,

This letter is to express our unconditional support for Dale Powers as a candidate for the position of Treasurer of the Municipal Clerks and Finance Officers Association of Minnesota. As a City Council, we encourage our staff to volunteer their time and talents to professional organizations, and believe Dale will serve MCFOA with distinction in the position of Treasurer.

**CITY OF BIRCHWOOD VILLAGE**

Mary Wingfield  
Mayor

Randy LaFoy  
Acting Mayor

Kevin Woolstencroft  
Council Member

Greg Donovan  
Council Member

Bill Hullsiek  
Council Member

RECEIVED  
JAN 22 2013

5

# APPLICATION FOR EMPLOYMENT

## PERSONAL INFORMATION

DATE OF APPLICATION: 12/28/12

Name: Konkler Last Griffin First Joseph Middle

Address: <sup>23</sup>Wildwood Ave. Street White Bear Lake City/State 55110 Zip

Alternate Address: \_\_\_\_\_ Street \_\_\_\_\_ City/State \_\_\_\_\_ Zip

Contact Information: \_\_\_\_\_ Home Telephone \_\_\_\_\_ Mobile Telephone \_\_\_\_\_ Email

How did you learn about our company?

POSITION SOUGHT: Rink Attendant

Available Start Date: 1/5/13

Desired Pay Range: entry level Hourly or Salary

Are you currently employed? No

## EDUCATION

	Name and Location	Graduate? - Degree?	Major / Subjects of Study
High School	<u>White Bear Lake South, Junior</u>		
College or University			
Specialized Training, Trade School, etc...			
Other Education			

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

Dependable, works independently, basic maintenance skills, can follow instructions, good communication skills.

**PREVIOUS EXPERIENCE**

JAN 24 2012

Please list beginning from most recent

BY: \_\_\_\_\_

Dates Employed	Company Name	Location	Role/Title
10-15-11 to 5-1-12	Private residence	Birchwood village	Groundskeeper

Job notes, tasks performed and reason for leaving:

Worked for Bob Carson as the groundskeeper for the Olsen's property in Birchwood village while they were overseas. Duties included: yardwork, snow removal, light maintenance.

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**RESOLUTION 2013-05**

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

**A RESOLUTION ACCEPTING A DONATION OF CASH FROM WRITERS  
UNLIMITED**

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

The City Council accepts a cash donation of \$500.00 from Writers Unlimited.

I certify that the City of Birchwood Village adopted the above Resolution on this 12th day of February, 2013.

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

ATTEST:

\_\_\_\_\_  
Dale Powers  
City Coordinator

**13.43 PERSONNEL DATA.**

Subdivision 1. **Definition.** As used in this section, "personnel data" means government data on individuals maintained because the individual is or was an employee of or an applicant for employment by, performs services on a voluntary basis for, or acts as an independent contractor with a government entity.

\*Subd. 2. **Public data.** (a) Except for employees described in subdivision 5 and subject to the limitations described in subdivision 5a, the following personnel data on current and former employees, volunteers, and independent contractors of a government entity is public:

(1) name; employee identification number, which must not be the employee's Social Security number; actual gross salary; salary range; terms and conditions of employment relationship; contract fees; actual gross pension; the value and nature of employer paid fringe benefits; and the basis for and the amount of any added remuneration, including expense reimbursement, in addition to salary;

(2) job title and bargaining unit; job description; education and training background; and previous work experience;

(3) date of first and last employment;

(4) the existence and status of any complaints or charges against the employee, regardless of whether the complaint or charge resulted in a disciplinary action;

(5) the final disposition of any disciplinary action together with the specific reasons for the action and data documenting the basis of the action, excluding data that would identify confidential sources who are employees of the public body;

(6) the complete terms of any agreement settling any dispute arising out of an employment relationship, including a buyout agreement as defined in section 123B.143, subdivision 2, paragraph (a); except that the agreement must include specific reasons for the agreement if it involves the payment of more than \$10,000 of public money;

(7) work location; a work telephone number; badge number; work-related continuing education; and honors and awards received; and

(8) payroll time sheets or other comparable data that are only used to account for employee's work time for payroll purposes, except to the extent that release of time sheet data would reveal the employee's reasons for the use of sick or other medical leave or other not public data.

(b) For purposes of this subdivision, a final disposition occurs when the government entity makes its final decision about the disciplinary action, regardless of the possibility of any later proceedings or court proceedings. Final disposition includes a resignation by an individual when the resignation occurs after the final decision of the government entity, or arbitrator. In the case of arbitration proceedings arising under collective bargaining agreements, a final disposition occurs at the conclusion of the arbitration proceedings, or upon the failure of the employee to elect arbitration within the time provided by the collective bargaining agreement. A disciplinary action does not become public data if an arbitrator sustains a grievance and reverses all aspects of any disciplinary action.

(c) The government entity may display a photograph of a current or former employee to a prospective witness as part of the government entity's investigation of any complaint or charge against the employee.

(d) A complainant has access to a statement provided by the complainant to a government entity in connection with a complaint or charge against an employee.

(e) Notwithstanding paragraph (a), clause (5), and subject to paragraph (f), upon completion of an investigation of a complaint or charge against a public official, or if a public official resigns or is terminated from employment while the complaint or charge is pending, all data relating to the complaint or charge are public, unless access to the data would jeopardize an active investigation or reveal confidential sources. For purposes of this paragraph, "public official" means:

- (1) the head of a state agency and deputy and assistant state agency heads;
- (2) members of boards or commissions required by law to be appointed by the governor or other elective officers;
- (3) executive or administrative heads of departments, bureaus, divisions, or institutions within state government; and
- (4) the following employees:
  - (i) the chief administrative officer, or the individual acting in an equivalent position, in all political subdivisions;
  - (ii) individuals required to be identified by a political subdivision pursuant to section 471.701;
  - (iii) in a city with a population of more than 7,500 or a county with a population of more than 5,000, individuals in a management capacity reporting directly to the chief administrative officer or the individual acting in an equivalent position; and
  - (iv) in a school district, business managers, human resource directors, and individuals defined as superintendents, principals, and directors under Minnesota Rules, part 3512.0100; and in a charter school, individuals employed in comparable positions.

(f) Data relating to a complaint or charge against an employee identified under paragraph (e), clause (4), are public only if:

- (1) the complaint or charge results in disciplinary action or the employee resigns or is terminated from employment while the complaint or charge is pending; or
- (2) potential legal claims arising out of the conduct that is the subject of the complaint or charge are released as part of a settlement agreement with another person.

This paragraph and paragraph (e) do not authorize the release of data that are made not public under other law.

Subd. 2a. **Data disclosure by statewide pension plans.** Notwithstanding any law to the contrary, with respect to data collected and maintained on members, survivors, and beneficiaries by statewide retirement systems that is classified as public data in accordance with subdivision 2, those retirement systems may be only required to disclose name, gross pension, and type of benefit awarded, except as required by sections 13.03, subdivisions 4 and 6; and 13.05, subdivisions 4 and 9.

Subd. 3. **Applicant data.** Except for applicants described in subdivision 5, the following personnel data on current and former applicants for employment by a government entity is public: veteran status; relevant test scores; rank on eligible list; job history; education and training; and work availability. Names of applicants shall be private data except when certified as eligible for appointment to a vacancy or when applicants are considered by the appointing authority to be

finalists for a position in public employment. For purposes of this subdivision, "finalist" means an individual who is selected to be interviewed by the appointing authority prior to selection.

**Subd. 4. Other data.** All other personnel data is private data on individuals but may be released pursuant to a court order. Data pertaining to an employee's dependents are private data on individuals.

**Subd. 5. Undercover law enforcement officer.** All personnel data maintained by a government entity relating to an individual employed as or an applicant for employment as an undercover law enforcement officer are private data on individuals. When the individual is no longer assigned to an undercover position, the data described in subdivisions 2 and 3 become public unless the law enforcement agency determines that revealing the data would threaten the personal safety of the officer or jeopardize an active investigation.

**Subd. 5a. Limitation on disclosure of certain personnel data.** Notwithstanding any other provision of this section, the following data relating to employees of a secure treatment facility defined in section 253B.02, subdivision 18a, employees of a state correctional facility, or employees of the Department of Corrections directly involved in supervision of offenders in the community, shall not be disclosed to facility patients, corrections inmates, or other individuals who facility or correction administrators reasonably believe will use the information to harass, intimidate, or assault any of these employees: place where previous education or training occurred; place of prior employment; and payroll timesheets or other comparable data, to the extent that disclosure of payroll timesheets or other comparable data may disclose future work assignments, home address or telephone number, the location of an employee during nonwork hours, or the location of an employee's immediate family members.

**Subd. 6. Access by labor organizations.** Personnel data may be disseminated to labor organizations to the extent that the responsible authority determines that the dissemination is necessary to conduct elections, notify employees of fair share fee assessments, and implement the provisions of chapters 179 and 179A. Personnel data shall be disseminated to labor organizations and to the Bureau of Mediation Services to the extent the dissemination is ordered or authorized by the commissioner of the Bureau of Mediation Services.

**Subd. 7. Employee assistance data.** All data created, collected or maintained by a government entity to administer employee assistance programs similar to the one authorized by section 43A.319 are classified as private, pursuant to section 13.02, subdivision 12. This section shall not be interpreted to authorize the establishment of employee assistance programs.

**Subd. 7a. Employee suggestion data.** Personnel data includes data submitted by an employee to a government entity as part of an organized self-evaluation effort by the government entity to request suggestions from all employees on ways to cut costs, make government more efficient, or improve the operation of government. An employee who is identified in a suggestion shall have access to all data in the suggestion except the identity of the employee making the suggestion.

**Subd. 8. Harassment data.** When allegations of sexual or other types of harassment are made against an employee, the employee does not have access to data that would identify the complainant or other witnesses if the responsible authority determines that the employee's access to that data would:

- (1) threaten the personal safety of the complainant or a witness; or
- (2) subject the complainant or witness to harassment.

If a disciplinary proceeding is initiated against the employee, data on the complainant or witness shall be available to the employee as may be necessary for the employee to prepare for the proceeding.

**Subd. 9. Peer counseling debriefing data.** (a) Data acquired by a peer group member in a public safety peer counseling debriefing is private data on the person being debriefed.

(b) For purposes of this subdivision, "public safety peer counseling debriefing" means a group process oriented debriefing session held for peace officers, firefighters, medical emergency persons, dispatchers, or other persons involved with public safety emergency services, that is established by any government entity providing public safety emergency services and is designed to help a person who has suffered an occupation-related traumatic event begin the process of healing and effectively dealing with posttraumatic stress.

**Subd. 10. Prohibition on agreements limiting disclosure or discussion of personnel data.** (a) A government entity may not enter into an agreement settling a dispute arising out of the employment relationship with the purpose or effect of limiting access to or disclosure of personnel data or limiting the discussion of information or opinions related to personnel data. An agreement or portion of an agreement that violates this paragraph is void and unenforceable.

(b) Paragraph (a) applies to the following, but only to the extent that the data or information could otherwise be made accessible to the public:

- (1) an agreement not to discuss, publicize, or comment on personnel data or information;
- (2) an agreement that limits the ability of the subject of personnel data to release or consent to the release of data; or
- (3) any other provision of an agreement that has the effect of limiting the disclosure or discussion of information that could otherwise be made accessible to the public, except a provision that limits the ability of an employee to release or discuss private data that identifies other employees.

(c) Paragraph (a) also applies to a court order that contains terms or conditions prohibited by paragraph (a).

**Subd. 11. Protection of employee or others.** (a) If the responsible authority or designee of a government entity reasonably determines that the release of personnel data is necessary to protect an employee from harm to self or to protect another person who may be harmed by the employee, data that are relevant to the concerns for safety may be released as provided in this subdivision.

(b) The data may be released:

- (1) to the person who may be harmed and to an attorney representing the person when the data are relevant to obtaining a restraining order;
- (2) to a prepetition screening team conducting an investigation of the employee under section 253B.07, subdivision 1; or
- (3) to a court, law enforcement agency, or prosecuting authority.

(c) Section 13.03, subdivision 4, paragraph (c), applies to data released under this subdivision, except to the extent that the data have a more restrictive classification in the possession of the agency or authority that receives the data. If the person who may be harmed or

the person's attorney receives data under this subdivision, the data may be used or released further only to the extent necessary to protect the person from harm.

**Subd. 12. Sharing of law enforcement personnel background investigation data.** A law enforcement agency shall share data from a background investigation done under section 626.87 with the Peace Officer Standards and Training Board or with a law enforcement agency doing an investigation of the subject of the data under section 626.87.

**Subd. 13. Dissemination of data to Department of Employment and Economic Development.** Private personnel data must be disclosed to the Department of Employment and Economic Development for the purpose of administration of the unemployment benefits program under chapter 268.

**Subd. 14. Maltreatment data.** When a report of alleged maltreatment of a student in a school facility, as defined in section 626.556, subdivision 2, paragraph (f), is made to the commissioner of education under section 626.556, data that are relevant to a report of maltreatment and are collected by the school facility about the person alleged to have committed maltreatment must be provided to the commissioner of education upon request for purposes of an assessment or investigation of the maltreatment report. Data received by the commissioner of education pursuant to these assessments or investigations are classified under section 626.556.

**Subd. 15. Dissemination of data to law enforcement.** Private personnel data, or data on employees that are confidential data under section 13.39, may be disseminated to a law enforcement agency for the purpose of reporting a crime or alleged crime committed by an employee, or for the purpose of assisting law enforcement in the investigation of a crime committed or allegedly committed by an employee.

**Subd. 16. School district or charter school disclosure of violence or inappropriate sexual contact.** The superintendent of a school district or the superintendent's designee, or a person having administrative control of a charter school, must release to a requesting school district or charter school private personnel data on a current or former employee related to acts of violence toward or sexual contact with a student, if an investigation conducted by or on behalf of the school district or law enforcement affirmed the allegations in writing prior to release and the investigation resulted in the resignation of the subject of the data.

**Subd. 17. Continuity of operations.** Personal home contact information may be used to ensure that an employee can be reached in the event of an emergency or other disruption affecting continuity of operation of a government entity. An employee's personal home contact information may be shared with another government entity in the event of an emergency or other disruption to ensure continuity of operation of either government entity.

**Subd. 18. Private personnel data.** Private personnel data of state employees must be disclosed to the Department of Administration for the purpose of administration of the workers' compensation program as provided in chapter 176.

**Subd. 19. Employee of contractor or subcontractor.** The following data maintained as a result of a contractual relationship entered on or after August 1, 2012, between a government entity and a contractor or subcontractor are private: the personal telephone number, home address, and e-mail address of a current or former employee of the contractor or subcontractor. A government entity maintaining data under this subdivision must share the data with another government entity to perform a function authorized by law. The data must be disclosed to a government entity or any person for prevailing wage purposes.

**History:** 1979 c 328 s 17; 1980 c 603 s 24,25,29; 1981 c 311 s 12,13,17,39; 1982 c 545 s 9,10,24; 1984 c 436 s 17; 1984 c 544 s 89; 1985 c 298 s 12; 1987 c 186 s 15; 1987 c 284 art 1 s 1; 1987 c 351 s 7; 1987 c 384 art 1 s 2; 1988 c 598 s 1; 1990 c 550 s 1; 1991 c 319 s 4-6; 1993 c 351 s 6,7; 1994 c 618 art 1 s 9; 1995 c 259 art 1 s 7-9; 1Sp1995 c 3 art 9 s 1; 1996 c 440 art 1 s 10-12; 1997 c 214 s 2; 1998 c 397 art 11 s 3; 1999 c 107 s 66; 1999 c 182 s 1; 1999 c 227 s 6; 1999 c 250 art 1 s 114; 2000 c 343 s 4; 2001 c 70 s 1; 2001 c 178 art 2 s 3; 2002 c 243 s 1; 2002 c 352 s 6; 2002 c 396 s 1; 2003 c 130 s 12; 1Sp2003 c 8 art 2 s 8; 2004 c 137 s 1; 2004 c 206 s 52; 2004 c 288 art 3 s 1,2; 2004 c 290 s 4,5; 2005 c 163 s 37-39; 2007 c 129 s 23-28; 2009 c 142 art 1 s 1,2; 2010 c 365 art 1 s 3,4; 2012 c 280 s 1; 2012 c 290 s 21-23

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-38

**A Resolution Directing the Transfer of General Fund Dollars to the Sewer Fund to Retain  
The Required Minimum Fund Balance For the 2004 and 2008 Sewer Bonds**

**WHEREAS**, the City Council of the City of Birchwood Village issued sewer bonds in 2004 and 2008 to fund improvements to the City's sewer infrastructure; and

**WHEREAS**, the 2004 and 2008 Sewer Bonds require the City of Birchwood Village to keep a minimum balance of \$115,000.00 in its Sewer Fund; and

**WHEREAS**, the City of Birchwood Village's Sewer Fund cash balance dropped below the required minimum balance of \$115,000.00 in the fourth quarter of 2012.

**NOW THEREFORE BE IT RESOLVED**, that the Birchwood Village City Council hereby directs that \$15,000.00 be transferred from the General Fund to the Sewer Fund on or before December 30, 2012; and

**BE IT FURTHER RESOLVED**, that the Birchwood Village City Council directs staff to transfer funds on a quarterly basis from the General Fund to the Sewer Fund in an amount sufficient to retain the required \$115,000.00 fund balance in the Sewer Fund.

Adopted by the City Council on this 11<sup>th</sup> day of December, 2012.

Approved:

\_\_\_\_\_  
Alan Mitchell, Mayor

Attest:

\_\_\_\_\_  
Dale Powers, City Clerk/Coordinator

Hi Mary,

I received the "final word" from Briggs, and a reserve requirement also does not apply to the 2018 bonds.

Thanks again for catching that though... better safe than sorry!

Tim Myers  
Portfolio Manager  
U.S. Bank - Government Banking Division  
320 West Broadway  
EP-MN-0369  
Forest Lake, MN 55025  
(651) 982-2265  
(651) 464-9727 fax

From: "mary.wingfield@juno.com" <mary.wingfield@juno.com>  
To: tim.myers@usbank.com  
Date: 01/11/2013 08:22 AM  
Subject: Re: Birchwood Bonds

---

Hi Tim...I read the comments from the Briggs and Morgan attorney and she made note that both the bonds mature in 2014. One does, but the other (Payment Schedule on 2008 Bonds) expires in 2018. I just want to make sure the \$115,000 minimum still does not apply under this situation.

