



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
September 13, 2016
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

- a. Music in the Park: Letter from Al Mitchell*

ANNOUNCEMENTS

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting Minutes from July 12, August 17, 2016*
- B. Approval of Special Meeting Minutes July 26, 2016*
- C. Approval of Treasurer's Report*
- D. Sheriff's Report*

CITY BUSINESS – REGULAR AGENDA

- A. Second Reading Safety Committee Ordinance*
 - Public Hearing
 - Council Deliberation and Consideration of Adoption
- B. Second Reading of Ordinance 605.043 and Striking Language 607.360*
 - Public Hearing
 - Council Deliberation and Consideration of Adoption
- C. Approval of Ordinance 2016-08-16: Opting Out of Temporary Family Health Care Dwellings*
 - Public Hearing
 - Council Deliberation and Consideration of Adoption

* Denotes items that have supporting documentation provided

- D. Patty Wetterling Presentation: Rescheduled for November 1, 2016
-Recommend November Council Meeting Date: November 1, 2016
- E. Resolution 2016-19, Establishing the Preliminary Levy Certification for the City's 2016 General Fund at \$326,299.00*
- F. Siltation at 232 Wildwood Ave Discussion
- G. Mayor Wingfield:
 - a. Halls Marsh*
 - b. Impellar/Swiffer Cost Issues
 - c. Letter to Mahtomedi*
- H. Additional Wording to City Code *
- I. First Reading: Impervious Surface*
 - a. Public Hearing
 - b. Council Deliberation and Discussion
- J. First Reading: Ordinance 302.045 and 302.070 Discussion (Fence language)*
- K. Planning and Zoning: Permission to begin discussions with White Bear Lake*
- L. Dock Association presentation at October meeting*
- M. WBLCD: Appointment of Paul Steinhauser as Birchwood Representative
- N. City Administrator's Report
 - a. City Portable Restrooms*
 - b. AC Unit at City Hall*

ADJOURN

* Denotes items that have supporting documentation provided

23 Oakridge Drive
Birchwood, Minnesota
September 6, 2016

Dear Mayor Wingfield and Council members,

The purpose of this letter is to let you know that the city just completed the sixth summer of its Music in the Park concert series on Sunday evenings. This summer the city offered a free concert on every Sunday in June, July, and August except for the Fourth of July weekend, a total of twelve Sundays. We had nice weather every week, wonderful attendance, and a wide variety of music. The concerts were held on Birch Beach, Dellwood Beach, in Tighe-Schmitz Park, and on the hockey rink. I have attached a separate document showing the schedule for the summer. You might be interested to know that there was full page photo spread of one of the city's concerts in the latest issue of White Bear Lake magazine. Check it out!

I want to encourage the Council to include funding for another round of concerts next summer. I think the community enjoys these concerts and supports continuation of them. For the past six summers, the funding level has been \$1500. Each musician or group is paid \$150. The \$1500 from the city does not cover all twelve weeks at that rate; fortunately, private donations have picked up the remainder. I would like to see the Council increase the funding next year to at least \$1800, to cover all twelve weeks at \$150 per week, and preferably, I would ask the Council to consider raising the appropriation to \$2400, which would raise the per week payment to \$200. Not only is the Music in the Park concert series enjoyed by many in the community, but it is an excellent opportunity to promote local musicians in the area. A raise to \$200 for the excellent performances audiences have enjoyed would be appreciated.

I want to recognize the assistance I have received this summer from Michael Lien in scheduling the musicians and arranging the music each week. Numerous other residents have also volunteered and assisted with set-up and preparation each Sunday.

If you have any questions about the concerts, or about plans for next summer, please let me know, or talk to your neighbors. I hope you will consider favorably the request to increase the funding for next year.

Thank you very much.

Sincerely,



Alan Mitchell

MUSIC IN THE PARK
BIRCHWOOD SUMMER CONCERT SERIES
JUNE – AUGUST 2016

DATE LOCATION	MUSICIANS	MUSIC
June 5 Birch Beach	Scottie Miller http://www.scottiemiller.com/welcome.html	Keyboardist and vocalist. Combination of blues, soul, funk and jazz. Creative song writer.
June 12 Hockey Rink	Lightning Creek http://lightningcreekband.com/	New and classic country Line dancing
June 19 Tighe-Schmitz Park	Kenwood Symphony Orchestra http://www.kenwoodsymphonyorchestra.org/index.cfm?pageID=1	KSO's 44th Season. Classical Music.
June 26 Hockey Rink	Any Day Now http://www.reverbnation.com/anydaynowband/	Six member band Classic rock n' roll/country – your favorite songs from the sixties to today.
July 3	Fourth of July weekend – no concert	
July 10 Birch Beach	The Hypotheticals	Four member group playing swingin' jazz and contemporary classics.
July 17 Tighe-Schmitz Park	Maple Street Ramblers http://www.themaplestreetramblers.com/	A six piece traditional jazz band playing Dixieland and early jazz standards.
July 24 Birch Beach	Fabulous Fairlanes http://www.fabulousfairlanes.com/	a cappella Doo-Wop Music from the 50s and 60s and newer
July 31 Birch Beach	Joe Cruz http://www.joecruzmusic.com/	A versatile and energetic multi- stringed instrumentalist. Acoustic guitar – bluegrass, Latin, jazz, original compositions
August 7 Dellwood Beach	Harmonic Relief https://sites.google.com/site/harmonicrelief/home/Performances/	Adult Show Choir – eclectic mix of music, choreography and staging.
August 14 Birch Beach	The Limns	Feel good beach rock, with an easygoing reggae feel.
August 21 Birch Beach	Sweet Rhubarb http://www.sweetrhubarb.net/	Rich three part harmonies, melding elements of folk, bluegrass, country, pop, and more.
August 28 Birch Beach	Legacy http://www.legacycelticmusic.com/	Irish trio offering an engaging selection of traditional and contemporary Celtic vocal music and instrumental tunes.

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

MINUTES

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

STAFF PRESENT: Mike Anderson, City Administrator

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

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

AGENDA APPROVAL:

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

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

OPEN PUBLIC FORUM:

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

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

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

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

Mayor Wingfield: Added that perhaps the Council should address all of the parks.

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

CITY BUSINESS – CONSENT AGENDA

A. Approval of Regular Meeting June 14, 2016 Minutes

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

Removed for discussion at a Special Workshop.

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

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

D. Approval of Treasurer's Report

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

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

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

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

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

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

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

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

CITY BUSINESS - REGULAR AGENDA

A. Safety Committee Update

Andrew Jackola & Megan Malvey: Presented the Council information and findings for their proposed ordinance regarding sex offenders in Birchwood.

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

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

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

Mayor Wingfield & Council Member Woolstencroft: Recommended waiting for City Attorney Kantrud's input on the ordinance.

Megan Malvey: Asked what the Committee could have done to make it a first reading. The Committee submitted the draft to Attorney Kantrud prior to the Council Meeting.

Mayor Wingfield: Replied that it was in the best interest of the council to wait for input from the City Attorney.

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

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

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

B. August and November Meeting Dates to be Rescheduled

Administrator Anderson: Informed Mayor and Council that Both August and November Council meetings will need to be rescheduled due to elections. He proposed holding the Council meetings either one day later, on a Wednesday, rather than Tuesday, or the Tuesday following

the regularly scheduled meeting. Specifically, he suggested either August 10 or 16 and November 9 or 15.

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

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

C. 232 Wildwood Avenue Discussion

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

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

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

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

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

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

D. Council Member LaFoy Report

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

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

E. Impervious Surface Policy

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

F. White Bear Lake Conservation District Board Member Status:

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

Administrator Anderson: Reminded Council that he notified them at the time of Jane Harper's resignation from the Conservation District Board.