Thanks for your time  
m

Please note: message attached

From: tim.myers@usbank.com  
To: "mary.wingfield@juno.com" <mary.wingfield@juno.com>  
Subject: Re: Birchwood Bonds  
Date: Tue, 8 Jan 2013 08:45:29 -0600

---

One Trick to Stay Asleep

If you struggle to fall asleep, or stay asleep, try this&#8230

<http://thirdpartyoffers.juno.com/TGL3141/50f0200912a3b20086811st03vuc>Hi Mary,

Here are additional copies of the repayment schedules:

I'll check into your reserve question. I am working from home today, but I will request copies of the documents and get back to you soon.

Thanks,

Tim Myers  
Portfolio Manager  
U.S. Bank - Government Banking Division  
320 West Broadway  
EP-MN-0369  
Forest Lake, MN 55025  
(651) 982-2265  
(651) 464-9727 fax

From: "mary.wingfield@juno.com" <mary.wingfield@juno.com>  
To: tim.myers@usbank.com  
Date: 01/07/2013 08:17 PM  
Subject: Birchwood Bonds

Hi Tim...a few years back you sent me a bond payment (P&I) schedule for our two outstanding loans with US Bank. Could you please resend those to me. Also, I know we have been told that we need to keep a minimum of \$115,000 in our sewer fund according to the loan(s). Does that condition apply for the full duration of the loan, or does it slide as the total outstanding debt becomes less than \$115,000 as we approach 2018 when the bonds are totally paid off?

Many thanks,  
m

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**XFINITY Connect**

**bwclerk@comcast.net**

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**opening on planning committee**

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**From :** j lund 612 <j.lund.612@comcast.net>      Mon, Jan 21, 2013 06:40 PM  
**Subject :** opening on planning committee  
**To :** bwclerk@comcast.net

Dale I would like to sign up for the opening on the planning committee.

John Lund

---



White Bear Lake Conservation District • 4701 Highway 61 • White Bear Lake, MN 55110 • Telephone (651) 429-8520  
Email: wblcd@msn.com • Website: wblcd.org

January 24, 2013

**Notice of expiration of term for the following White Bear Lake  
Conservation District Board Member**

Member name: Jane Harper – Birchwood

Term expires: March 2013 (Filled Joe Allaben's term)

Please notify the office as soon as you have re-appointed the incumbent or appointed your new representative.

If appointing a new representative, please notify us in time to prepare and deliver new board member packets prior to their first board meeting (the board meets the third Tuesday of every month except December – usually no meeting in December). Please give complete name, address, phone numbers and e-mail address.

Thank you,

  
Julie Yoho  
WBLCD Administrative Secretary

RECEIVED  
JAN 30 2013

BY: \_\_\_\_\_

**XFINITY Connect**

**bwclerk@comcast.net**

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## **Reappointment to WBLCD**

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**From :** JaneMHarper <janemharper@comcast.net>

Wed, Jan 30, 2013 07:20 PM

**Subject :** Reappointment to WBLCD

**To :** clerk <bwclerk@comcast.net>

Dale,

I understand that my current term on the White Bear Lake Conservation District ends in March 2013. I would like the city to consider reappointing me for another term.

Thanks,

Jane

---

Agreement # 02- 16388-0

**AGREEMENT**

**between**

**CITY OF BIRCHWOOD VILLAGE**

**and**

**BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL**

This **AGREEMENT** is made and entered into on this 13th day of March, 2012, by and between the **CITY OF BIRCHWOOD VILLAGE** ("Birchwood Village"), a municipal corporation under the laws of the State of Minnesota, and the **BOARD OF WATER COMMISSIONERS OF THE CITY OF SAINT PAUL** ("Board"), a municipal corporation under the laws of the State of Minnesota.

**WITNESSETH:**

**WHEREAS**, in order to reduce costs and improve the quality of certain municipal water utility related services, Birchwood Village has requested that the Board perform such services within the boundaries of Birchwood Village; and

**WHEREAS**, the Board has demonstrated cost-effectiveness and expertise in providing these services, both for itself and its regional customers; and

**WHEREAS**, Birchwood Village has selected the operation and maintenance of its municipal water system from a list of cost-effective water-related services that the Board could perform for Birchwood Village.

**NOW THEREFORE**, in consideration of the mutual terms, covenants, warranties and conditions hereinafter set forth, the parties hereto, intending to be legally bound hereby, mutually agree as follows:

**ARTICLE 1**  
**Scope of Services**

Pursuant to the terms and conditions herein, the Board agrees to provide the following services necessary to operate and maintain the municipal water system located within the legal boundaries of Birchwood Village. Some services are to be provided within the annual fee to Birchwood Village and some services will be provided at an additional charge, as provided herein.

**1.1 Certified Water Operator.**

Board shall provide a Certified Water Operator to meet the Minnesota Department of Health's requirements for Birchwood Village and as may be requested by the Birchwood Village City Engineer or its authorized representative ("City Engineer"). This shall include all required water quality sampling, testing and reporting of results to the appropriate party.

Annual requirements as of the effective date of this Agreement:

Four (4) sample collections and analyses for Bacti/Total Chlorine Residual

One (1) sample collection and analysis for THM/HAA5

Sampling, testing and reporting beyond the current requirements shall be charged in accordance with Exhibit 1.

**1.2 Hydrant Maintenance.**

Board shall exercise, perform minor maintenance and flush each public hydrant on an annual basis. This service shall be performed between May 1 and October 1.

Board shall provide Birchwood Village with a hydrant maintenance report by December 31 of each year. Board will provide the City Engineer prompt notice if any hydrants are found to be inoperable or constituting a safety or health hazard.

**1.3 Water Main Valve Maintenance.**

Each year between May 1 and October 1, Board shall locate, inspect and clean out every water main valve box as necessary, and shall operate each water main valve.

Board shall provide Birchwood Village with a valve maintenance report following the completion of this service.

1.4 Gopher State One Call (GSOC) Locating.

Board shall receive and respond to all GSOC locating requests concerning water and sanitary sewer facilities. For each locating request, the Board shall provide appropriate positive response as required by Minnesota Statutes chapter 216D, including record maintenance and physical location, if required. Board shall provide this service to the best of its ability based upon the record drawings available from and furnished by Birchwood Village. Board shall not be responsible for the consequences of mismarked facilities.

Non-emergency Tickets

Seventy-five (75) events per calendar year shall be without additional charge. Additional events shall be charged in accordance with Exhibit 1.

Emergency and On-site Meet Tickets

Emergency tickets and tickets requiring an on-site meet shall be charged in accordance with Exhibit 1.

1.5 Meter Installation.

Board shall provide the installation, replacement, repair and trouble shooting of water meters inside private properties as requested and approved by the City Engineer. Birchwood Village shall provide all water meters.

Four (4) events per calendar year shall be without additional charge, provided follow-up work is not required.

Additional events and all follow-up work shall be charged in accordance with Exhibit 1.

1.6 Water Service Turn On and Shut Off.

Board shall provide the turn-on and shut-off of water service valves (curb stops) at the request of the property owner and approval of the City Engineer.

Six (6) events per calendar year shall be without additional charge.

Additional events shall be charged in accordance with Exhibit 1.

1.7 Response Events.

Board shall respond to investigate an event or circumstance reported by the City Engineer. Response may include, but shall not be limited to, investigation and/or control of a main, hydrant, valve or stop box problem, etc. (a "Response Event"). Board shall respond on-site within two (2) hours of initial report by the City Engineer to assess the situation, unless a longer response time is approved by the City Engineer. Board shall consult with the City Engineer to determine the next course of action. Board shall take prompt action to rectify the situation on-site if possible.

Twelve (12) Response Events per calendar year shall be without additional charge.

Additional Response Events shall be charged in accordance with Exhibit 1.

1.8 Repair or Replacement of Existing Components.

Existing water main system components (e.g. valves, hydrants, pipe, etc.) that break or become otherwise inoperable while being operated or handled by the Board shall be repaired or replaced as directed by the City Engineer.

All work shall be charged in accordance with Exhibit 1.

Existing water service and meter related components (e.g. curb stops, meters, meter spacers, meter assemblies, valves and water piping before and after the meter) that break or become otherwise inoperable while being operated or handled by the Board shall be reported immediately to the City Engineer.

## **ARTICLE 2**

### **Term and Termination**

2.1 Term.

This Agreement shall commence upon the date the last required signature is obtained and shall remain in effect until terminated in accordance with Section 2.2 of this Agreement.

2.2 Termination.

Except for the provisions contained in ARTICLE 6, which shall survive any termination of this Agreement, this Agreement may be terminated in whole or in part in writing by either party, provided that no termination may be effected unless: (1) The other party is given not less than ninety (90) calendar days written notice of intent to terminate, (2) The non-terminating party is afforded an opportunity to confer with the terminating party prior to termination. Each party reserves the right to terminate with less than ninety (90) calendar days' notice if public safety is at issue, but shall immediately contact the other party and attempt to confer about the issue and possible solutions. The parties further agree that this Agreement may be terminated immediately if agreed in writing by both parties.

**ARTICLE 3**

**Responsibilities of Birchwood Village**

Pursuant to the terms and conditions herein, Birchwood Village agrees to perform the following:

3.1 Make its facilities accessible to the Board as required for Board's performance of its services and secure access to any property necessary for performance of services.

3.2 Provide 24/7 phone numbers to contact the City Engineer, who shall be the primary contact for the Board for all operations and who has the authority to act on behalf of Birchwood Village.

3.3 Promptly notify Board's representative upon discovering any safety or health hazard that might affect the Board or its employees in its provision of services. The correction of such safety or health hazard, whether discovered by Birchwood Village or by the Board, shall be the responsibility of Birchwood Village, which shall promptly take action to correct any such safety or health hazard if correction is within the power and under the control of Birchwood Village.

3.4 Provide assistance if needed to coordinate locating any water main or facility requiring operation or maintenance, and determining affected properties.

3.5 Place salt and sand when and where it is necessary to safeguard vehicular and pedestrian traffic due to a main or service break or due to water pumped from the excavation area of a main or service break.

3.6 Provide materials, installation and maintenance of all necessary permanent street, sidewalk or boulevard repairs. Birchwood Village shall maintain any temporary street, sidewalk, or boulevard repair made by the Board.

3.7 Maintain and renew, with respect to all existing portions of the system, all warranties, guarantees, easements, permits, authorizations, and licenses that have been granted to Birchwood Village, to the extent the maintenance thereof is not a responsibility of the Board.

3.8 Pay all taxes associated with the occupancy or operation of its water system.

3.9 Support and cooperate with the Board when the Board carries out its responsibilities in good faith as water operator.

3.10 Compile, publish and disseminate a water quality report (consumer confidence report) as mandated by the Minnesota Department of Health.

3.11 Provide for adequate water supply to the municipal water system as the same has been or shall be developed.

The above responsibilities may be revised or expanded from time to time during the life of this Agreement. No revision or expansion shall be effective until approved by the Board and Birchwood Village and a written amendment to this Agreement is properly executed.

#### **ARTICLE 4**

##### **Responsibilities of Board**

Pursuant to the terms and conditions herein, the Board agrees to perform the following:

4.1 Perform all services listed in Article 1 Scope of Services in accordance with this Agreement, applicable laws and regulations and its own best practices.

4.2 Provide 24/7 phone numbers to contact Board service personnel.

4.3 In the case of an emergency affecting the safety of persons or property, Board may act to prevent threatened damage, injury or loss. Failure to perform any such emergency work shall not impose upon Board any liability for errors and omissions.

4.4 Upon request by Birchwood Village or as it may deem necessary, Board will provide a listing of capital improvement recommendations within the system. Board shall not be relieved of responsibility to perform if the recommendations are not implemented; provided, however, the failure to make recommended capital improvements necessary to meet federal, state, or local laws, rules or regulations for the safety of persons in or about any facilities shall not be optional for Birchwood Village. If approved, Birchwood Village shall make arrangements for the design and construction of said improvements.

4.5 Develop an electronic version of Birchwood Village's water and sewer systems maps.

The above responsibilities may be revised or expanded from time to time during the life of this Agreement. No revision or expansion shall be effective until approved by the Board and Birchwood Village and a written amendment to this Agreement is properly executed.

## **ARTICLE 5**

### **Consideration and Payments**

5.1 Annual Fee.

Birchwood shall pay the Board a fee of \$18,000.00 per year ("Annual Fee") in advance, in quarterly installments of \$4,500 per quarter, for those services identified in Article 1 Scope of Services as being without additional charge.

5.2 Charges Additional to Annual Fee.

Birchwood Village shall compensate the Board for any and all labor, materials, equipment, overhead and miscellaneous expenses and charges associated with the Board's performance of those services listed in Article 1 Scope of Services which are identified as being at additional charge. Compensation shall be at the rates and schedule charges shown on Exhibit 1, attached hereto and incorporated herein.

5.3 Change in Rates and Schedule Charges.

On October 1 of each year, the Board shall provide Birchwood Village with schedule charges for the next year and an estimate of the expected percentage change in labor, material, miscellaneous, overhead and equipment rates for the next year, and shall provide Birchwood Village the actual rates as soon as they become available. Labor charges shall be at the rates specified in the appropriate bargaining unit contract with the City of Saint Paul, plus fringe benefits calculated by the City of Saint Paul. Charges for materials, equipment and miscellaneous charges shall be at rates calculated by the Board. These changes in rates shall take effect on January 1 of the following year.

5.4 Payments.

Birchwood Village shall pay the full amount of any invoice received in writing from the Board within forty five (45) days of receipt. The rate of interest paid by Birchwood Village on undisputed bills not paid within forty five (45) days shall be 1-1/2 percent per month or any part thereof. The Board's invoicing shall comply with applicable state and local law and the parties shall comply with all W-9 filing requirements, as well as other IRS and Minnesota Department of Revenue taxing requirements. Payment shall be delivered to the address indicated on the invoice.

Birchwood Village must notify the Board within thirty (30) days of the invoice date if it wishes to dispute the validity of any invoice or portion thereof. Any applicable interest shall be suspended until Board responds with appropriate substantiation of the disputed costs or if an agreement to reconcile the dispute has been reached by both parties.

5.5 Taxes.

In the event Board is required to pay any tax on the value of the services provided by Board hereunder or services provided by any subcontractor of Board, such payments shall be reimbursed by Birchwood Village.

**ARTICLE 6**  
**Liability and Hold Harmless**

6.1 Liability.

Each party agrees that it shall be responsible for its own acts and omissions and the results thereof to the extent authorized by law and shall not be responsible for the acts and omissions of the other party and the results thereof. Both Parties' liability shall be governed by and limited to the tort liability provisions found in Minnesota Statutes Chapter 466, as amended from time to time, and any other applicable law. This provision shall survive any termination of this Agreement.

6.2 Hold Harmless.

Each party agrees that it shall indemnify and save harmless, protect and defend the other party, its employees and agents from any or all liability, suits, claims or demands, including the legal defense thereof, for bodily injuries, including death, or property damages, including loss of use arising out of any activity by itself or its employees and agents under this Agreement. The above indemnification shall not be construed as creating an agency relationship, which is not implied and is specifically disclaimed.

6.3 Insurance.

The Board is an authorized self-insured under Minnesota State law for all property damage and general liability claims. The City is a political subdivision insured in accordance with Minn. Stat. Chapter 471 and other applicable law.

6.4 No Guarantee of Water Quality.

Work performed by Board within and pursuant to ARTICLES 1 and 4, or otherwise stated within this Agreement or in any other agreement between these parties, either written or oral, does not imply any guarantee or assurance of any kind of the quality or safety of the municipal water within the boundaries of Birchwood Village. Any such guarantee or assurance is specifically disclaimed.

6.5 Civil Penalties.

Birchwood Village shall be liable for those fines or civil penalties imposed by any regulatory or enforcement agencies on Birchwood Village and/or Board that are not a result of Board's negligence and shall indemnify and hold Board harmless from the payment of any such fines and/or penalties. This provision shall survive any termination of this Agreement.

6.6 Water Code and Laws of 1885

Birchwood Village and the Board agree that the City of Saint Paul Water Code and Chapter 110 of the Special Laws of 1885 of the State of Minnesota shall govern the Board's actions as they may apply to this Agreement or in any other agreement between these parties, either written or oral.

## **ARTICLE 7**

### **Representations and Warranties**

7.1 Board as Independent Contractor.

The Board and its employees and agents shall be considered an independent contractor of, and not employees of, Birchwood Village. Nothing in this Agreement shall be construed as to create a partnership or joint venture between the Board and Birchwood Village.

7.2 Authority, Binding Effect.

Both parties represent and warrant that the individuals executing this Agreement on behalf of each of the parties have the full power and authority to execute and commit to this Agreement, and this Agreement constitutes a legal, valid and binding obligation enforceable in accordance with its terms.

7.3 Corporate Authorization.

Both Parties represent and warrant that the execution and delivery of this Agreement and the performance of duties contemplated herein have been duly authorized by all necessary legislative or corporate action. The execution, delivery and performance of this Agreement shall not conflict with or result in the breach or violation of any term or provision of either party's municipal ordinances or state statutes, charter or constitution, any other state or federal law, or any other provision or authority.

## ARTICLE 8

### Miscellaneous Provisions

#### 8.1 Successors and Assigns.

All terms, covenants, and conditions of this Agreement shall be binding upon, and inure to the benefit of and be enforceable by the parties hereto and their respective successors, heirs, executors and assigns. This Agreement and the rights and obligations of any party hereunder shall not be assignable except with the written consent of the other party hereto, which consent shall not be unreasonably withheld.

#### 8.2 Notice.

Any notice, request, demand, statement or consent required or permitted to be given hereunder (except for requests for investigation or services), shall be in writing, shall be signed by or on behalf of the party giving notice, and shall be personally delivered or sent by express service, fax, or certified or registered mail, return receipt requested, postage prepaid, to the other party at the respective address given herein below:

If to Board:                      General Manager, Saint Paul Regional Water Services  
c/o: Board of Water Commissioners  
1900 Rice Street  
Saint Paul, Minnesota 55113  
Fax No. (651) 266-6290

If to Birchwood Village: City Clerk, Birchwood Village  
207 Birchwood Avenue  
Birchwood Village, Minnesota 55110  
Fax No. (651) 426-7747

Any such notice given as aforesaid shall be conclusively deemed to have been given and received on the day on which such notice was delivered. Either party may, from time to time, furnish in writing to the other party such notice of a change in the address or individual to whom such notices are to be given.

#### 8.3 Severability.

This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations. If any provision of

this Agreement, or the application thereof to any person or circumstance, shall, for any reason and to any extent, be invalid or unenforceable, the remainder of this Agreement and the application of such provision to other persons or circumstances shall not be affected thereby but rather shall be enforced to the extent permitted by law.

8.4 Waivers and Amendments.

This Agreement may be amended or superseded, and its terms or covenants hereof may be waived, only by a written instrument executed by the parties hereto or in the case of a waiver, by the party waiving compliance. The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect its right at a later time to enforce the same. No waiver by any party of the breach of any term or covenant contained in this Agreement or in any other such instrument, whether by conduct or otherwise, in any one or more instances, shall be deemed to be, or construed as, a further or continuing waiver of any breach, or a waiver of the breach of any other term or covenant contained herein.