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

Council Member LaFoy: Agreed with Mayor's request.

E. City Administrator Report

1. Lift Station Discussion & Generator Update

GENERATOR UPDATE

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

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

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

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

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

LIFT STATION DISCUSSION

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

second option would require that the City purchase its own cellular SCADA software instead of radio signal.

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

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

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

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

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

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

2. Catch Basins Cleaning Approval

Administrator Anderson: Presented a quote from a company to clean out 5 of the City's 10 catch basins. The quote includes the cost of hauling the material 2 hours to the company's disposal site. White Bear Township also disposes its catch basin materials at an off-site location; he doesn't remember where but it is also not close.

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

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO KEEP SEEKING QUOTES FOR CATCH BASIN CLEANING SERVICE. ALL AYES. MOTION PASSED.

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

Mayor Wingfield: Said that Rice Creek would have to be contacted to know how often these structures are cleaned out.

Council Member Anderson: Stated the name of the companies that clean out the City's rain gardens.

Council Member LaFoy: Stated that a standard needs to be created for when to clean these rain gardens.

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

F. City Attorney's Report

City Attorney Kantrud was not present at the meeting.

ADJOURN

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

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
August 17, 2016**

MINUTES

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

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney

OTHERS PRESENT: Alan Mitchell, Kathy Blegen-huntley, Steve Schad, Megan Malvey, and others.

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

AGENDA APPROVAL:

Council Member LaFoy: Added 1) SCC update and 2) Halls Marsh update to the agenda.

Mayor Wingfield: Added 1) Catch Basin clean out 2) Budget update 3) LED update and 4) Signs at Wildwood to the agenda.

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

OPEN PUBLIC FORUM:

Alan Mitchell: Voiced several procedural concerns with the agenda and recommended how the meeting should proceed to avoid these. He also updated the Council on the Music in the Park series, which is soon coming to a close.

ANNOUNCEMENTS: The Fall Plant Exchange will take place on September 24th at 10AM.

CITY BUSINESS – CONSENT AGENDA

A. Approval of Treasurer's Report

B. Resolution 2016-08-18: Authorizing approval for application for Planning Assistance Grant Funds

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

C. Approval of Regular Meeting July 12, 2016 Minutes

Mayor Wingfield: Requested that these meeting minutes be approved at the next meeting so that she and Council Members have more time to review. Also, she asked for the meeting minutes from the July Workshop.

D. Approval of Ordinance 2016-08-16: Opting Out of Temporary Family Health Care Dwellings

Attorney Kantrud: Explained what this ordinance was and recommended that the Council have a first reading of the ordinance now and then after the planning commission approves of it, have a public hearing and second reading.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE THE FIRST READING OF ORDINANCE 2016-08-16 AND TO HOLD A PUBLIC HEARING ON THE ORDINANCE IN SEPTEMBER. ALL AYES. MOTION PASSED.

E. Resolution 2016-08-01: Accepting a \$50 donation for stop signs from Steve & Karen Wolgamot

Attorney Kantrud: Explained that the language of this resolution should be rewritten to allow the donation to apply to funds already expensed for the stop signs rather than holding the donation in a new special fund.

Mayor and Council Members: Discussed how to reword the resolution to adhere to Attorney Kantrud's recommendation.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO APPROVE RESOLUTION 2016-08-01 AS AMENDED. ALL AYES. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

A. Ordinance 605.043 Review (Allow Dogs in Parks)

Administrator Anderson: Provided background to this ordinance and then read the ordinance.

Mayor and Council Members: Deliberated over the language, intent, and scope of this ordinance as well as existing ordinances 607.360, which is in conflict with this ordinance.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO STRIKE ORDINANCE NO. 607.360. ALL AYES. MOTION PASSED.