8.5 Counterparts.

This Agreement may be executed in two or more counterparts, each of which may be deemed an original but together shall constitute but one and the same instrument.

8.6 Force Majeure.

Neither party shall be held responsible for performance of this Agreement if the party's performance is prevented by 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.

8.7 Entire Agreement.

It is understood and agreed that this entire Agreement supersedes and replaces any and all agreements and negotiations, whether oral or written, between the parties relating to the subject matters herein.

8.8 Attorney's Fees.

The prevailing party in any dispute or litigation hereunder shall be entitled to collect its costs and disbursements from the other party if so ordered by a court of law. Each party shall be responsible for its own attorney's fees.

8.9 Ownership.

All land, buildings, facilities, easements, licenses, structures, rights-of-way, equipment and vehicles presently or hereinafter acquired by Birchwood Village shall remain the exclusive property of Birchwood Village unless specifically provided for otherwise in this Agreement.

Equipment and other property purchased by the Board for use in services provided shall remain the property of the Board upon termination of this Agreement unless the property was directly paid for by Birchwood Village or Birchwood Village specifically reimbursed the Board for the cost incurred to purchase the property.

Reports and testing information as provided for under Section 1.1 shall remain the property of Birchwood Village upon termination of this Agreement. Copies of this information shall be retained by the Board, however there is no implication of responsibility to archive or protect from harm any information that is the property of Birchwood Village.

[The remainder of this page is left intentionally blank.]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the dates listed below.

Approved:

By: Stephen P. Schneider  
Stephen P. Schneider, General Manager  
Saint Paul Regional Water Services

Date: 3/13/12

Approved as to Form:

By: Alicia D. Verith  
Assistant City Attorney

Date: 3/13/12

**Board of Water Commissioners  
of the City of Saint Paul  
FIN 41-6005521**

By: Matt Anfang  
Matt Anfang, President

Date: 3/13/12

By: Mollie Gagnelius  
Mollie Gagnelius, Secretary

Date: 3/14/12

By: Todd Hurley  
Todd Hurley, Director  
Office of Financial Services

Date: 4/27/12

Approved as to Form:

By: Kevin J. Sambetti  
City Attorney

Date: 3/22/12

**City of Birchwood Village**

By: Alan Mitchell  
Alan Mitchell, Mayor

Date: March 19, 2012

Attest:  
By: Doree Powers  
Doree Powers, City Clerk

Date: 3-19-12

## OPERATIONS AND MAINTENANCE AGREEMENT

### EXHIBIT 1

Effective January 1, 2012

#### SCHEDULE CHARGES

The intent of the following four (4) schedule charges is for Board to recover the costs it incurs in delivering services. The schedule charges shall be applied for dispatching staff and equipment in response to events over and above those provided for in Article 1 Scope of Services. The charge shall include all staff and equipment necessary to complete the task described.

1. \$125 schedule charge
  - a. Each **SAMPLING, TESTING AND REPORTING BEYOND CURRENT REQUIREMENTS** as defined in Section 1.1 of the Agreement. Response to each request shall consist of one (1) trip and the collection/analysis of up to three (3) samples.
  - b. Each **EMERGENCY GOPHER STATE ONE CALL (GSOC)** ticket and GSOC ticket requiring an **ON-SITE MEET**. The schedule charge shall be applied for each 75 feet of right-of-way or portion thereof. Response to tickets requiring more extensive locating shall be charged at actual cost.
  - c. Each **INSTALLATION, REPLACEMENT, REPAIR AND TROUBLESHOOTING OF WATER METERS** inside private properties beyond four (4) events per calendar year or any occurrence of the same that requires follow up work.
  - d. Each **TURN-ON OR SHUT-OFF OF WATER SERVICE VALVES** (curb stops) beyond six (6) events per calendar year.
  - e. Each **RESPONSE EVENT** beyond twelve (12) events per calendar year.
2. \$65 schedule charge for response to each **NON-EMERGENCY GSOC** ticket beyond Seventy-five (75) events per calendar year.
3. \$200 schedule charge for **DISPOSAL OF EXCAVATION SPOILS** for each excavation event.
4. \$111 schedule charge applied as a **MAIN BREAK TRIP CHARGE** for each water main break event.

## **ACTUAL COST CHARGES**

Labor charges shall be at the rates specified in the appropriate bargaining unit agreement with the City of Saint Paul, plus fringe benefits calculated by the City of Saint Paul. Total labor costs are dependent upon the number and classification of employees the Board determines are required to respond to request for investigation or services. Bargaining unit agreements provide for a regular and an overtime rate. In general, the overtime rate is at time and one-half.

Bargaining agreements typically applicable are Laborer's local 132 and Manual and Maintenance Supervisor Association, AFSCME Technical Local 1842 and Professional Employees Association.

Typical job classifications:

Water Distribution Supervisor, Driver Operator Water, Heavy Equipment Operator Water, Water System Worker, Water Utility Worker, Water Utility Technician, Water Quality Technician

The contracts can be viewed at <http://stpaul.gov/index.aspx?NID=757>

### 1. Equipment Charges

<b>HOURLY EQUIPMENT CHARGES</b>	
¾ ton truck	\$7.15
Standard sized van	\$9.00
1 ton truck	\$9.85
Step or crew van	\$10.00
Heavy duty truck	\$16.25
Single axle dump truck	\$19.25
Tandem axle dump truck	\$20.25
Tractors with backhoe	\$18.00
Loader	\$58.00
Excavator	\$95.00
Pumps	\$15.00
Leak locator*	\$35.00

\*Includes leak detection equipment and van

2. **LABOR ADDITIVE ON REGULAR HOURS = 71.6%**
3. **LABOR ADDITIVE ON OVERTIME HOURS = 43.9%**
4. **MATERIAL ADDITIVE = 47.6%**  
This additive applies to all material taken from SPRWS inventory. This additive does not apply to material delivered directly from a vendor to the Birchwood Village job site by SPRWS or to material provided by Birchwood Village.
5. **EQUIPMENT ADDITIVE = 14.25%**
6. **MATERIAL, SOILS AND BACKFILL MATERIAL** shall be charged at actual cost plus the material additive.
7. **INCIDENTAL CHARGES** (e.g. obtaining permits, renting barricades, flashers or other traffic control, etc.) shall be charged at actual cost.
8. After calculating all actual cost charges, an **OVERHEAD CHARGE** of 15% of the total amount shall be applied.

BOARD OF WATER COMMISSIONERS  
RESOLUTION — GENERAL FORM

No. 7161

PRESENTED BY COMMISSIONER Lantry

DATE March 13, 2012

**WHEREAS**, the City of Birchwood Village Board has requested that the Board of Water Commissioners of the City of Saint Paul operate and maintain its public water system; and

**WHEREAS**, staff has prepared an Agreement which provides for such operation and maintenance for a term which will continue until such time as either party notifies the other of its intent to terminate said Agreement; now, therefore, be it

**RESOLVED**, that the Agreement between the Board of Water Commissioners and the City of Birchwood Village providing for the Board's operation and maintenance of the City's public water system is hereby approved in substantially the form submitted, and that the proper officers are hereby authorized and directed to execute said Agreement on behalf of the Board following approval of the assistant city attorney.

**Water Commissioners**

<b>Yeas</b>	Bykowski	<b>Nays</b>
	Lantry	
	Rossbach	
President	Anfang	

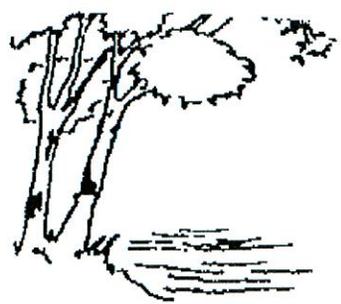
Adopted by the Board of Water Commissioners

March 13, 2012

*M. J. ...*  
SECY.

In favor 4      Opposed 0

9-2012-C-02



**CITY OF BIRCHWOOD VILLAGE**  
207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 tel  
651-426-7747 fax  
[birchwoodvillage@comcast.net](mailto:birchwoodvillage@comcast.net)

**MEMORANDUM**

DATE: February 4, 2013  
TO: Mayor and Council  
FROM: Dale Powers, City Coordinator  
RE: Frequency of Lift Station Maintenance

=====

At the January 8, 2013 Council meeting, staff was directed to consult with the League of Minnesota Cities Insurance Trust (LMCIT) to determine whether the City's current three times a week inspection of the City's 3 lift stations was required for the City to continue qualifying for reduced premiums under the LMCIT Sewer Incentive Program and to continue offering "no fault" coverage for sewer backups.

I consulted with Pat Mingee, LMCIT Underwriter, on this matter. Ms. Mingee informed me that, due to the existing SCADA alarm system currently in place on the City's lift stations, they need to be inspected once a week in order to continue qualifying for the incentive program.

I also contacted White Bear Lake City Engineer Mark Burch on this matter. Mr. Burch is hesitant to provide a lower level of service to Birchwood than is currently provided to White Bear Lake residents. Additionally, Mr. Burch said that any cost savings that may be realized through a lower frequency of inspections could easily be overrun by the residue of a problem that festered over the course of 7 days that could have been remedied or minimized by catching it within 2 or 3 days.

**Staff recommends tabling this matter until such time that a City Engineer is hired who can review the City's sanitary sewer collection system maintenance policy and provide comment and recommendations to the Council.**

**City of Birchwood Village, MN  
Sanitary Sewer Collection System  
Maintenance Policy**

**Summary of Policy**

This Maintenance Policy has been developed by the City of Birchwood Village to keep the sanitary sewer collection system operating efficiently. The second goal of the policy is to minimize the number of blockages and back-ups into residential properties. Procedures for maintaining the sanitary collection system will be based upon a priority-based system. The City has entered into an Agreement with White Bear Lakes Public Works to provide maintenance and inspection of the cities system.

**Rating of Sanitary Sewer Mains**

The maintenance program will be flexible and adapt as sections of sanitary sewer are identified that require additional attention. Sections of sanitary sewer will be moved into a higher or lower ranking depending on the number of blockages experienced and if improvements are made. A sanitary sewer map is attached that will be updated on a yearly basis to reflect changes in the rating of the sanitary sewer mains.

The sanitary sewer system was installed in Birchwood Village in the 1960's. However, the City has determined that capital improvement projects should be undertaken when infiltration, blockages, or cracks dictate the replacement of a main. Any rehabilitated line will be placed within the routine category for a period of five years unless documented blockages or back-ups are identified.

*Routine:* These sewers are cleaned every two years and have been rehabilitated within the past five years.

*Low:* These sewers are cleaned on an annual basis and inspected on an annual basis.

*Medium:* These sewers are cleaned on an annual basis and inspected on a semi-annual basis.

*High:* These sewers are cleaned on an annual basis and inspected quarterly.

**Inspection**

Inspection of the lines is completed by inserting an 8-inch proof basket into the line. If difficulty is encountered pulling the basket through the line then a root saw will be used to clean the line in order to provide an 8-inch opening the length of the main.

**Record Keeping**

All physical maps and field notes will be kept and filed for a period of five (5) years.

## **Lift Stations**

There are three lift stations in the City of Birchwood Village:

- Dellwood Lift Station – Rehabilitated in 2004
- Wildwood Lift Station – Rehabilitated in 2001
- Birch Street – Rehabilitated in 1997

The lift stations shall be inspected three times a week by White Bear Public Works Staff. Pump run hours are noted.

## **Emergency Response System**

The City of Birchwood Village has an agreement with White Bear Lake to provide 24 hour response to emergency situations. If a resident experiences a back up the voice mail message for City Hall directs them to call White Bear Lake. The City of Birchwood Village will provide White Bear Lake Public Works with forms to complete for each response to an emergency situation. These records will be filed for a period of five (5) years. The system will be reviewed to determine if any areas are experiencing an unusual number of back-ups.

## **Documentation**

The City of Birchwood Village will provide White Bear Public Works with forms that will be completed when maintenance or inspection activities occur. A hard copy will be kept for a period of five (5) years.

# City of Birchwood Village Planning Commission

February 5, 2013 Meeting Minutes

**Date:** February 6, 2013  
**From:** Samantha Crosby  
**To:** Planning Commission Members  
City of Birchwood Village City Council

**Commissioners present:** Len Pratt, Randy Felt, Doug Danks, John Winters

**Other Attendees:** Samantha Crosby, Staff Planner

Pratt called the Planning Commission meeting to order at 7:02 pm.

1. October 30, 2012 PC Meeting Minutes.

Winters moved approval of the minutes as written. Felt seconded the motion and the minutes were approved.

2. Case # 12-16-SB: Request by Terry O'Loughlin for a conditional use permit and seven variances in order to replace an existing retaining wall and stairs, and construct a second retaining wall and landings.

Crosby explained that the applicant had contacted her on Friday and requested that the item be postponed until March or April. She discussed the logistics of what that entailed with him. While it was possible, staff's preference at this point was to deny the request and then the applicant could re-apply with a new request when ready. Denial of the current request would stop the 60-day clock, simplify the public notice process, and secure an additional application fee, which would help buffer the costs of the additional notices and multiple plan reviews. Crosby then distributed a new resolution of denial which encompassed the applicant's entire request.

Winters asked the about the cause for the additional delay. Crosby said that O'Loughlin indicated that he was not completely satisfied with the most recently plan revisions, and she believed he may be thinking about engaging a landscape architect to help tweak the design.

Pratt agreed that wiping the slate clean was good idea.

Danks moved to recommend full denial, with the idea that the applicant is welcome to reapply in the near future. Winters seconded the motion, which passed unanimously (4-0).

3. Discussion Item: Definition of the word "Structure".

Crosby summarized her research: that the definition of the work structure is consistent with other agency uses and the dictionary definition – also it is used so frequently in the code that altering the definition would not be appropriate. Perhaps a more reasonable

approach would be to create a caveat that applies only to the 50-foot setback from the OHWL.

Danks pointed out that the OHWL is not the only setback area where this is an issue – the street side yard can also have structures which do not meet the setback requirements, such as mail boxes and flag poles.

The Commissioners discussed many possible criteria that could be used to group items intended for exemption together such as height, size, weight, whether or not they are permanently attached to the ground, and whether or not they provide shelter. Each criteria discussed was not quite right and it became apparent that there was no one magic “cover-all” attribute. Consequently, the Commissioners came to the conclusion that the items which are intended to be exempt should simply be listed as best as possible. The Commission crafted some draft language:

Exemptions: nominal structures such as small arbors, moveable yard furniture, moveable docks, storage boxes, dog houses, mail boxes, flagpoles, lawn ornaments and other similar items are exempt from setback regulations, but not including decks, platforms, paving stones, or shelters such as pergolas.

Knowing that lists such as these are never all-inclusive, Crosby proposed and the Commission agreed that if there was any future confusion about an item not listed, the staff planner would have the authority for interpretation due to the inclusion of “and other similar items”. If the staff's interpretation was not satisfactory to the resident making the inquiry, the question could always be brought to the Planning Commission for discussion free of charge.

The Commission finds that pursuing such a code revision is pertinent and encourages the Council to direct staff to initiate the formal amendment process.

#### 4. Other / Misc

Pratt noted Hankins departure. After many years of service to the City, his insight and contributions will be missed. Pratt reminded the Commission that once a fifth Commissioner is appointed, officer elections should be held.

Pratt suggested that once the new City Council has had some time to settle in, it might be nice if the Planning Commission and City Council held a joint workshop to discuss issues and ideas.

5. Winters moved adjournment. With a second by Felt and a unanimous vote, the meeting adjourned at 7:45 pm.

14B

**RESOLUTION 2013-06  
RESOLUTION DENYING A CONDITIONAL USE PERMIT  
AND VARIANCES FOR 27 BIRCHWOOD LANE  
WITHIN THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

**WHEREAS**, a proposal (12-16-SB) has been submitted by Terrance and Mary Kay O'Loughlin requesting the following CUP and variances from the City of Birchwood Village Zoning Code:

- A Conditional Use Permit for a land disturbance activity where the slope of the land is toward a lake and the alteration is closer to the lake than the structure setback requirement, per Code Section 301.070.1.a;
- A 50-foot variance from the 50-foot setback requirement for retaining walls, per 302.020.4.c in order to locate one retaining wall at the OHWL and a second wall approximately 11 feet back from that;
- A 20-foot variance to grade within 20 feet of the Ordinary High Water Level, per 302.055.2.a.4;
- A 2-foot variance from the 4-foot height limit, per 302.080.2.a, in order to construct two retaining walls of 6 feet in height;
- A 8-foot variance from the 4-foot height limit, per 302.080.2.a, in order to construct two retaining walls, one being 12 feet tall;
- A 4-inch variance from the 44-inch maximum width for stairways, per 302.080.2.a, in order to construct stairs which are 48 inches wide;
- A 28-square-foot variance from the 32-square foot maximum size for a landing, per 302.080.2.c, in order to construct a landing that is 60 square feet in size;
- A 48-square foot variance from the 32-square foot maximum size for a landing, per 302.080.2.c, in order to construct a landing that is 80 square feet in size
- A 52-square-foot variance from the 32-square foot maximum size for a landing, per 302.080.2.c, in order to construct a landing that is 84 square feet in size; and
- A 2.0% variance from the 25% impervious area limit to allow 32.17% lot cover – the site being grandfathered-in at 30.17% (per 302.050); and
- A 3-foot variance from the 10-foot side yard setback for the stairs, per 302.080.2.h

**At the following Site:**

ADDRESS: 27 Birchwood Lane

LEGAL DESCRIPTION: Lot 13, Birchwood, and all that part of Lot 12 Birchwood, lying between the westerly line of said Lot 12 extended to the shore of White Bear Lake

and a line drawn from the southwest corner of said Lot 12 to said lakeshore that intersects a line drawn easterly at right angles to said west line at a point 192.48 feet northerly from said southwest corner and which said point of intersection is 4 feet east of said westerly line, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, MN (PID #: 1903021330016); and

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on October 30, 2012 and on February 5, 2013; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed request upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village that the City denies the request based on the following findings:

1. The request is not the minimum variance necessary to alleviate the practical difficulty.
2. A reasonable design alternative exists which would stabilize the slope while having less of an impact on the neighboring properties and the view from the lake.
3. The conditional use permit and variances are not in harmony with the intent of the zoning code.
4. The conditional use permit and variances do not support the Comprehensive Plan.

I certify that the City of Birchwood Village adopted the above Resolution on this 12<sup>th</sup> day of February, 2013.

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

**ATTEST:**

\_\_\_\_\_  
Dale Powers, City Coordinator

### SCADA – Supervisor Control and Data Acquisition

SCADA systems use a combination of the radio frequencies (Licensed and un-licensed), cellular modems and long-range Wi-Fi to gather data from a large geographical area. A SCADA system does remote monitoring and *remote control*. Remote control is useful for opening valves, starting/stopping pumps.

Typical cost of a SCADA system for a lift-station ranges from \$10,000 - \$15,000 each. The White Bear Lake SCADA proposal is reasonable – but does not cover other alternatives for the lift station.

### Remote Monitoring (Data Acquisition)

The remote monitoring alternative is similar to SCADA in that it can use radios, cell modems and other network technology. The key difference is that it acquires data only – there is no control. It is used to monitor the lift stations (or other devices) and then alert the system operator when there are abnormal events. The typical cost for remote monitoring is \$3000 to \$5000 depending on the individual site and equipment.

Cell modems are typically used for remote monitoring – there is a design trade-off of the higher monthly cost for the cell modems vs. higher initial capital cost for a radio. Generally, a Professional Engineer will hire a telecommunication company such as Motorola to perform a study which adds up front costs. Small cities such as Birchwood tend to favor cell modems due to the lost capital costs – even though they require higher monthly usage bill.

### Birchwood Requirements for Lift-Station

Birchwood needs remote monitoring of the following conditions:

- High Level (existing)
- Power Fail (Existing)
- Data Fail (Existing)
- Pump Runtime – (New System) – This allows for pro-active maintenance.

The pump runtime measurement allows the service provider to schedule maintenance (Pro-Active) during the normal work day which means the lowest rates and lower replacement costs. Re-Active maintenance generally requires higher labor rates and higher replacement costs.

A PE may identify other points for the lift-station that “add-value” to keeping the equipment running in a reliable fashion.

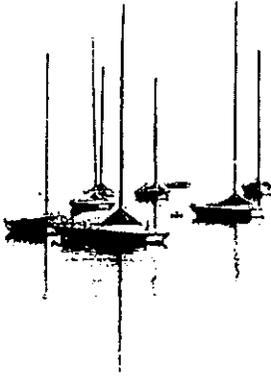
### Reporting Requirements

Modern SCADA system can provide automated reporting using low-cost tools such as Microsoft SQL Express. So it is reasonable to expect a monthly report showing any communication outages (when the RTU did not respond) or un-usual alarm conditions. This helps the council monitor the reliability of the overall system and make sure that things are maintained in a timely fashion. A monthly report from the service provider should be included in the proposal.

Some SCADA systems also provide Web-based interfaces and alarm notification so that the City can be kept informed automatically to the Lift Station conditions. This is something for the council to consider.

### **Summary**

White Bear Lake (WBL) should be contacted to see if their SCADA system provides a low-cost monitoring only alternative that is being proposed. If not available, then Birchwood should inquire to other service providers to determine if a remote monitoring solution is available that meets our requirements. This could reduce the up-front costs by \$30,000.



## City of White Bear Lake

4701 Highway 61 • White Bear Lake, Minnesota 55110  
TDD (651) 429-8511 • Fax (651) 429-8500  
• Phone (651) 429-8526

RECEIVED  
'JAN 02 2013  
BY: \_\_\_\_\_

December 20, 2012

Dale Powers, Clerk  
City of Birchwood Village  
207 Birchwood Village  
Birchwood, MN 55110-1610

RE: Supervisory Control and Data Acquisition (SCADA) system upgrade

Dear Dale:

The City of White Bear Lake is preparing to update its Supervisory Control and Data Acquisition (SCADA) system which monitors the sanitary sewer lift stations in White Bear Lake as well as the three stations in Birchwood. The existing system is outdated and becoming difficult and expensive to operate and maintain. We have enlisted the assistance of BARR Engineering to perform a preliminary analysis of our existing system and to provide a cost estimate for replacement. I have included a copy of BARR's draft report with this letter.

We are planning to meet with BARR engineers on January 15<sup>th</sup> at 9:30 am at our Public Works Conference Room to discuss the report and determine how to proceed with the project. We are currently thinking this SCADA system upgrade will be constructed in 2014. Please plan to attend our meeting with BARR to discuss the SCADA system upgrade.

If you need additional information as we proceed with this project, please let me know.

Sincerely,

Mark L. Burch, P.E.  
Director of Public Works/City Engineer

**Engineering Study of the Supervisory Control  
and Data Acquisition (SCADA) System for the  
City of White Bear Lake, Minnesota**

*Prepared for  
Department of Public Works  
White Bear Lake, Minnesota*

*October 2012*



4700 West 77<sup>th</sup> Street  
Minneapolis, MN 55435-4803  
Phone: (952) 832-2600  
Fax: (952) 832-2601

*Mark Zimmer  
952-832-2973*

## **Certification**

(Registered Engineer's certification will be included in the final version of this report)

# Engineering Study of the Supervisory Control and Data Acquisition System (SCADA) – City of White Bear Lake, Minnesota

October 2012

## Table of Contents

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- Appendix B Proposed Insertion Type Flowmeter – Product Data Sheet

## 1. INTRODUCTION

The City of White Bear Lake's existing supervisory control and data acquisition (SCADA) system has been in place for a significant period of time, and consequently the City is experiencing difficulty both in maintenance of the system and its current capabilities to meet the City's needs. System hardware components are generally proprietary items which are no longer being manufactured, and consequently it is becoming more difficult to obtain replacement parts. Also, the current system SCADA software package is limited to 1,000 tags of display data, which is being operated at capacity with no room for expansion. To upgrade to the next level of capability with the existing vendor's proprietary program is at a greater cost than is prudent considering the system's current problems. In addition some of the radio links to remote sites are experiencing communication failures, and again a remedy seems elusive with current radio hardware.

The system originates at the water treatment plant, where the RTU master is located as well as the SCADA system head-end (main computer). From there it communicates via radio telemetry (licensed frequency of 173.31250 MHz) to the remote sites. The remote sites consist of two wells, two reservoirs, 13 sanitary lift stations, a potentially added lift station at the beach house, and three more sanitary lift stations served for the City of Birchwood. The lift stations pump wastewater to the Metropolitan Council, thus the City does not have a wastewater treatment plant.

The purpose of this report is to look at the feasibility of replacing the entire system SCADA and remote telemetry system. Barr has made observations of the system in the field to see what should be replaced, and how a new system could be implemented with existing plant and remote station controls which can remain in place (i.e. – motor starters, VFD's, level transducers, and the like). The goal is to do so as efficiently as possible, and with an eye toward staged implementation if the overall cost turns out to be too great for implementation all at once. In the following report, we outline our findings in the field, make analysis and recommendations concerning new SCADA system implementation, and provide opinions of probable implementation costs.

## 2. EXISTING CONDITIONS

Barr visited all the sites outlined above in the Introduction; all the wastewater remote sites were visited on September 25, 2012, and the water treatment plant (WTP) and wells on October 2, 2012. City staff were present to assist the observations and describe the systems; Chris Weddell for the wastewater side, and Marty Wippler for the water side. The site visits were intended for Barr (Mark Ziemer) to gain a basic understanding of the systems, the existing hardware present and how new SCADA equipment could interface with existing equipment.

### Water Treatment System:

We will begin with the WTP since it is the master location for the system. This plant was built circa 1965 according to the original design drawings. Raw water is generally pumped from two of the four available wells, namely, Well Nos. 3 and 4. Well Nos. 1 and 2 are mainly used as backup and can be pumped directly into the system, bypassing the water plant if necessary due to infrequent situations such as utility power failure. The raw water enters the accelerator, in which lime slurry is added to combine and precipitate out certain minerals. The precipitated minerals form a sludge at the bottom of the accelerator which is periodically flushed out. Then the water enters the recarbonation chamber where carbon dioxide is added to re-balance the pH of the water. From there the water proceeds to the filtration system with four filtration chambers. It is then piped into the clearwell at which time chlorine and fluoride are added. From the clearwell it is pumped into the distribution system, and hence to the reservoirs by one or more of the three booster pumps located just north of the clearwell.

Throughout the water treatment process there are currently approximately 70 points of data gathered and fed into the plant control system. They consist of either digital points (e.g. – pump on/off, or valve open/closed) or analog points (e.g. – continuous flow value or continuous pH level). These points are fed into the computerized control system for various functions, such as a control decision (e.g. – start a well for delivery of water to the system via an output point), an alarm decision (e.g. – clearwell high water level – shut down wells and send an alarm), or historical data gathering and recording (e.g. - well drawdown level).

Currently, the plant's input/output (I/O) wiring is connected to a Healy-Ruff "V-PAC" programmable logic controller (PLC). This PLC is also connected to the master radio, which receives and transmits data via radio links to the remote sites such as wells, reservoirs, and lift stations. The radios are actually voice radios which must be linked to the system via separate modems. The PLC is a specialized computer which receives data, performs calculations, makes decisions such as when pumps should run, and is essentially the "brain" of the system.

The PLC in turn communicates data to the SCADA system computer terminal, which is simply an IBM-compatible desktop computer. This serves as the human interface to the PLC and by extension, the water treatment system. The SCADA software receives the data from the PLC and displays it in graphical form for use by the plant operator. It allows for changing of setpoints, activating or deactivating of automatic control of portions of the system, and to record data from the daily operation of the system for future access and display. The current SCADA system software is proprietary software by Healy-Ruff. It is being used to its full capability, and has no additional capacity for expansion. For instance, only three (3) points of alarm data per lift station is being received and displayed by the SCADA system.

Wastewater System:

The wastewater system generally consists of 13 lift stations in the City of White Bear Lake, as well as three lift stations for the City of Birchwood. They all report their status back to the WTP master station via radio telemetry. There is also a lift station at the beach house on the northwest shore of White Bear Lake itself which currently does not report back to the master (this may be added as part of the proposed project). The types of motor control panels vary greatly. Many of the lift stations have motor control panels built by Healy-Ruff. However, some are by Gorman Rupp, one by US Filter, and some of unknown manufacture. Some consist of outdoor pad-mounted panels, some indoor above grade building panels, and some below grade dry-well panels. However, all have remote telemetry units (RTU) made by Healy-Ruff in order to be compatible with the Healy-Ruff master at the WTP.

This is a listing of each lift station, and the type and panel manufacturer if known:

Station

No. / Name:      Type:

2 9 <sup>th</sup> & Johnson	Healy Ruff exterior pad mounted control panel (circa 2004) interfaced with Gorman Rupp controls and VFDs located in sub-grade drywell. RTU components mounted internal to control panel.
3 Birch & Otter	Healy Ruff exterior pad mounted control panel (cca 2010), RTU components mounted internal to control panel.
7 South Shore	Gorman Rupp lift station and control panel. Separate RTU enclosure mounted nearby on wood pole.
8 W.B. & C.R. E	Healy Ruff exterior pad mounted control panel (cca 2010), RTU components mounted internal to control panel.
13 "School"	Pole-mounted exterior control panel of unknown mfr and vintage. Separate RTU enclosure mounted on backside of control panel enclosure.
14 Whitaker	Large control panel inside building, apparently custom built by Weber Electric (local elec contractor, cca 2001). Separate RTU enclosure wall mounted adjacent.
15 Bridge	Healy Ruff / Flygt "Multitrode" exterior pad mounted control panel (cca 1995). Separate RTU enclosure.
16 Manitou Isl.	Healy Ruff / Flygt "Multitrode" exterior pad mounted control panel (cca 2006), very similar to #15. Separate RTU enclosure mounted on adjacent wood pole.
17 Amblers	Pole-mounted exterior control panel of unknown mfr and vintage. Separate RTU enclosure mounted adjacent. Antenna is currently mounted in adjacent tree.
18 Manitou Isl.	Pole-mounted exterior control panel of unknown mfr and vintage. Separate RTU enclosure mounted adjacent. Antenna is currently mounted in adjacent tree.
19 Pacific Ave	Gorman Rupp control panel inside building. Separate RTU enclosure wall mounted adjacent.

?	Storm Water Lift	Pole-mounted exterior control panel of unknown mfr and vintage. Separate RTU enclosure mounted on back side of control panel.
?	Ice Arena Lift	Pole-mounted exterior control panel of unknown mfr and vintage. Separate RTU enclosure mounted on back side of control panel.
?	Beach Lift	Wall mounted control panel of unknown mfr and vintage wall mounted inside building. Currently no RTU is present.
3 Birchwood	Birchwood No. 1	US Filter exterior pad mounted control panel (cca 1997). Separate RTU enclosure mounted to side of control panel.
	Birchwood No. 2	Gorman Rupp control panel inside sub-grade drywell. Separate RTU enclosure mounted to adjacent wood pole.
	Birchwood No. 3	Gorman Rupp control panel inside large sub-grade drywell. Separate RTU enclosure mounted to adjacent wood pole.

The main components that make up the RTU, whether mounted in a separate enclosure or not, are a radio transceiver, a modem which translates the digital data for transmission since the radio is a voice application radio, and Healy Ruff PLCs for registering and processing digital I/O. There is also a 120V to 24V transformer to transform AC power down to usable voltage, as well as DC power supply and battery backup. All the components are either manufactured or sourced by Healy Ruff, mostly obsolete, and thus difficult to obtain replacements.

It is also noteworthy that the existing PLCs are digital-only units. Therefore analog values such as wetwell level cannot be communicated; only digital level as available by float switches. This is true even if the associated lift station control panel has analog capability via submersible pressure transducer for instance. Nor is there any capability of changing control setpoints from the master station (e.g. -- "pump on" or "pumps off" level).

Presently, there are only three (3) digital data parameters being communicated from each lift station, due to the processing limitations of the existing SCADA software package. They are: "high level", "power fail", and "data fail".

### 3. ANALYSIS

The present telemetry and SCADA system as described above is now obsolete technology though considered state of the art at one point considering the age of White Bear Lake's process systems. Today there are readily available well supported hardware and software products available from reputable companies which can be utilized to provide a superior alternative. These products are generally supplied and assembled into a complete SCADA system by "systems integration" (SI) companies, and there are multiple such SI companies in the metro area. These SI's have local shops in which component parts are assembled into control panels and also do the programming to make the systems operate. The componentry is specified to consist of commonly available major manufacturers who are fully committed to supporting their products. An example is Allen Bradley PLC's, which have essentially become a de-facto standard PLC provider for a majority of control systems, both municipal and industrial. We see them supplied on almost every system we design and specify, and have seen very little trouble with them over the years.

In years past, as technology was progressing beyond simple relay-based controls and analog phone line based communications, it was common to see proprietary micro-processor based devices start to gain market share in the world of SCADA systems. The disadvantage, of course, is that once committed to the particular proprietary system, then a customer was locked into that vendor or provider for the life of the system for expansion or component replacement.

The advantage of the delivery method we describe above, in which competing SI companies bid a set of construction documents for SCADA system replacement, is that the best price can be obtained up front. If after several years of operating the system the City wishes to expand or modify it, you are not locked into the company who originally installed the system. Other SI companies would be capable of modifying or expanding the system accordingly. Companies should be qualified on the basis of being accredited to provide listing of panels to applicable UL standards (508 and 698A), be within a 60 mile radius of White Bear Lake in order to offer 24 hour, 365 day per year service to support the system.

Capabilities of SCADA systems commonly specified today go well beyond what White Bear Lake currently has in place. A new system can increase efficiency and productivity for White Bear Lake Public Works. Currently there is no control functionality from the system master at the WTP to control setpoints at the lift stations. A new system, with accompanying new radios, would have more than enough capability to enable a dozen digital points of status and alarm data from the particular station to the master (compared with only three per station today). Additionally, analog data could be communicated for those lift stations equipped with analog level measurement devices such as a submersible pressure transducers. It would have the additional capability (if so equipped) to allow the plant operator to adjust password-protected settings such as pump start-stop levels, and high or low alarm setpoints.

An important parameter that appears to be presently missing from the remote sites is door or hatch security. By means of magnetic contacts, door or hatch position can be monitored by the RTU. If unauthorized entry takes place, the RTU transmits an alarm to the master at the WTP. Common ways to "silence" the alarm before being transmitted is either by "pre-silence" command from the master, or a simple pushbutton in an un-observable location which can be pushed before a short "time-out" period expires after the door is opened.

At the WTP, more control capability could be provided than is presently possible due to limitations in terms of data processing capacity of the existing SCADA software. An example is backwash of the filters could be automated, and automatic initiation of backwash could be constrained to start within a timeframe, such as between 7 AM to noon while plant personnel are present during the automatically initiated backwash. A semi-automatic backwash, in which the operator is prompted to enable the next step of backwash, could be programmed. Fully manual backwash sequence, (the SCADA system simply alerts the operator that a backwash should take place) may also be provided.

A new system can also store data in a database to produce trend graphs for as many parameters as the system monitors. Examples include filter influent and effluent flow, well run time, well drawdown, water chemical characteristics such as pH, clearwell level, and the like. The database may also be utilized to assist in monthly reporting to regulatory agencies.

#### 4. RECOMMENDATIONS

The existing SCADA system for the City of White Bear Lake is at the end of its useful life due to the difficulty in obtaining replacement parts for the system. In addition, the existing SCADA (supervisory control and data acquisition) computer software is being utilized to capacity, but the level of helpful information being processed is just barely adequate for a system the size of White Bear Lake's. It should be replaced with new hardware and software as outlined below. The implementation of the new system components can be phased in as necessary for timing and budgeting purposes, such that new system components operate beside the existing components for an interim period of time.

Design documents for the new system would need to be produced, and then bid out to pre-approved local systems integrator (SI) companies to obtain competitive bids for advantageous pricing. The bid form could utilize unit pricing for the remote telemetry units (RTUs) at the lift stations, wells, and reservoirs. This would enable implementing the remote stations in stages

Barr recommends that the existing WTP control panel be replaced with a new Allen Bradley PLC-based control panel which has expandable input-output (I/O) capability. This PLC can interface with existing instrumentation in the plant, such as flowmeters, pH meter, etc. This control panel would also contain a new master radio for communication to the RTUs. The new radios would be data-radios, and thus no interposing modem would be required to translate data into analog for transmission by a voice radio.

As mentioned above, it will be necessary to phase in the new system while the existing system operates the plant, until such time as plant control can be "cut over" to the new system. The south wall in the control room offers an opportunity to locate the new control panel in front of the existing flush-mounted original control panel (when the plant itself was built). This would enable already existing wiring conduits and chases to remain utilized to bring wiring into the new control panel. The existing active control panel could remain in operation on the adjacent east wall until such time as the new control panel is ready to take over.

A new flowmeter is budgeted in the opinion of probable cost for measuring filter effluent flow. Currently there is no means to measure the finished water flow, and this meter could be added in the pipe gallery for that purpose. The budgeted meter is an "insertion type" (McCrometer "FPI Mag"), enabling installation without removing an existing section of pipe. Rather, it can be inserted through a threaded tap in the existing piping. Its accuracy is +/- 0.5%, equivalent to other common meter types.