Steve Shad (130 Cedar St.): Spoke in support of the proposed ordinance. He presented a list of names of residents that support the loosening up of restrictions on dogs in City parks and beaches. He pointed out that the existing ordinance restricting Dogs from parks and beaches is regularly violated and no incidents have arisen from dogs being present at the parks and beaches.

Resident Unknown (not stated): Spoke in support of keeping dogs off of the swimming beaches. She said that dogs are allowed on many beaches and that as a mother of very small children, she would like to keep a few swimming beaches dog free.

Council Member Woolstencroft: Stated that few people swim at Kay beach; most swim at nearby beaches that do allow dogs.

Attorney Kantrud: Reminded residents that to have the largest impact on this issue, their opinions will need to be shared at the public hearing on this ordinance at next month's City Council meeting.

Mayor & Council Members: Discussed which ordinances need to be changed and how to change them appropriately.

Alan Mitchell: Asked for a clarification on what is being voted on tonight and what will be discussed and voted on at next month's meeting.

Mayor Wingfield: Clarified that the motion that had been voted on tonight was to strike existing ordinance 607.360 entirely and that discussion and voting regarding the proposed ordinance 605.043 would take place with a public hearing next month.

Council Member Hullsiek: With Attorney Kantrud's recommendation, Hullsiek stated that ordinance 605.043 should place the period after the word "building" and everything after that should be stricken; as well as the proposed inclusion of service dogs.

MOTION WAS MADE BY COUNCIL MEMBER HULLSIEK AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE CHANGES TO ORDINANCE NO. 605.043 AS AMENDED AND TO HOLD A PUBLIC HEARING ON THIS IN SEPTEMBER. FOUR AYES. WINGFIELD OPPOSING. MOTION PASSED.

B. Safety Committee Ordinance, First Reading

Kathy Blegen-huntley: The Committee has received recommendations for changes from Attorney Kantrud and submitted a revised ordinance tonight for the Council's review and approval. In addition to preparing this ordinance, the Committee has pursuing other safety related activities. She pointed out that the Committee is made up of residents on both sides of the Sex-Offender issue who have worked very hard to prepare an ordinance that is both fair and provides safety.

Attorney Kantrud: Stated that the preamble to the ordinance is long but given the special nature of the ordinance he thinks this should be okay. He stated that sex-offender ordinances have become common across the country but are largely untested in the courts so the effectiveness of the language is not yet known. The chances that the proposed ordinance will ever be tested in the courts are remote but any such challenge would likely occur far down the road from now. That being said, he recommends keeping the exceptions that are commonplace in these types of ordinances but that have been removed from the language of this proposed ordinance.

Mayor Wingfield: She has obtained legal opinions from two attorneys from a law firm and from Professor Eric Janus at Mitchell Hamline School of Law. These legal opinions have unanimously supported the enforceability of the proposed ordinance. Janus stated that residency restrictions against offenders do not run afoul of the constitution because offenders of the law do not have

the same protected rights and liberties under the constitution. With this legal advice, she is in favor of this ordinance.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER LAFOY TO PUBLISH AND HOLD A PUBLIC HEARING AND SECOND READING OF PROPOSED ORDINANCE IN SEPTEMBER. ALL AYES. MOTION PASSED.

C. Invitation to Patty Wetterling to attend September Council Meeting

Mayor Wingfield: Recommends inviting Patty Wetterling to attend the September meeting to speak on the subject of sexual offenders. Wetterling's fee for speaking is \$1,000.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE INVITATION AND PAYMENT OF \$1,000 TO PATTY WETTERLING TO SPEAK AT THE SEPTEMBER CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.

D. Fee Schedule Update

Attorney Kantrud: Does not recommend leaving an open fee schedule that is based on the determination of a consulting planning company. It would be better practice to determine set fees.

Mayor Wingfield: Believes that the Council has moved past this issue and that it is no longer germane to this topic. Accordingly she recommends striking this item.