For the RTUs at the lift stations, wells, and reservoirs, budgeting in the estimate reflects basic design which can be modified as necessary to fit the particular location. The basic difference between the RTUs for lift stations is that many are housed in exterior-rated enclosures which are mounted adjacent to or behind the existing lift station control panel (some are indoors, however). The well and reservoir RTUs can utilize indoor enclosures since they can be mounted inside buildings. Some of the existing lift station control panels may have enough room inside to mount the RTU components within, but this will not be known definitively until an SI company is able to verify this according to the UL space requirements which they will be responsible to meet.

With the approach described above, the City of White Bear Lake may implement a new water and wastewater SCADA system to remedy the challenges posed by the existing system. Namely these are

difficulty in getting replacement parts to keep the system operational, as well as the limited amount of information being processed by the system. The improvements can be phased in with a staged approach for maintaining operation of the system, and to enable funding through more than one budget cycle if necessary. The new system will have the benefits of offering reliable operation and increasing staff productivity.







CONCEPTUAL COST ESTIMATE						
White Bear Lake, MN						
SCADA System Upgrade Project						
BARR PROJECT: 23/82-1060						
DATE: 10/23/2012		PROBABLE COST SUMMARY				
<b>SYSTEM:</b>						
Water Treatment Plant:						\$250,507
Lift Stations:						\$193,780
Wells and Reservoirs:						\$43,755
Subtotal:						\$488,042
Engineering Design Fees(10%)						\$48,804
<b>TOTAL ANTICIPATED SYSTEM COST:</b>						<b>\$536,846</b>

Note that the anticipated construction costs are based on preliminary information, and no design work has taken place. Thus recommended contingencies have been applied.

Barr cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from the opinion of probable cost prepared by Barr.

Design Engineering --  
 Const Engineering --  
 Maint Program for new systems --  
 Schedule --  
 Birchwood participation - letter to Dale Powers  
 mtg w/ BARR - Mark Ziemer

**Appendix B**

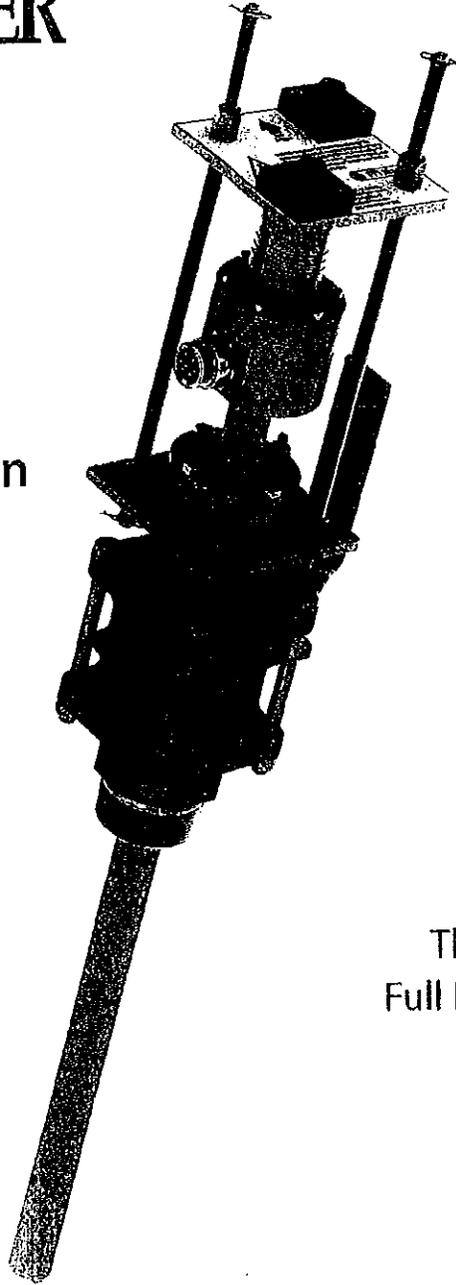
***Proposed Insertion Water Meter***



**McCROMETER**

**FPI Mag™**

**Full Profile Insertion  
Flow Meter**



The Only Hot Tap  
Full Profile Insertion  
Mag Meter

High Performance • Easy to Install



# Unbeatable Value in Cost of Installation and Ownership

Ideal for Capital or Maintenance Projects,  
Retrofits and Sites Never Before Metered

## MUNICIPAL WATER AND WASTEWATER

The FPI Mag Full Profile Insertion mag meter supports the following water and wastewater treatment applications:

### Water

- Distribution
- Effluent
- Pumping Stations
- UV Dosing
- Filter Balancing and Backwash
- Wells & Booster Stations

### Wastewater

- Effluent
- Recycle / Reclaim

The FPI Mag is ideal for chilled water in campus style facilities, hospitals, airports, hotels, casinos, etc.

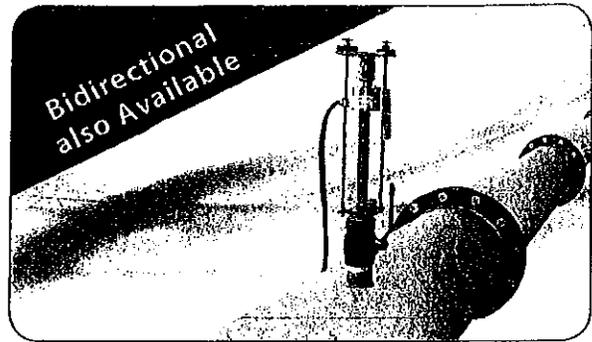


## INDUSTRIAL FACILITIES

The FPI Mag is also suitable for a variety of industrial facilities: power plants (including cogeneration), paper mills, chemical & petrochemical plants, metals & mining, and food & beverage.

### Applications Include:

- Cooling Water
- Fire Water
- Feed Water
- Raw Water
- Inlet to Surge Basin
- Effluent Wastewater



## Simple Installation

The insertion design of the FPI Mag allows for easy installation across a wide range of applications and pipe sizes. Hot Tap installation allows you to insert the meter without interrupting service, de-watering lines, cutting pipe or welding flanges.

## Lower Costs

Customers save 45%+ on installation and the total cost of ownership. The FPI Mag eliminates the need for heavy equipment and manpower necessary to support installation.

## Unmatched Accuracy

The FPI Mag's multi-electrode design and unique operating principle delivers accuracy unmatched by other insertion meters and rivals the performance of full-bore mag meters.

## Robust Construction

With no moving parts, there is nothing to wear or break. The sensor body is made from heavy-duty 316 stainless steel for maximum structural integrity. The sensor body is hermetically sealed and protected by NSF certified 3M fusion-bonded epoxy coating.

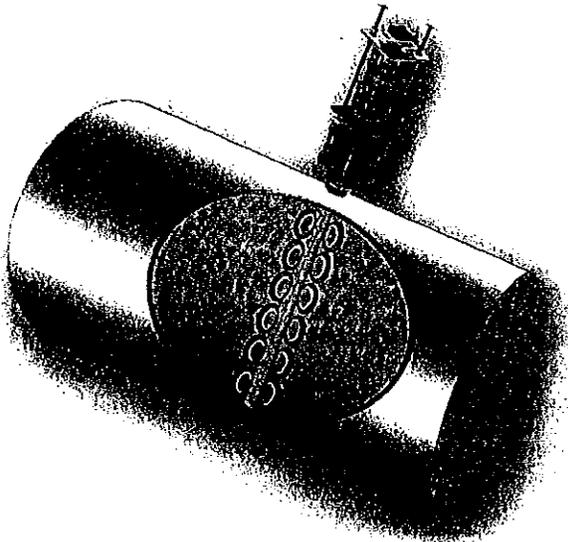
## Versatile

The FPI Mag is ideal for capital or maintenance projects, retrofits and sites never before metered. The unique combination of accuracy, ease of installation and total cost savings make the FPI Mag the perfect choice for a wide range of Municipal and Industrial applications.



- Simple Installation
- Lower Costs
- Unmatched Accuracy

### Principle of Operation



The FPI Mag operates based on Faraday's Law of Electromagnetic Induction: When water (a conductor) moves through a magnetic field, it produces a voltage that is directly proportional to the velocity of the conductor.

### How it Works ...

- Electromagnetic coils installed inside the entire length of the sensor produce magnetic fields
- Stainless steel electrode pairs installed on the outside of the entire sensor length collect the induced voltage caused by the flowing water

The total voltage signal is then transmitted to the converter electronics where it is converted to an average flow velocity.

The converter then multiplies this average flow velocity by the pipe's cross-sectional area to create a volumetric flow rate.

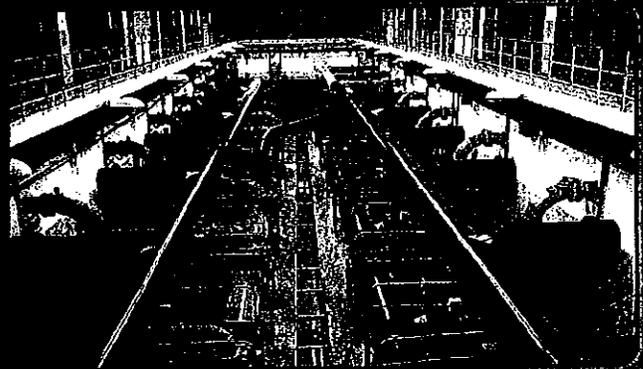
## Rivals the Performance of a Full-Bore Mag!

Multi-Electrode design delivers accurate full profile measurement with repeatable results

### PERFORMANCE SPECIFICATIONS

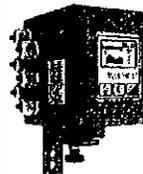
- Range:** Nominal pipe size availability
- Accuracy:** Up to  $\pm 0.5\%$  from 1 ft/s to 32 ft/s (0.3 m/s to 10 m/s) Up to  $\pm 1\%$  from 0.3 ft/s to 1 ft/s (0.2 m/s to 0.3 m/s)
- Linearity:** 0.3% of range
- Pipe Sizes:** 4" - 138" (100 mm to 3,500 mm)
- Materials:** 316 Stainless Steel Sensor Body, Insertion Hardware and Sensor Electrodes  
NSF Certified 3M Fusion-Bonded Epoxy Coating

To learn more and see a demonstration, go to:  
[www.mccrometer.com/fpimag](http://www.mccrometer.com/fpimag)



### M-SERIES CONVERTER

The FPI Mag utilizes our pre-programmed M-Series Converter\*:



- Curve-fitting algorithm to improve accuracy
- Dual 4-20 mA analog outputs
- RS485 port for easy connection to DCS
- 8 line graphical LCD display
- 3 key touch programming
- Rugged enclosure meets IP67

\*See data sheet for complete specs and order information

# The McCrometer Value Difference



For over 55 years, McCrometer has demonstrated an unyielding commitment to integrity which is reflected in our stringent flow meter calibration processes. Each flow meter is individually wet calibrated in one of our two world-class NIST traceable calibration facilities and delivered with a Certificate of Calibration.



Our Hemet, California factory boasts a robust Calibration Test Lab that enables production of the most accurate and precise flow instrumentation. The test facility utilizes three gravimetric systems and two volumetric systems providing accuracy and calibration tests of flow meters from 1/2 to 20-inch diameter, with flow rates up to 4,000 gpm.



Our large volume test facility is located in Porterville, California. This facility is one of the world's largest volumetric test facilities owned by a meter manufacturer, and it offers accuracy and calibration tests of flow meters from 3 to 72-inch diameter, with flow rates up to 60,000 gpm.

View the Demo:



# McCROMETER

[www.mccrometer.com](http://www.mccrometer.com)

3255 West Stetson Avenue, Hemet, California 92545 USA  
Phone 800-220-2279 | 951-652-6811 | Fax 951-652-3078

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U.S. Patent 8,136,410. Foreign Patents Pending.

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Represented by:



16

**To:** William Hullsiek

**Subject:** Re: Agenda Item for February 12 - City Engineer Selection process

10-4; I still believe there is a value to soliciting proposals. Three years is a long time. In addition, the firms mentioned are larger and would most likely send inexperienced staff with freshly minted PE's to act as the City's engineer. With the economy the way it has been since then, many smaller engineering firms may have opened shop with experienced PEs that may have the capability to providing the same level of service as Elfering and Associates.

Something to consider.

#### CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP  
City Coordinator  
207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 tel  
651-426-7747 fax

*"Leadership must be based on goodwill. Goodwill does not mean posturing and, least of all, pandering to the mob. It means obvious and wholehearted commitment to helping followers. We are tired of leaders we fear, tired of leaders we love, and tired of leaders who let us take liberties with them. What we need for leaders are men (and women) of the heart who are so helpful that they, in effect, do away with the need of their jobs. But leaders like that are never out of a job, never out of followers. Strange at it sounds, great leaders gain authority by giving it away." - Admiral James B. Stockdale*

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**From:** "William Hullsiek" <[william.hullsiek@comcast.net](mailto:william.hullsiek@comcast.net)>  
**To:** [bwclerk@comcast.net](mailto:bwclerk@comcast.net)  
**Sent:** Tuesday, January 29, 2013 8:24:34 PM  
**Subject:** Agenda Item for February 12 - City Engineer Selection process

Dale,

Here is the results of the RFP evaluation for the City Engineering which was completed in June 2010. I see no need to repeat the RFP process.

Do you have copies of the responses to the RFP?

If possible, I would like to pick up a copy of the responses on the night of the City Council meeting.

I am breaking the response into two categories:

Engineering firms

- LHB
- Bolton

Cities with Engineering staff / shared Service model

- Maplewood
- WBL

My proposed work plan is to:

1. Review the proposals
2. Prepare a letter of 1 page requesting any additional updates to their original response (including cost).
3. Schedule a workshop or time for the council to interview the final firms and update the final rank.

The Agenda item would be to have a brief discussion on this approach to select a new city engineer and determine if we expand the final selection to more than the four choices listed above. The goal here is to gain consensus on the work-plan and determine if a workshop is needed or if this should be part of the normal city business.

- Bill Hullsiek -

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**From:** [bwclerk@comcast.net](mailto:bwclerk@comcast.net) [<mailto:bwclerk@comcast.net>]

**Sent:** Tuesday, January 29, 2013 8:18 AM

**To:** [william.hullsiek@comcast.net](mailto:william.hullsiek@comcast.net); [mary.wingfield@juno.com](mailto:mary.wingfield@juno.com); [kevinshouse@access4less.net](mailto:kevinshouse@access4less.net); [lafybw@gmail.com](mailto:lafybw@gmail.com); [gregdonovan@comcast.net](mailto:gregdonovan@comcast.net)

**Subject:** Agenda Items for February 12

As a reminder, please have any agenda items and supporting documentation to me before the close of business on Tuesday, February 5. Items submitted after that date may or may not be included in the packet.

I have yet to receive any spreadsheet pertaining to rating of engineering firms from any of you.

#### CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP  
City Coordinator  
207 Birchwood Avenue  
Birchwood Village, MN 55110  
651-426-3403 tel  
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*"Leadership must be based on goodwill. Goodwill does not mean posturing and, least of all, pandering to the mob. It means obvious and wholehearted commitment to helping followers. We are tired of leaders we fear, tired of leaders we love, and tired of leaders who let us take liberties with them. What we need for leaders are men (and women) of the heart who are so helpful that they, in effect, do away with the need of their jobs. But leaders like that are never out of a job, never out of followers. Strange at it sounds, great leaders gain authority by giving it away." - Admiral James B. Stockdale*

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City of Birchwood  
 Engineering RFP Chronology

What	When
Proposed options to address engineering concerns	January 30, 2009
Meeting w/WBL to discuss engineering contract	February 2, 2009
Reviewed engineering RFP	February 16, 2009
RFP's solicited	~ February 18, 2009
RFP deadline	March 7, 2009
Presented evaluation process to council	April 14, 2009
Sent scoring worksheet to council	April 18, 2009
Received final input on weights to be given to RFP criteria	May 13, 2009
Mary, Jane and Clint to start evaluation	May 14, 2009
Barb replaces Jane as evaluator	October 16, 2009
Nino added as evaluator	May 4, 2010
Received ranking from Barb & Nino x - Bolton	June 5, 2010
Received Bolton from Barb & Nino	June 25, 2010
Final Ranking Completed	June 29, 2010

Wednesday, July 07, 2010

To: Birchwood City Council

RE: Engineering RFP Process Update

Last May 2009 the City started the process of evaluating Engineering firms to serve as City Engineer. This was deemed appropriate to assess current market conditions, engineering needs and ability to deliver services. The Council decided that the following criteria and weights were appropriate in that endeavor:

Attribute Assigned	RFP Section	What the city is looking for.	Avg Importance
Stability	General Information	Location, history, size, number of engineers and other key support staff.	4.4
Quality	Principal Personnel	Skills and abilities, licenses and designations, professional affiliations, and knowledge pertinent to provide municipal engineering services.	8.6
	Key Support Staff	Areas of expertise and the specific services they will provide.	7.4
Character	Conflict of Interest	Any potential conflict of interest the firm may have providing the services contemplated by this RFP.	4.6
	References	Self explanatory.	6.4
Experience	Related Experience	Other municipalities the firm has provided services for.	8.4
Cost	Other	Efficiencies that could be offered.	8.0
	Bid	Cost	8.0

The evaluators were asked to review and rank each proposal submitted in each of the above categories listed. The top 3 finishers would then be selected for interviews. The evaluators were Nino Nardecchia & Barb Carlson (jointly), Mary Wingfield and myself. Points were awarded based on the following scale:

RFP Section	What the city is looking for.	Scale	Points Awarded
Conflict of Interest	Any potential conflict of interest the firm may have providing the services contemplated by this RFP.	Major	0
		Minor	1
		Remote	3
		None	9
All other categories	Various	Weak	0
		Average	1
		Above Average	3
		Strong	9

The consolidated results of the rankings of the top 3 proposals are as follows:

	Total Points
LHB	1121.4
Bolton	781.4
Emmons	771.4

Other Considerations:

- With the passage of time critical aspects of the proposal may have changed. Mayor Wingfield has confirmed that these have not changed.
- The process was designed for a consensus meeting prior to finalizing the candidates. This was not done. What is presented here are the raw rankings from each of the 3 respondents.
- Continuity is a factor that can affect the bid costs. This was not part of the criteria.

I will be in attendance at the meeting to answer questions.

Respectfully submitted,

Clint Dixon

	Stability General Information	Quality		Character		Experience		Cost		Total
		Principal Personnel	Key Support Staff	Conflict of Interest	References	Related Experience	Other	Bid		
AECOM	44.0	163.4	96.2	69.0	44.8	58.8	32.0	8.0	516.2	
Bolton	92.4	180.6	66.6	96.6	83.2	126.0	104.0	32.0	781.4	
Elfering	8.8	94.6	22.2	96.6	96.0	42.0	32.0	48.0	440.2	
Emmons	92.4	180.6	199.8	69.0	38.4	151.2	24.0	16.0	771.4	
Hakanson	118.8	111.8	111.0	96.6	25.6	100.8	88.0	48.0	700.6	
LHB	118.8	232.2	199.8	96.6	121.6	176.4	32.0	144.0	1121.4	
Maplewood	52.8	94.6	96.2	69.0	64.0	75.6	120.0	96.0	668.2	
MFRA	83.6	129.0	111.0	69.0	83.2	109.2	48.0	48.0	681.0	
Midwest	8.8	94.6	66.6	69.0	25.6	8.4	24.0	16.0	313.0	
MSA	79.2	94.6	66.6	96.6	70.4	42.0	120.0	8.0	577.4	
Thatcher	44.0	111.8	111.0	96.6	83.2	109.2	48.0	144.0	747.8	
WBL	26.4	111.8	81.4	59.8	0.0	8.4	104.0	96.0	487.8	
WSB	79.2	94.6	96.2	46.0	134.4	176.4	32.0	16.0	674.8	
Total	849.2	1694.2	1324.6	1030.4	870.4	1184.4	808.0	720.0	8481.2	
Avg	65.3	130.3	101.9	79.3	67.0	91.1	62.2	55.4	652.4	

	Final Ranking			Total
	Barb & Nino	Mary	Clint	
LHB	430.2	426.6	264.6	1121.4
Bolton	179.0	366.2	236.2	781.4
Emmons	181.4	300.2	289.8	771.4
Thatcher	205.8	426.6	115.4	747.8
Hakanson	161.0	388.2	151.4	700.6
MFRA	145.4	378.6	157.0	681.0
WSB	187.0	329.4	158.4	674.8
Maplewood	105.4	474.6	88.2	668.2
MSA	88.8	343.4	145.2	577.4
AECOM	153.8	178.2	184.2	516.2
WBL	145.8	257.8	84.2	487.8
Elfering	109.0	217.0	114.2	440.2
Midwest	64.4	221.8	26.8	313.0

**CITY OF  
BIRCHWOOD VILLAGE**

**REQUEST FOR PROPOSALS**

**FOR**

**PROSECUTION SERVICES**

**February 2013**

**207 Birchwood Avenue  
Birchwood Village, MN 55110**

**[birchwoodvillage@comcast.net](mailto:birchwoodvillage@comcast.net)**

## REQUEST FOR PROPOSALS/PROSECUTION

The City of Birchwood Village is requesting proposals from experienced law firms for municipal prosecution services provided to the City. The firm requesting consideration should be aware that experience in the area of municipal law is a requirement for consideration. The applicant shall have sufficient resources to ensure that all of the demands of the City's legal needs will be met on a timely basis.

In order to ensure a fair review and selection process, firms submitting proposals are specifically requested not to make contacts to the City staff or Council members regarding these proposals.

Questions or comments should be directed to the City Clerk, Dale Powers at 651-426-3403 or [bwclerk@comcast.net](mailto:bwclerk@comcast.net)

The City Council will review all applicants and the finalists will be notified. The term of appointment will be subject to ongoing review and evaluation by the City Council.

### INSTRUCTIONS TO PROPOSERS

A. All law firms responding to this request shall submit a proposal to provide criminal legal services.

B. Six copies of the proposal should be submitted to the City. Proposals must be received **no later than 4:00 pm March 5, 2013**. Proposals shall be labeled: "Birchwood Village Prosecutor Proposal." The envelope shall be mailed to:

Dale Powers, City Clerk  
City of Birchwood Village  
207 Birchwood Avenue  
Birchwood, MN 55110

C. Proposals submitted must provide complete information as indicated in this request.

### REQUIRED CONTENTS FOR PROPOSALS

A. Firm background

1. Brief history

a. The general qualifications of the firm/attorney to perform municipal prosecution services

b. Knowledge of the following: criminal law, traffic and city code violations

2. Office location(s)

B. Attorney Qualifications

1. Identify each attorney and support personnel who will be supplying services for which the City will be billed.

a. The name, experience, and qualifications of the person who will be

## REQUEST FOR PROPOSALS/PROSECUTION

responsible for fulfilling the obligations as City Prosecutor.

- b. The qualifications and resumes of other professional staff that will be responsible for providing legal services.
2. For each person identified, please state:
    - a. Relevant academic training and degrees
    - b. A description of their prior municipal prosecution experience

### C. Firm Qualifications

1. The names and telephone numbers of three client references that the City may contact. Municipal references are preferred.
2. List and describe any previous or current experience in municipal legal services, specify activities performed, and the name of the person who may be contacted at the municipality.
3. Identify the firm's level of malpractice insurance.

### D. Fees

1. Provide a detailed description and explanation of all fees and/or charges that may arise for legal services.
2. Identify the minimum increment of time billed for each service, e.g. phone calls, correspondence, personal conference. Also state separately the rate for any firm cost items to be billed such as photocopying, researching the law, etc...
3. The City requests monthly billing statements which:
  - a. Itemize the date of services.
  - b. Identify the attorney and/or support personnel providing the services.
  - c. Lists time spent.
  - d. Provides a description of the services performed.
  - e. States the fees for those services.

## GENERAL MUNICIPAL PROSECUTION SERVICES DESCRIPTION

Representation of the City in matters related to the prosecution of criminal, traffic and city code violations

## PROPOSAL EVALUATION AND APPOINTMENT

- A. The City intends to retain the legal services of the proposer evaluated to be the best qualified to perform the work for the City, cost and other factors considered.
- B. Based upon the evaluation, the City Council will review and pick up to three finalists who are judged to be the most responsive and responsible proposer for each service requested. Oral interviews will be conducted by the Council. The top proposer will be chosen by the City Council for final approval.
- C. The City will not reimburse the proposer for any expenses incurred by the proposer including, but not limited to, expenses associated with the preparation and submission of the proposal, and attendance at interviews.

## REQUEST FOR PROPOSALS/PROSECUTION

D. The City reserves the right to reject any and all proposals or to request additional information from any and all proposers.

### CONFLICT OF INTEREST

A. Indicate whether you or your law firm represent or have represented any client which representation may conflict with your ability to service as City Attorney.

B. What procedures does your firm utilize to identify and resolve conflicts of interest?

C. The firm shall not approach Council members or staff on an individual basis regarding this proposal. Any contact shall be officially made through the City Clerk who will in turn make all information available to all Council members for their final selection session.

D. The City requires affirmative action, and therefore, the firm selected shall not discriminate under the contract against any person in accordance with federal, state, or local regulation, and shall certify such in their proposal.

E. If appointed, the Attorney shall not accept any client or project which would knowingly place it in a conflict of interest with the services to be provided to the City. If a conflict of interest should develop, the Attorney shall be responsible for taking the necessary steps to comport its representation of the City with the Lawyers Code of Professional Responsibility. The Attorney shall be responsible for any additional costs incurred by the City in obtaining additional legal representation if such representation becomes necessary due to a conflict of interest.

### RIGHT TO REJECT PROPOSALS

Submission of a proposal indicates acceptance by the firm of the conditions contained in this request for proposal unless clearly and specifically noted in the proposal submitted and confirmed in the contract between the City of Birchwood Village and the firm/attorney selected.

**The City of Birchwood Village reserves the right without prejudice to reject any and all proposals.**

**ECKBERG LAMMERS  
MEMORANDUM**



**TO:** Birchwood City Council  
**FROM:** Kevin Sandstrom, City Attorney  
**DATE:** January 25, 2013  
**RE:** Birchwood Village – Special Election Ordinance  
File: 10622-20579



**ISSUE:**

The City Attorney’s office was asked to research whether the recently enacted special election ordinance, City Code Chapter 703, applies to Council Member Greg Donovan, who was appointed to Anthony Sampair’s vacant council seat on December 27, 2012.

**ANSWER:**

Retroactive application of a newly enacted ordinance is generally prohibited, unless the enacting body clearly and manifestly expresses intent that the law should be retroactive. The “legislative history” of the prior council that enacted Code Chapter 703 appears clear that they intended the newly enacted Code Chapter 703 to apply to whoever was appointed to Councilmember Sampair’s vacant seat. As a result, it appears a special election is required, unless the present Council chooses to repeal the recently enacted Code Chapter 703.

**FACTUAL BACKGROUND:**

Anthony Sampair resigned from his council seat on December 11, 2012. The outgoing city council decided it would both appoint a replacement to fill that seat, and at the same time also enact a new city ordinance (City Code Chapter 703) regarding special elections, in conformance with Minnesota Statute § 412.021, subd. 2a. This statute discusses the manner in which council vacancies are filled and in which special elections may be held, and states that: “The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.”

The council meeting minutes of December 11, 2012 as well as the council packet materials promulgated for a special meeting held on December 27, 2012 evidence an intent by the outgoing council that its new Code Chapter 703 was intended to enact a special election process in conjunction with the appointment of a new council member to fill Sampair’s seat, as they felt that

an appointment of a councilperson for a remaining term of two years until the next general election was "too long" and that the public should be permitted to vote a person into the seat at a special election in the near future. Note the meeting minutes from the December 11, 2012 council meeting state as follows:

**Mitchell** went over the enclosed Resolution 2012-37 accepting Sampair's resignation. **Mitchell** said that the Council was required to adopt a resolution accepting the resignation and declaring vacancy. **Mitchell** also noted that he believes two years is too long a time to fill a council vacancy by appointment, and that a special election should be conducted to fill a vacancy of longer than two years. **Mitchell** then went over a draft version of a new ordinance (numbered Chapter 703) calling for a special election to fill vacancies that exceed one year.

(12/11/12 Meeting minutes at lines 264-69.)

The council packet materials regarding new Code Chapter 703 prepared for the special meeting on December 27<sup>th</sup> contain a memo stating, in part, as follows:

## **EXPLANATION OF SPECIAL ELECTION ORDINANCE CHAPTER 703**

### **I. INTRODUCTION**

**On December 11, 2012, Tony Sampair, a member of the Birchwood City Council who was elected to a four year term in November 2010, submitted his resignation, effective December 12. At the time of the resignation, more than two years remained on Councilman Sampair's term and a regular election was not scheduled to be held until November of 2014.**

... [discussion of Minn. Stat. § 412.021, subd. 2a]...

**Because more than two years remain in Councilman Sampair's term and the next regular city election is not until November 2014, and because the City of Birchwood does not have an ordinance describing the circumstances under which a special election will be held, a new chapter 703 has been drafted to provide for the holding of a special election to fill a council vacancy in certain circumstances.**

On December 27, 2012, a special council meeting was held. At that meeting, Greg Donovan was appointed to the vacant Sampair council seat. Also at that meeting, the council discussed and approved Ordinance 2012-39, enacting City Code Chapter 703 regarding special elections. That ordinance was published, and thereby became effective, in early January 2013.

Although I do not have the tapes of the December 11<sup>th</sup> or December 27<sup>th</sup> council meetings in my possession, I believe that those tapes similarly include discussions that the outgoing council expressed an intent that the new Code Chapter 703 would apply to the recent vacancy and appointment for the Sampair council seat.

## LEGAL ANALYSIS:

### *Retroactive application of laws:*

Ordinances are generally construed in the same manner as state statutes. *Smith v. Barry*, 219 Minn. 182, 187, 17 N.W.2d 324, 327 (1944). The general rule is that statutes are not intended to apply retroactively, and retroactive application is prohibited “unless clearly and manifestly so intended by the legislature.” Minn. Stat. § 645.21 (2012); *see also Cooper v. Watson*, 290 Minn. 362, 369, 187 N.W.2d 689, 693 (1971) (stating “[Minn. Stat. § 645.21] is but expressive of the principle that the courts will presume that a statutory enactment applies to the future and not to the past”).

Thus a law can be applied retroactively, but only if the legislature has clearly expressed an intention that the law be retroactive. This has been the well established law in Minnesota for over 150 years. *Kerlinger v. Barnes*, 14 Minn. 526, 1869 WL 2347 (Minn. 1869) (In construing statutes to be retrospective, the intention of the legislature in that regard must either be expressly declared, or must appear by unavoidable implication). Through a clear expression of legislative intent, the legislature can enact a new statute of limitations that applies retroactively even to revive previously barred claims. *Lickteig v. Kolar*, 782 N.W.2d 810, 818 (Minn. 2010) (new statute of limitation held to permit retroactive application to revive previously barred claims).

If a statute is ambiguous—that is, subject to more than one reasonable interpretation—courts may look beyond the statutory text to determine legislative intent. *Wynkoop v. Carpenter*, 574 N.W.2d 422, 425 (Minn. 1998). Courts will consider legislative history, including tape recordings of committee hearings, as a factor in determining legislative intent. *First Nat'l Bank of Deerwood v. Gregg*, 556 N.W.2d 214, 217 (Minn. 1996); *see also City of Cloquet v. Crandall*, \_\_\_ N.W.2d \_\_\_, 2012 WL 6097223 at \*4 (Minn. App. 2012).

In the case of ordinances, Minnesota case law has allowed retroactive application. For example, the law is well established in Minnesota that zoning statutes are an exercise of police power such that retroactive application of zoning provisions does not violate constitutional restrictions against the retroactive application of legislation or the impairment of vested rights. *See Property Research and Dev. Co. v. City of Eagan*, 289 N.W.2d 157, 158 (Minn.1980) (applying an amended zoning ordinance to affirm denial of plat approval for construction of single-family dwellings that were permitted at the time approval was applied for); *Kiges v. City of St. Paul*, 240 Minn. 530, 537, 62 N.W.2d 369, 373 (1953); *Rose Cliff Landscape Nursery, Inc. v. City of Rosemount*, 467 N.W.2d 641, 644 (Minn.App.1991) (stating that appellant's right to rely on a prior zoning ordinance was subordinate to the city council's police power to enact a different zoning regulation).

As noted by the Minnesota Supreme Court, a law is applied retroactively when it

takes away or impairs vested rights acquired under existing laws, or creates a new obligation and imposes a new duty, or attaches a new disability, in respect of transactions or considerations already past ... or ... relates back to and gives to a previous transaction some different legal effect from that which it had under the law when it occurred .... [or] affect[s] transactions which occurred, or rights which

accrued, before it became operative, and which ascribes to them effects not inherent in their nature, in view of the law in force at the time of their occurrence.

*Cooper v. Watson*, 290 Minn. At 369, 187 N.W.2d at 693.

It appears clear that if the newly enacted City Code Chapter 703 is applied against Councilmember Donovan, then that will be a “retroactive application” of the newly enacted ordinance. Because city ordinances are interpreted in the same manner as statutes, the same rules regarding retroactive application would apply to the newly enacted City Code 703. Therefore, retroactive application would be prohibited, unless the council that enacted the ordinance intended, either expressly or by unavoidable implication, that the law was intended to be retroactive. The question becomes whether retroactive application is allowed, and that in turn depends on whether the council, in enacting Code Chapter 703 expressed some intent for it to be retroactive.

The terms of the Ordinance itself are silent as to whether the Council intended Chapter 703 to be retroactive or not. In such circumstances, the courts will review the “legislative history” of Code Chapter 703 to determine the Council’s intent.

Here, the discussion by the Council and the supporting packet materials are clear that the outgoing council intended their newly enacted Code Chapter 703 to be retroactive and to apply to Councilmember Donovan. Indeed, the vacant Sampair seat and impending appointment of Council Donovan appears to be the primary motivating factor for the Council to have enacted Code Chapter 703. Therefore the council’s intent that the Ordinance have retroactive application appears to be confirmed “either expressly or by unavoidable implication,” and “clearly and manifestly so intended” by the outgoing council.

Based upon the foregoing, it is my opinion that newly enacted Code Chapter 703 will apply retroactively to Councilmember Donovan, or at the very least, that if this issue came before a court, there would be a significant probability that the court would rule that a special election is required.

*Repealing Code Chapter 703:*

Of course, the present council may choose to repeal the newly enacted Code Chapter 703. Contrary to the above-noted rules prohibiting retroactive application, when a statute is repealed before some right is vested pursuant to that statute, the repeal will be presumed to be retroactive, and strips away that right. *See Troy v. City of St. Paul*, 155 Minn. 391, 193 N.W. 726 (1923) (where a suit is founded on a statute or ordinance, and, before the suit has been concluded or vested rights acquired, the statute or ordinance is repealed without attaching a saving clause to the repealing act, the suit must stop where the repeal finds it); *Bailey v. Mason*, 1860, 4 Minn. 546, 4 Gil. 430 (1860) (when a statute gives a right in its nature not vested but remaining executory, if it does not become executed before a repeal of the law giving the right, it falls with the law, and cannot thereafter be enforced). Said another way, repeal of a law acts retroactively unless expressly stated otherwise.

If the Council chooses to repeal Code Chapter 703, then no special election will be necessary.

KSS/kss

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

**ORDINANCE 2012-13**

**AN ORDINANCE ADOPTING A NEW CHAPTER 703 (SPECIAL ELECTION)  
PROVIDING FOR A SPECIAL ELECTION TO FILL A VACANCY ON THE CITY  
COUNCIL AT TIMES OTHER THAN AT THE REGULAR CITY GENERAL  
ELECTION**

The City Council of the City of Birchwood Village hereby ordains that Chapter 703 (COUNCIL VACANCY - SPECIAL ELECTION) of the Municipal Code of the City of Birchwood Village is hereby adopted to read as follows:

**703 COUNCIL VACANCY - SPECIAL ELECTION**

703.010. VACANCY ON CITY COUNCIL. A vacancy shall occur on the Birchwood City Council whenever the mayor or another city councilperson resigns from the office to which the person was appointed or elected. A vacancy may also occur for any of the other reasons specified in Minnesota Statutes section 351.02.

703.020. APPOINTMENT TO FILL VACANCY. Whenever a vacancy shall occur on the Birchwood City Council, the existing City Council shall appoint a person to fill the vacancy on a temporary basis until a replacement can be elected in a special or regular election. The existing City Council shall not appoint a replacement without first giving public notice of the vacancy in the same manner as notice of regular council meetings and allowing interested persons at least ten (10) days to submit an application for appointment. A replacement shall be appointed within sixty (60) days of the date of the vacancy but not prior to the date the vacancy exists unless no person has expressed a willingness to serve on a temporary basis. The appointed person shall serve until the person elected to fill the unexpired portion of the term or elected to a new term, whichever is applicable, is sworn into office.

703.030. SPECIAL ELECTION. Whenever a vacancy on the City Council occurs more than sixteen months before a regular election is scheduled, the Council shall hold a special election to elect a person to fill the remainder of the term. For prospective vacancies, preparations for the special election may begin immediately after the written resignation is received by the Council.