E. Enforcement of Drainage/Runoff control measures from construction sites and Catch Basin clean out

Enforcement of Drainage/Runoff control measures from construction sites

Mayor Wingfield: She has spoken to construction professionals who have described requirements imposed in other Cities that are far stricter than those in Birchwood. She recommends deferring this to the next meeting.

Catch Basin clean out

Mayor Wingfield: She contacted T.A. Schifsky and received a very favorable quote. Accordingly, she recommends accepting Schifsky's quote.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE T.A. SCHIFSKY AND SONS QUOTE TO CLEAN THE CITY'S CATCH BASINS. ALL AYES. MOTION PASSED.

F. Impervious Surface Discussion

Administrator Anderson: Provided requirements and definitions of impervious surfaces from several neighboring communities.

Attorney Kantrud: Provided Council his analysis of how residents can mitigate impervious surface policies without breaking from the spirit of these policies. He likes the last sentence of

Dellwood's ordinance because it covers some of the cheaper pervious products. This will ultimately have to be managed on a case by case basis through the permitting process.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER LAFOY TO HAVE THE FIRST READING OF THE IMPERVIOUS SURFACE ORDINANCE IN SEPTEMBER AND TO REFER TO THE PLANNING COMMISSION WITH SPECIAL ATTENTION TO THE CITY OF DELLWOOD'S DEFINITION OF IMPERVIOUS SURFACE FOR CONSIDERATION AS WELL AS CONSIDERING IMPERVIOUS SURFACE TECHNOLOGY. ALL AYES. MOTION PASSED.

G. Catch Basin clean out

Mayor Wingfield: Another catch basin problem exists in the City where soil washes back out of the basin onto the streets. After speaking to T.A. Schifsky and Sons about cleaning the soil and debris from the City's catch basins, however, she no longer believes this is a problem that needs to be discussed. It will cost less to have Schifsky's clean up the soil than to pay engineer fees to determine how to fix the problem.

H. Sheriff Report

Mayor and Council Members: Discussed the traffic trailer that was placed by the Sheriff and where to place it next. There was also discussion of whether or not to count cars.

I. SCC Update: Council Member LaFoy

Council Member LaFoy: At the cable commission meeting, the Commission voted to cut out part of one of the departments. With Maplewood withdrawing from the Commission, there was not enough money to continue all of the programs. The department that was cut was the one that funds community shows. The core functions, such as government meetings will still be covered.

J. Restructuring City Clerk Position

Mayor Wingfield: Explained that at the last workshop, the Council discussed the impact to the City Administrator role with the planning function removed. Without the planning duties the position resembles that of the previous City Clerk position, which was a 30 hour per week position. Accordingly, Council discussed going back to that position and pay structure.

Attorney Kantrud: Reminded Council and explained to those in attendance that Minnesota's Open Meeting Law allows this meeting to remain open as long as only employee's positions are discussed but will have to be closed to the public if performance of the employee is discussed - unless there is clear overture from the subject to that meeting to keep the meeting open.

Mayor Wingfield: Discussed the importance of not keeping government big for the sake of being big. The Council has an obligation to cut back the Administrator position with the removal of the planning duties and with the costs of retaining a Planning company.

Council Member LaFoy: Stated that he is not in favor of reducing the hours of the Administrator and believes that it is important to have someone in the City Office five days a week.

Council Member Hullsiek: Concurred with Council Member LaFoy, stating that it is important to have someone in the office five days a week.

Council Member Anderson: Concurred with Council Members LaFoy and Hullsiek.

Mayor Wingfield: She and Attorney Kantrud have researched how small neighboring communities structure their City Offices. Each of these communities only has part time staff running the office. She believes that a part time position can be structured so that the Office is open at some point each day of the week. It is not necessary to keep the hours at full time if the duties don't require it.

Council Member LaFoy: Stated that the position should remain at 8 hours per day but suggested that maybe the salary for the position be decrease the amount of the expense to hire the Planning company; about \$3,000-\$4,000.