703.040. SPECIAL ELECTION PROCEDURES. If a special election is required under section 703.30 to fill a vacancy on the City Council, the Council shall follow the procedures below for holding the special election.

703.041. The City Council shall pass a resolution ordering a special election and providing all means for holding it. The procedure at such special election shall conform as nearly as possible to that prescribed for regular municipal elections.

703.042. The City shall give notice in whatever manner deemed appropriate by the Council that a special election will be held and shall allow interested persons at least ten (10) days and not more than twenty (20) days to file for the vacant office. Any person who files for the office shall have his or her name placed on the ballot at the special election without party designation. Each person filing for election to the vacant office shall pay the requisite filing fee as though the special election were a regular election.

703.043. The special election shall be held no more than 120 days after the vacancy occurs.

703.044. The City shall publish notice in the official newspaper at least ten days before the date of the special election of the time and place and purpose of the special election.

**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 27<sup>th</sup> day of December 2012

**CITY OF BIRCHWOOD VILLAGE**

Alan Mitchell, Mayor

Attested: Cindie Reiter, Deputy Clerk

NEWSLETTER MISSION STATEMENT

The City of Birchwood Village strives to keep residents informed of City news, programs, and social bits through a city newsletter. The newsletter is intended to follow the tradition established many decades ago. It is intended to keep residents updated on city information through an informal setting and at a low cost. Other methods of communication of city business include the city website, Cable Channel 16, and village hall message board.

The newsletter shall be mailed to all persons residing within the City limits of the City of Birchwood Village. Circulation is estimated at 360 households. The newsletter will be included in every utility bill. The city newsletter is published quarterly (March 1, June 1, September 1 and December 1). Deadlines for submissions will be February 15, May 15, August 15 and November 15.

The newsletter coordinator is responsible for including items of general interest to the community. The coordinator seeks submissions from the city council and mayor. Once the newsletter is drafted, it will be circulated to the city council for approval. Any item that is objected to by two elected city council members within three days of this preliminary circulation must be redrafted to correct the objection(s), or else the piece will be removed.

The newsletter will be electronically delivered to the city clerk for distribution by the last day of the month in which it has been drafted.

**Birchwood Village  
Treasurer's Report  
2-7-2013  
Council Meeting 2/12/2013**

To: City Council  
From: Cindie J Reiter, Treasurer



**Financial Report**

*Attached are the CTAS reports:*

The ***DISBURSEMENTS REGISTER*** is for those claims presented for approval and/or payment this eve. Disbursement Register includes check numbers or EFT identifier. **THE DISBURSEMENT REGISTER INCLUDED IS FOR January 1, 2013 through February 12, 2012 EXPENSES (43 days or YTD)**. Checks issued were are #27608– 27663 and EFTs for Xcel Sewer LIFT, US Bank Service Charge (SC), PERA, FED and MN payroll taxes.

The ***Interim Financial Report*** shows the year to date totals for each revenue and expense of each Fund. The report is presented by ACCOUNT code. Fund 100 is the operating fund (General Fund) for which property taxes are levied, and also includes other revenues the city receives. In the disbursement section of this report you will find a running total (YTD) and variance (remaining balance) of the full year budgeted amount for each category of expense. **THE INTERIM FINANCIAL REPORT INCLUDED IS THRU DECEMBER 31, 2012.**

The ***Cash Balance Statement*** is the beginning balances (same as: prior year-end). The beginning balances are all cash balances – which reside at 4M Fund /US Bank (checking for operating funds, savings, enterprise fund accounts for various fund reserves)

**Current Items of Interest-**

- Election payroll - 1 judges still need to sign W-4 (this will be an accounts payable for 2012 paid in 2013).
- 2012 financial data has not been closed out fully as of this date, the **PRELIMINARY Year End 2012 Interim Financial Report is included**. City 2012 Financial Statements are due to State Auditor by March 31, 2013.
- Request submitted for additional hours to clear 2012 items and set up 2013 items. Prior memo to council has been provided listing many of the annual items required & necessary to be done at year end &/or first quarter, \*this includes entering the 2013 budget figures into CTAS when 2012 closed out – therefore BUDGET figures are not on the Interim Financial Report.

Please call/email with any questions.

*Cindie J Reiter.*

Birchwood City Treasurer

As of 02/12/2013

**General Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
General Property Taxes	\$0.00	\$3,970.86	\$3,970.86
Total Acct 310	\$0.00	\$3,970.86	\$3,970.86
Building Permits	\$0.00	\$263.88	\$263.88
Dog Licenses	\$0.00	\$25.00	\$25.00
Total Acct 322	\$0.00	\$288.88	\$288.88
City Hall and Garage Rent	\$0.00	\$21.00	\$21.00
Total Acct 341	\$0.00	\$21.00	\$21.00
Contrib. and Donations-Private	\$0.00	\$700.00	\$700.00
Total Acct 362	\$0.00	\$700.00	\$700.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$4,980.74</b>	<b>\$4,980.74</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Publishing	\$0.00	\$334.65	(\$334.65)
Total Acct 411	\$0.00	\$334.65	(\$334.65)
City Council	\$0.00	\$252.70	(\$252.70)
Total Acct 413	\$0.00	\$252.70	(\$252.70)
Clerk - Treasurer	\$0.00	\$6,138.53	(\$6,138.53)
Office Operations/Supplies	\$0.00	\$51.23	(\$51.23)
Total Acct 414	\$0.00	\$6,189.76	(\$6,189.76)
Legal Services	\$0.00	\$540.50	(\$540.50)
Total Acct 416	\$0.00	\$540.50	(\$540.50)
City Training and Development	\$0.00	\$265.00	(\$265.00)
City Hall-Gov't Buildings	\$0.00	\$643.59	(\$643.59)
Cable Eqpmt and Service	\$0.00	\$50.63	(\$50.63)
Total Acct 419	\$0.00	\$959.22	(\$959.22)
Building Inspection	\$0.00	\$1,170.00	(\$1,170.00)
Total Acct 424	\$0.00	\$1,170.00	(\$1,170.00)
Other Protection	\$0.00	\$68.38	(\$68.38)
Total Acct 428	\$0.00	\$68.38	(\$68.38)
Ice and Snow Removal	\$0.00	\$2,352.55	(\$2,352.55)
Tree Removal	\$0.00	\$50.00	(\$50.00)
Utility - Drain Structure Care	\$0.00	\$2,358.09	(\$2,358.09)
Street Lights	\$0.00	\$1,224.38	(\$1,224.38)
Total Acct 431	\$0.00	\$5,985.02	(\$5,985.02)
Sanitation - Recycling	\$0.00	\$1,915.44	(\$1,915.44)
Total Acct 441	\$0.00	\$1,915.44	(\$1,915.44)

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

**02/07/2013**

Parks	\$0.00	\$3,263.68	(\$3,263.68)
Total Acct 452	\$0.00	\$3,263.68	(\$3,263.68)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$20,679.35</b>	<b>(\$20,679.35)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$525,009.93</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$509,311.32</b>	

As of 02/12/2013

<b>Tree Canopy Care</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$8,350.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$8,350.00</b>	

As of 02/12/2013

<b>Special Rev Projects</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$200.00	\$200.00
Total Acct 322	\$0.00	\$200.00	\$200.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$200.00</b>	<b>\$200.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$13,756.91</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$13,956.91</b>	

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

**02/07/2013**

As of 02/12/2013

<b>Spec Project-Elm Easement</b>	<u><b>Budget</b></u>	<u><b>Actual</b></u>	<u><b>Variance</b></u>
<b>Receipts:</b>			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$0.00</b>	

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

**02/07/2013**

As of 02/12/2013

<b>Sewer 2004 Bonds</b>	<u><b>Budget</b></u>	<u><b>Actual</b></u>	<u><b>Variance</b></u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$143.53	\$143.53
Total Acct 361	\$0.00	\$143.53	\$143.53
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$143.53</b>	<b>\$143.53</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$1,246.13	(\$1,246.13)
Total Acct 471	\$0.00	\$1,246.13	(\$1,246.13)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$1,246.13</b>	<b>(\$1,246.13)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>(\$1,102.60)</b>	

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

**02/07/2013**

**As of 02/12/2013**

**Birchwood In Re-hab Bond**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$0.00</b>	

As of 02/12/2013

<b>Sewer Re-hab 2008 Debt</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$214.19	\$214.19
Total Acct 361	\$0.00	\$214.19	\$214.19
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$214.19</b>	<b>\$214.19</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$214.19</b>	

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

**02/07/2013**

**As of 02/12/2013**

<b>Cap Project - PW</b>	<u><b>Budget</b></u>	<u><b>Actual</b></u>	<u><b>Variance</b></u>
<b>Receipts:</b>			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$44,571.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$44,571.00</b>	

As of 02/12/2013

**Capital Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$58,587.99</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$58,587.99</b>	

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

**02/07/2013**

As of 02/12/2013

**Cap Proj - Catchbasin**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$0.00</b>	

As of 02/12/2013

**Water Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$6,906.22	\$6,906.22
Penalty - Late Water/Sewer	\$0.00	\$127.11	\$127.11
State and Misc fees	\$0.00	\$129.42	\$129.42
Total Acct 341	\$0.00	\$7,162.75	\$7,162.75
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$7,162.75</b>	<b>\$7,162.75</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Utility Locates	\$0.00	\$59.53	(\$59.53)
Total Acct 428	\$0.00	\$59.53	(\$59.53)
Water Utility	\$0.00	\$13,687.14	(\$13,687.14)
Total Acct 431	\$0.00	\$13,687.14	(\$13,687.14)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$13,746.67</b>	<b>(\$13,746.67)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$31,968.02</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$25,384.10</b>	

As of 02/12/2013

**Sewer Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$95.32	\$95.32
Sewer Fee	\$0.00	\$6,450.88	\$6,450.88
Total Acct 341	\$0.00	\$6,546.20	\$6,546.20
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$6,546.20</b>	<b>\$6,546.20</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Utility Locates	\$0.00	\$59.52	(\$59.52)
Total Acct 428	\$0.00	\$59.52	(\$59.52)
Sewer Utility	\$0.00	\$8,514.80	(\$8,514.80)
Total Acct 431	\$0.00	\$8,514.80	(\$8,514.80)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$8,574.32</b>	<b>(\$8,574.32)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$115,000.00</b>	
<b>Cash Balance as of 02/12/2013</b>		<b>\$112,971.88</b>	

For the Period 01/01/2013 to 02/12/2013

Name of Fund	Beginning Balance	Total Receipts	Total Disbursed	Ending Balance	Less Deposits In Transit	Plus Outstanding Checks	Total Per Bank Statement
General Fund	\$525,009.93	\$4,980.74	\$20,679.35	\$509,311.32			
Tree Canopy Care	\$8,350.00	\$0.00	\$0.00	\$8,350.00			
Special Rev Projects	\$13,756.91	\$200.00	\$0.00	\$13,956.91			
Spec Project-Elm Easement	\$0.00	\$0.00	\$0.00	\$0.00			
Sewer 2004 Bonds	\$0.00	\$143.53	\$1,246.13	(\$1,102.60)			
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00			
Sewer Re-hab 2008 Debt	\$0.00	\$214.19	\$0.00	\$214.19			
Cap Project - PW	\$44,571.00	\$0.00	\$0.00	\$44,571.00			
Capital Projects	\$58,587.99	\$0.00	\$0.00	\$58,587.99			
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00			
Water Enterprise Fund	\$31,968.02	\$7,162.75	\$13,746.67	\$25,384.10			
Sewer Enterprise Fund	\$115,000.00	\$6,546.20	\$8,574.32	\$112,971.88			
<b>Total</b>	<b>\$797,243.85</b>	<b>\$19,247.41</b>	<b>\$44,246.47</b>	<b>\$772,244.79</b>	<b>\$2,024,384.02</b>	<b>\$2,314,525.74</b>	<b>\$1,062,386.51</b>

Fund Name: All Funds  
 Date Range: 01/09/2013 to 02/12/2013

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
01/09/2013	Residents - via St Anthony	Utility Billing - SAV	891	\$1,169.47	601-34110 601-34160 601-34170 605-34160 605-34190	\$554.02 \$28.03 \$16.92 \$14.82 \$555.68
01/14/2013	Residents - via St Anthony	Utility Billing - SAV	893	\$355.96	601-34110 601-34170 605-34190	\$195.28 \$3.18 \$157.50
01/15/2013	API Construction	Bldg Permit #WB056379	881	\$30.00	100-32210	\$30.00
01/15/2013	Colburn Carpentry	Bldg Permit #WB056410	882	\$233.88	100-32210	\$233.88
01/15/2013	Fischer, Wendy/Adam	Boat Lift Storage Fee	883	\$100.00	210-32260	\$100.00
01/15/2013	Nelson, Thomas/CarlyAnne	Boat Lift Storage Fee 2013	884	\$100.00	210-32260	\$100.00
01/15/2013	Coursele, Todd	Dog License	885	\$15.00	100-32240	\$15.00
01/15/2013	Velin, John	Garage Rental Fee	886	\$21.00	100-34101	\$21.00
01/18/2013	Residents - via St Anthony	Utility Billing - SAV	894	\$1,235.23	601-34110 601-34160 601-34170 605-34160 605-34190	\$592.34 \$29.04 \$19.01 \$29.97 \$564.87
01/25/2013	Washington county - Property Tax	Special Assessments - 11/21 - 12/31/2012	901	\$4,328.58	100-31000 301-36110 305-36110	\$3,970.86 \$143.53 \$214.19
01/28/2013	REsdients - via St Anthony Village	Utility Billing - SAV 1/25/13	900	\$345.02	601-34110 601-34160 601-34170 605-34160 605-34190	\$85.71 \$4.13 \$3.18 \$12.00 \$240.00
01/31/2013	McNamara, Sally	Artisits Group donation	895	\$180.00	100-36230	\$180.00
01/31/2013	Johnson, Ruth	Artists Group donation	896	\$10.00	100-36230	\$10.00
01/31/2013	Turncock, Susan	Artisits Group donation	897	\$10.00	100-36230	\$10.00
01/31/2013	Woolstencroft, Bill	Dog License #064	898	\$10.00	100-32240	\$10.00
01/31/2013	Barnam, Jean	Writer group donation	899	\$500.00	100-36230	\$500.00
02/04/2013	Residents - via St Anthony	Utility Billing - SAV 2-1-2013	902	\$305.99	601-34110 601-34160 601-34170 605-34160 605-34190	\$133.34 \$8.50 \$4.77 \$9.38 \$150.00

**Total For Period \$8,950.13**

**Total Year To Date \$19,247.41**

Fund Name: All Funds  
Date Range: 01/01/2013 to 02/12/2013

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
01/09/2013	City of White Bear Lake	Water Purchase Qtr4 2012	27611	\$9,187.14	601-43180-215	\$9,187.14
01/09/2013	Schwaab, Inc.	Councilmember Name Plate & holder	27612	\$25.16	100-41420-200	\$25.16
01/09/2013	Waste Management of WI-MN	Recycle - Dec 2012	27613	\$957.72	100-44100-305	\$957.72
01/09/2013	TSE, INC	City Hall Janitorial 12/18/2012	27614	\$19.00	100-41940-305	\$19.00
01/09/2013	City of White Bear Lake Public Work	City Share - Sediment Remvl/Weir Repair at Riviera Pond 2012	27615	\$2,358.09	100-43150-305	\$2,358.09
01/09/2013	Ken Johnson	Plow & Sand Streets	27616	\$481.50	100-43125-305	\$481.50
01/09/2013	White Bear Rental & Sales	Rental Bucket Cat & trailer 2012	27617	\$327.59	100-45200-400	\$327.59
01/09/2013	Mobile Mini, Inc	Warm House Dec 2012	27618	\$267.03	100-45200-305	\$267.03
01/09/2013	Grainger	Rink Flooding Hoses (2)	27619	\$566.65	100-45200-210	\$566.65
01/09/2013	Gopher State One Call	Dec 2012 Locates (6)	27620	\$14.70	601-42805-305 605-42805-305	\$7.35 \$7.35
01/09/2013	Metropolitan Council Env. Service	Wastewater Service Feb 2013	27621	\$3,658.96	605-43190-217	\$3,658.96
01/09/2013	Menards - Maplewood	Washer & Bolts (Dec 2012)	27622	\$10.67	100-45200-210	\$10.67
01/09/2013	McNeely, Greg	Blvd Tree Removal - CC approved 1/8/2013	27623	\$50.00	100-43135-810	\$50.00
01/09/2013	Xcel Energy	Street Lites Jan 2013	27624	\$1,224.38	100-43160-381	\$1,224.38
01/09/2013	IRS - US Treasury	FEDTaxes Dec 2012	FED122012	\$1,212.33	100-41310-160 100-41310-162 100-41310-164 100-41310-166 100-41400-110 100-41400-160 100-41400-162 100-41400-164 100-41400-166 100-45200-160 100-45200-162 100-45200-164 100-45200-166	\$27.55 \$117.80 \$27.55 \$79.80 \$400.13 \$60.30 \$257.83 \$60.30 \$174.67 \$0.70 \$2.98 \$0.70 \$2.02
01/09/2013	MN Department of Revenue	State W/H Dec 2012	MN122012	\$183.74	100-41400-115	\$183.74
01/09/2013	PERA	Staff Retirement PE 12/15/2012	PERA123112	\$290.57	100-41400-120 100-41400-121	\$156.04 \$134.53
01/15/2013	Payroll Period Ending 12/31/2012		27608	\$22.64	100-45200-100	\$22.64