Council Member Anderson: Stated that changing something as major as the City Administrator position was premature. He explained that the decision to hire the Planning company is a recent one and that the Council hasn't had time to determine whether those services should be continued in the future.

Council Member Hullsiek: Stated that it was his understanding that TKDA would only be hired long enough for Administrator Anderson to get through training and get him up to speed. He is a firm believer in training employees. The additional duties that the Planning Commission has asked Anderson to do will not be performed by TKDA and will require additional time to perform. He would like to see the City take on more of a planning responsibility in the future. He suggested that this issue be reassessed in 12 months.

Attorney Kantrud: Asked Council to keep the discussion to the parameters provided in the packet - whether or not to restructure the Administrator position to Clerk, what those job functions should be, and the appropriate hours required to complete those functions.

Council Members LaFoy and Anderson: Agreed with Council Member Hullsiek that this should be reassessed in the future, after they have had time to see how TKDA performs and how much more work the Administrator role has taken on from the Planning Commission.

Mayor Wingfield: Summed up that council should revisit this in six months.

K. City Administrator's Report

November City Council Dates

Mayor and Council Members: Tentatively selected November 15th to hold that month's City Council meeting. Each Council Member will check that date against their schedules and discuss again in September.

Fall leaf Collection Dates

Administrator Anderson: Informed Council that Fall leaf collection will occur on Mondays in October and residents will need to call ahead to schedule pick up. Leaves can also be picked up in early November if needed. He will find out when the majority of leaves were collected last Fall and report back.

WBLCD Open Position

Mayor Wingfield: This position is still open so please let people know about it. There is no deadline but it is important to have full representation on the board.

Sewer Maintenance/Impeller Update

Administrator Anderson: Stated that he has no impeller update at this time. He informed Council of the estimated costs of hiring an independent contractor to switch the SCADA service and maintain the system.

Mayor Wingfield: Asked Administrator Anderson to find out what White Bear Lake and other communities are doing that makes their systems undergo less maintenance. She will talk to Engineer Steve Thatcher to get his opinion on this issue.

Council Member Hullsiek: Remembered that White Bear Lake converted their lift stations over to wet wells specifically to reduce maintenance needs. He said that this is not a problem unique to Birchwood though. The Met Council and communities across the country are experiencing an increase in maintenance needs due to the increase of inappropriate materials being disposed of in the sewer system, such as wet wipes.

Mayor and Council Members: Discussed why White Bear Lake could not continue maintaining the system. The structure utilized by White Bear Lake created too many fail coms. It is possible to have White Bear Lake use a cellular or cable system for Birchwood's lift stations.

L. City Attorney's Report

Mayor Wingfield: Asked what the status was of the Kay Beach agreement that is in litigation - the agreement was completed a year ago.

Attorney Kantrud: He is still waiting for an update on this from the Harrod's attorney. He is working on this issue but is limited in how he can communicate with the Harrods - only through their attorney. The Harrod's law suit is still in the appeal period.

M. Halls Marsh and LED Update: Council Member LaFoy

Halls Marsh update

Council Member LaFoy: The problem at Halls Marsh is due to a blocked culvert. According to property owner Dale Johnson, the steel culvert has likely deteriorated so blowing it clean could affect the stability of the road.

Administrator Anderson: Informed Council that he received an email from Rice Creek stating that it is their intention to replace the culvert but that doing so will have to wait until 2017, for budgetary reasons.

Mayor Wingfield: Suggested, and Council Member LaFoy concurred, that this topic should be revisited again in September.

LED Update

Mayor Wingfield: Read in the news that the City of St. Paul is switching out their City owned lights. She is curious why Birchwood cannot do the same with the City owned lights in Birchwood. She suggests that Council Member LaFoy reach out to the City of St. Paul to determine how they got around the issues being faced by Birchwood.

Council Member LaFoy: He is aware of the actions being taken by St. Paul and is continuing to work on this issue.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:53 P.M.