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
01/15/2013	Payroll Period Ending 12/31/2012		27609	\$1,067.78	100-41400-100	\$1,067.78
01/15/2013	Payroll Period Ending 12/31/2012		27610	\$425.78	100-41400-100	\$425.78
01/15/2013	Payroll Period Ending 12/31/2012		27625	\$241.54	100-45200-100	\$241.54
01/15/2013	Payroll Period Ending 12/31/2012		27626	\$114.85	100-45200-100	\$114.85
01/15/2013	Payroll Period Ending 12/31/2012		27627	\$83.02	100-45200-100	\$83.02
01/23/2013	PERA	Staff Retirement PE 12/31/2012	PERA11513	\$272.23	100-41400-120	\$146.20
					100-41400-121	\$126.03
01/24/2013	Xcel Energy	Lift Stn - Electric Jan 2013	LIFT012013	\$370.13	605-43190-381	\$370.13
01/29/2013	Lund, John	REimburse - hose mntnc supplies	27635	\$55.24	100-45200-210	\$55.24
01/29/2013	GTS	MCFOA conference clerk - 2013	27636	\$265.00	100-41920-310	\$265.00
01/29/2013	Washington County	Code REd FEE 2013	27637	\$68.38	100-42800-305	\$68.38
01/29/2013	City of White Bear Lake Bldg Inspec	Bldg Inspections -Dec 2012	27638	\$1,170.00	100-42401-305	\$1,170.00
01/29/2013	S&T Office Supplies	Calendars	27639	\$26.07	100-41420-200	\$26.07
01/29/2013	Washington County	Salt/Sand 12/30/12	27640	\$409.87	100-43125-305	\$409.87
01/29/2013	City of St. Paul	Quarter 1 Mntnc & System Operation 2013	27641	\$4,500.00	601-43180-305	\$4,500.00
01/29/2013	City of White Bear Lake Public Work	Lift Stn Ck/REcords Dec 2012	27642	\$826.75	605-43190-305	\$826.75
01/29/2013	Press Publications	Ord 2012-13	27643	\$203.70	100-41130-351	\$203.70
01/29/2013	Xcel Energy	City Hall Gas/Electric Jan 2013	27644	\$379.73	100-41940-380	\$379.73
01/29/2013	Xcel Energy	Ice Rink Parks - Electric Jan 2013	27645	\$247.46	100-45200-381	\$247.46
01/29/2013	Qwest/CenturyLink	Phone/Fax lines Jan 2013	27646	\$110.20	100-41940-321	\$110.20
01/29/2013	General Repair Service	Fntn - Pressure Gauge	27647	\$99.98	100-45200-210	\$99.98
01/29/2013	Gopher State One Call	Annual Fee 2013	27648	\$100.00	601-42805-305 605-42805-305	\$50.00 \$50.00
01/29/2013	Ronnan, Kenny	Jan Service 2013 (reimb for 2x pay Dec)	27649	\$50.63	100-41950-305	\$50.63
01/29/2013	White Bear Locksmith	Install New Locks - city hall 2013	27650	\$115.66	100-41940-220	\$115.66
01/29/2013	On-Site Sanitation Inc	Rental Unit -TS Pk Jan 2013	27651	\$86.95	100-45200-305	\$86.95

City of Birchwood Village

Disbursements Register

02/07/2013

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
01/29/2013	Eckberg, Lammers, Briggs, Wolff	Legal Service -Dec 2012	27652	\$540.50	100-41600-300	\$540.50
01/30/2013	U S Bank	Debt Service Int. Due 2013	EFT1302013	\$1,246.13	301-47100-610	\$1,246.13
01/31/2013	Payroll Period Ending 01/15/2013		27628	\$121.85	100-45200-100	\$121.85
01/31/2013	Payroll Period Ending 01/15/2013		27629	\$118.20	100-45200-100	\$118.20
01/31/2013	Payroll Period Ending 01/15/2013		27630	\$131.09	100-45200-100	\$131.09
01/31/2013	Payroll Period Ending 01/15/2013		27631	\$151.45	100-45200-100	\$151.45
01/31/2013	Payroll Period Ending 01/15/2013		27632DD	\$1,039.10	100-41400-100	\$1,039.10
01/31/2013	Payroll Period Ending 01/15/2013		27633DD	\$459.98	100-41400-100	\$459.98
01/31/2013	Payroll Period Ending 01/15/2013		27634	\$33.25	100-45200-100	\$33.25
02/06/2013	PERA	Staff Retirement PE 1/15/2013	PERA011513	\$280.37	100-41400-120	\$150.57
					100-41400-121	\$129.80
02/07/2013	IRS - US Treasury	FEDTaxes Jan 2013	FED012013	\$1,153.87	100-41400-110	\$392.39
					100-41400-160	\$59.35
					100-41400-162	\$253.77
					100-41400-164	\$59.35
					100-41400-166	\$213.45
					100-45200-110	\$14.70
					100-45200-160	\$16.19
					100-45200-162	\$69.20
					100-45200-164	\$16.19
					100-45200-166	\$59.28
02/07/2013	MN Department of Revenue	State W/H Jan 2013	MN012013	\$187.44	100-41400-115	\$187.44
02/12/2013	Ken Johnson	Plow & Sand Streets - JJanuary 2013	27653	\$765.00	100-43125-305	\$765.00
02/12/2013	Press Publications	Posting Notice - PH Planning	27654	\$130.95	100-41130-351	\$130.95
02/12/2013	Mobile Mini, Inc	Warm House January 2013	27655	\$267.03	100-45200-305	\$267.03
02/12/2013	Gopher State One Call	Locates - january 2013	27656	\$4.35	601-42805-305	\$2.18
					605-42805-305	\$2.17
02/12/2013	Menards - Maplewood	Tie Wire - 25 lb	27657	\$4.79	100-45200-210	\$4.79
02/12/2013	CARPENTERS SMALL ENGINE	Snow blower repair - hockey rink	27658	\$43.49	100-45200-240	\$43.49
02/12/2013	TSE, INC	City Hall Janitorial 1-17-13	27659	\$19.00	100-41940-305	\$19.00
02/12/2013	Metropolitan Council Env. Service	Wastewater Service March 2013	27660	\$3,658.96	605-43190-217	\$3,658.96
02/12/2013	Washington County	Salt/Sand 1/30/13	27661	\$696.18	100-43125-305	\$696.18

For the Period 01/01/2013 to 02/12/2013

<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	\$525,009.93	\$4,980.74	\$20,679.35	\$509,311.32			
Tree Canopy Care	\$8,350.00	\$0.00	\$0.00	\$8,350.00			
Special Rev Projects	\$13,756.91	\$200.00	\$0.00	\$13,956.91			
Spec Project-Elm Easement	\$0.00	\$0.00	\$0.00	\$0.00			
Sewer 2004 Bonds	\$0.00	\$143.53	\$1,246.13	(\$1,102.60)			
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00			
Sewer Re-hab 2008 Debt	\$0.00	\$214.19	\$0.00	\$214.19			
Cap Project - PW	\$44,571.00	\$0.00	\$0.00	\$44,571.00			
Capital Projects	\$58,587.99	\$0.00	\$0.00	\$58,587.99			
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00			
Water Enterprise Fund	\$31,968.02	\$7,162.75	\$13,746.67	\$25,384.10			
Sewer Enterprise Fund	\$115,000.00	\$6,546.20	\$8,574.32	\$112,971.88			
<b>Total</b>	<b>\$797,243.85</b>	<b>\$19,247.41</b>	<b>\$44,246.47</b>	<b>\$772,244.79</b>	<b>\$2,024,384.02</b>	<b>\$2,314,525.74</b>	<b>\$1,062,386.51</b>

As of 12/31/2012

**PRELIMINARY YE 2012****General Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
General Property Taxes	\$325,000.00	\$320,067.04	(\$4,932.96)
Total Acct 310	\$325,000.00	\$320,067.04	(\$4,932.96)
Business Licenses and Permits	\$100.00	\$0.00	(\$100.00)
Total Acct 321	\$100.00	\$0.00	(\$100.00)
Building Permits	\$8,500.00	\$7,792.10	(\$707.90)
Dog Licenses	\$1,000.00	\$617.00	(\$383.00)
Zoning App Fee	\$0.00	\$412.00	\$412.00
Total Acct 322	\$9,500.00	\$8,821.10	(\$678.90)
State Grants and Aids	\$238.00	\$238.00	\$0.00
Total Acct 334	\$238.00	\$238.00	\$0.00
Recycle Grant	\$1,650.00	\$1,678.00	\$28.00
Cable Comm. Grant	\$7,000.00	\$6,495.79	(\$504.21)
Total Acct 336	\$8,650.00	\$8,173.79	(\$476.21)
City Hall and Garage Rent	\$500.00	\$374.50	(\$125.50)
Total Acct 341	\$500.00	\$374.50	(\$125.50)
Fines	\$1,000.00	\$453.31	(\$546.69)
Total Acct 351	\$1,000.00	\$453.31	(\$546.69)
Delinqnt Utilities - Garb/CEC	\$0.00	\$248.05	\$248.05
Miscellaneous	\$500.00	\$61.85	(\$438.15)
Total Acct 361	\$500.00	\$309.90	(\$190.10)
Interest Earnings	\$1,000.00	\$40.57	(\$959.43)
Contrib. and Donations-Private	\$400.00	\$765.00	\$365.00
Refunds and Reimbursements	\$0.00	\$2,428.10	\$2,428.10
Total Acct 362	\$1,400.00	\$3,233.67	\$1,833.67
<b>Total Revenues</b>	<b>\$346,888.00</b>	<b>\$341,671.31</b>	<b>(\$5,216.69)</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Publishing	\$2,175.00	\$4,313.11	(\$2,138.11)
Total Acct 411	\$2,175.00	\$4,313.11	(\$2,138.11)
City Council	\$2,700.00	\$2,442.08	\$257.92
Total Acct 413	\$2,700.00	\$2,442.08	\$257.92
Clerk - Treasurer	\$56,000.00	\$56,260.20	(\$260.20)
Elections	\$4,400.00	\$5,063.86	(\$663.86)
Office Operations/Supplies	\$4,275.00	\$3,314.48	\$960.52
Postage/Postal Permits	\$800.00	\$1,025.58	(\$225.58)
Total Acct 414	\$65,475.00	\$65,664.12	(\$189.12)

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

**02/07/2013**

Financial Administration	\$400.00	\$374.74	\$25.26
Assessing	\$5,325.00	\$5,436.23	(\$111.23)
Total Acct 415	\$5,725.00	\$5,810.97	(\$85.97)
Legal Services	\$8,000.00	\$6,679.28	\$1,320.72
Engineer Service	\$6,000.00	\$6,223.43	(\$223.43)
Total Acct 416	\$14,000.00	\$12,902.71	\$1,097.29
Per Diem	\$1,560.00	\$985.00	\$575.00
Total Acct 418	\$1,560.00	\$985.00	\$575.00
Grants	\$0.00	\$1,000.00	(\$1,000.00)
Planning and Zoning	\$0.00	\$206.00	(\$206.00)
City Training and Development	\$5,000.00	\$3,189.00	\$1,811.00
City Hall-Gov't Buildings	\$9,300.00	\$6,814.03	\$2,485.97
City Insurance	\$10,524.00	\$10,258.00	\$266.00
Cable Eqpmt and Service	\$1,200.00	\$838.50	\$361.50
Newsletter	\$400.00	\$228.45	\$171.55
Total Acct 419	\$26,424.00	\$22,533.98	\$3,890.02
Police	\$90,935.00	\$89,776.00	\$1,159.00
Total Acct 421	\$90,935.00	\$89,776.00	\$1,159.00
Fire	\$20,500.00	\$21,317.00	(\$817.00)
Total Acct 422	\$20,500.00	\$21,317.00	(\$817.00)
Building Inspection	\$9,400.00	\$9,726.61	(\$326.61)
Total Acct 424	\$9,400.00	\$9,726.61	(\$326.61)
Other Protection	\$68.00	\$241.13	(\$173.13)
Animal Control	\$925.00	\$882.00	\$43.00
Total Acct 428	\$993.00	\$1,123.13	(\$130.13)
Streets and Road Mntnc	\$7,000.00	\$3,048.72	\$3,951.28
Street Sweeping	\$4,000.00	\$3,785.00	\$215.00
Ice and Snow Removal	\$15,300.00	\$8,591.18	\$6,708.82
Tree Care/Inspection	\$800.00	\$711.28	\$88.72
Tree Removal	\$2,550.00	\$2,393.19	\$156.81
Weed Control	\$1,700.00	\$927.00	\$773.00
Utility - Drain Structure Care	\$1,400.00	\$0.00	\$1,400.00
Street Signs	\$3,000.00	\$0.00	\$3,000.00
Street Lights	\$15,000.00	\$14,001.60	\$998.40
Wtr/Swr Emergency	\$1,000.00	\$0.00	\$1,000.00
Survey - Public Property	\$2,500.00	\$4,123.50	(\$1,623.50)
Total Acct 431	\$54,250.00	\$37,581.47	\$16,668.53
Sanitation - Recycling	\$12,700.00	\$11,388.54	\$1,311.46
Total Acct 441	\$12,700.00	\$11,388.54	\$1,311.46
Lawn Care/Mntnc	\$6,000.00	\$4,900.00	\$1,100.00
Total Acct 450	\$6,000.00	\$4,900.00	\$1,100.00
Recreation	\$2,000.00	\$1,700.00	\$300.00
Total Acct 451	\$2,000.00	\$1,700.00	\$300.00
Parks	\$13,000.00	\$11,489.67	\$1,510.33
Total Acct 452	\$13,000.00	\$11,489.67	\$1,510.33
CONSERVATION - NATURAL RESOURC	\$5,700.00	\$6,197.34	(\$497.34)
Total Acct 461	\$5,700.00	\$6,197.34	(\$497.34)

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

**02/07/2013**

Unallocated Expenditures	\$8,351.00	\$0.00	\$8,351.00
Total Acct 492	\$8,351.00	\$0.00	\$8,351.00
<b>Total Disbursements</b>	<b>\$341,888.00</b>	<b>\$309,851.73</b>	<b>\$32,036.27</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$14,023.65	

As of 12/31/2012

Tree Canopy Care

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$8,350.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

<b>Special Rev Projects</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$4,935.00	\$4,935.00
Total Acct 322	\$0.00	\$4,935.00	\$4,935.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$4,935.00</b>	<b>\$4,935.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$1,510.33	
Disbursements:			
Parks	\$5,000.00	\$4,170.09	\$829.91
Total Acct 452	\$5,000.00	\$4,170.09	\$829.91
<b>Total Disbursements</b>	<b>\$5,000.00</b>	<b>\$4,170.09</b>	<b>\$829.91</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

Spec Project-Elm Easement

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
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)

02/07/2013

As of 12/31/2012

<b>Sewer 2004 Bonds</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$8,560.47	\$8,560.47
Total Acct 361	\$0.00	\$8,560.47	\$8,560.47
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$8,560.47</b>	<b>\$8,560.47</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$22,413.65	
Disbursements:			
Bond Payment	\$0.00	\$29,768.00	(\$29,768.00)
Total Acct 471	\$0.00	\$29,768.00	(\$29,768.00)
Unallocated Expenditures	\$0.00	\$1,206.12	(\$1,206.12)
Total Acct 492	\$0.00	\$1,206.12	(\$1,206.12)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$30,974.12</b>	<b>(\$30,974.12)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

**Birchwood In Re-hab Bond**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$655.65	\$655.65
Total Acct 361	\$0.00	\$655.65	\$655.65
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$655.65</b>	<b>\$655.65</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Unallocated Expenditures	\$0.00	\$144.05	(\$144.05)
Total Acct 492	\$0.00	\$144.05	(\$144.05)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$144.05</b>	<b>(\$144.05)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$511.60	

As of 12/31/2012

**Sewer Re-hab 2008 Debt**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$18,206.94	\$18,206.94
Total Acct 361	\$0.00	\$18,206.94	\$18,206.94
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$18,206.94</b>	<b>\$18,206.94</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$10,740.71	
Disbursements:			
Bond Payment	\$0.00	\$25,175.30	(\$25,175.30)
Total Acct 471	\$0.00	\$25,175.30	(\$25,175.30)
Unallocated Expenditures	\$0.00	\$3,772.35	(\$3,772.35)
Total Acct 492	\$0.00	\$3,772.35	(\$3,772.35)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$28,947.65</b>	<b>(\$28,947.65)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

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

02/07/2013

As of 12/31/2012

Cap Project - PW	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$3,000.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

<b>Capital Projects</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
City Hall-Gov't Buildings	\$15,000.00	\$940.00	\$14,060.00
Total Acct 419	\$15,000.00	\$940.00	\$14,060.00
<b>Total Disbursements</b>	<b>\$15,000.00</b>	<b>\$940.00</b>	<b>\$14,060.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

<b>Cap Proj - Catchbasin</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

**Water Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$62,710.48	\$62,710.48
Penalty - Late Water/Sewer	\$0.00	\$1,492.66	\$1,492.66
State and Misc fees	\$0.00	\$2,097.44	\$2,097.44
Total Acct 341	\$0.00	\$66,300.58	\$66,300.58
DELQ - Water-Sewer fees	\$0.00	\$3,591.49	\$3,591.49
Total Acct 361	\$0.00	\$3,591.49	\$3,591.49
Interest Earnings	\$0.00	\$3.27	\$3.27
Total Acct 362	\$0.00	\$3.27	\$3.27
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$69,895.34</b>	<b>\$69,895.34</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$200.00	(\$200.00)
Total Acct 414	\$0.00	\$200.00	(\$200.00)
Legal Services	\$0.00	\$981.45	(\$981.45)
Engineer Service	\$0.00	\$1,425.00	(\$1,425.00)
Total Acct 416	\$0.00	\$2,406.45	(\$2,406.45)
Utility Locates	\$0.00	\$250.29	(\$250.29)
Total Acct 428	\$0.00	\$250.29	(\$250.29)
Water Utility	\$27,000.00	\$63,123.09	(\$36,123.09)
Wtr/Swr Emergency	\$0.00	\$7,678.10	(\$7,678.10)
Total Acct 431	\$27,000.00	\$70,801.19	(\$43,801.19)
<b>Total Disbursements</b>	<b>\$27,000.00</b>	<b>\$73,657.93</b>	<b>(\$46,657.93)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	

As of 12/31/2012

<b>Sewer Enterprise Fund</b>			
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Sewer Fee	\$0.00	\$79,981.28	\$79,981.28
Total Acct 341	\$0.00	\$79,981.28	\$79,981.28
DELQ - Water-Sewer fees	\$0.00	\$2,412.90	\$2,412.90
Total Acct 361	\$0.00	\$2,412.90	\$2,412.90
Interest Earnings	\$0.00	\$14.25	\$14.25
Total Acct 362	\$0.00	\$14.25	\$14.25
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$82,408.43</b>	<b>\$82,408.43</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$1,674.92	
<b>Disbursements:</b>			
Postage/Postal Permits	\$0.00	\$200.00	(\$200.00)
Total Acct 414	\$0.00	\$200.00	(\$200.00)
Financial Administration	\$0.00	\$489.00	(\$489.00)
Total Acct 415	\$0.00	\$489.00	(\$489.00)
Engineer Service	\$0.00	\$1,322.50	(\$1,322.50)
Total Acct 416	\$0.00	\$1,322.50	(\$1,322.50)
Utility Locates	\$0.00	\$150.26	(\$150.26)
Total Acct 428	\$0.00	\$150.26	(\$150.26)
Utility - Drain Structure Care	\$58,200.00	\$26,718.75	\$31,481.25
Wtr/Swr Emergency	\$0.00	\$15,330.89	(\$15,330.89)
Sewer Utility	\$0.00	\$66,421.64	(\$66,421.64)
Total Acct 431	\$58,200.00	\$108,471.28	(\$50,271.28)
<b>Total Disbursements</b>	<b>\$58,200.00</b>	<b>\$110,633.04</b>	<b>(\$52,433.04)</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$33,154.36	