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
CITY COUNCIL WORKSHOP MEETING
July 26, 2016**

MINUTES

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

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney

OTHERS PRESENT: N/A

Mayor Wingfield called the regular meeting to order at 6:30 p.m.

CITY BUSINESS - REGULAR AGENDA

A. Catch Basin Quotes

Administrator Anderson: Presented the best price quote for removing sand from 5 of the City's catch basins; including 8 hours of work plus haulage of sand to disposal site.

Mayor & Council Members: Recommended seeking out bids from other contractors and will place this item on the August Agenda.

B. Building Permit Process/TKDA Payment Discussion

Mayor & Council Members: Discussed the payment process between the City and TKDA. Considered adding it to the 2016 fee schedule but weren't sure if the applicant should pay the fee or if it should come out of the CUP or Variance application fee. The discussion continued, if the fee didn't cover the cost of the review process the City would pay the remainder of the cost. The discussion continued with the building permit process and suggestions were made to simplify it for staff. Adding checklists to make sure all paperwork is turned in and inspections are completed in full.

Mayor & Council Members: Decided to place the fee schedule as a future agenda item.

ADJOURN: The meeting ended at 7:30 p.m.

ATTEST:

Mary Wingfield
Mayor

Mike Anderson
City Administrator-Clerk

As of 09/07/2016
 Fiscal Year:2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$627,787.04	\$214,173.60	\$277,371.24	\$564,589.40
Special Rev Projects	\$2,800.02	\$1,600.00	\$3,885.00	\$515.02
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
Sewer 2004 Bonds	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$8,424.62	\$0.00	\$0.00	\$8,424.62
Cap Project - PW	\$48,758.91	\$30,000.00	\$38,650.00	\$40,108.91
Water Enterprise Fund	\$15,617.59	\$45,921.98	\$37,786.85	\$23,752.72
Sewer Enterprise Fund	\$72,436.59	\$72,391.47	\$84,338.21	\$60,489.85
Sewer Infrastructure	\$3,845.00	\$0.00	\$0.00	\$3,845.00
Total	\$779,669.77	\$364,087.05	\$442,031.30	\$701,725.52

City of Birchwood Village

Receipts List

09/07/2016

Date range: 08/18/2016 to 09/07/2016

Remitter	Date	Receipt #	Total	Description	Deposit ID	Void	Account #	Detail
Residents - via St Anthony Village	08/19/2016	1814	\$1,126.17	U/B 08/19/16	(08/19/2016) -	No		
Pro Tech Restoration Inc	08/22/2016	1801	\$229.90	Permit	(08/22/2016) -	No	100-36140	\$100.00
MN STATE	08/22/2016	1802	\$36.66	Court Fine	(08/22/2016) -	No	601-34110	\$328.18
Karen Holmen	09/06/2016	1805	\$500.00	City WAC Fee	(09/06/2016) -	No	601-34160	\$13.68
Appiewood Blds and Cabinet	09/06/2016	1806	\$733.75	Permit	(09/06/2016) -	No	601-34170	\$13.62
Leonard Pratt	09/06/2016	1807	\$24.50	Permit	(09/06/2016) -	No	605-34160	\$36.65
Prof. Grounds Maint. Inc.	09/06/2016	1808	\$140.00	Permit	(09/06/2016) -	No	605-34190	\$634.04
Paul Edwards	09/06/2016	1809	\$99.05	Permit	(09/06/2016) -	No	100-32210	\$229.90
Capra Utilities Inc.	09/06/2016	1810	\$120.00	Permit	(09/06/2016) -	No	100-34170	\$36.66
Timothy Geisenheyner	09/06/2016	1811	\$25.00	Hall Rental	(09/06/2016) -	No	601-34110	\$500.00
Jeremy Loosbrock	09/06/2016	1812	\$200.00	Boat Slip Wait List Fee	(09/06/2016) -	No	100-32210	\$733.75
Roger Madison	09/06/2016	1813	\$200.00	Boat Slip Wait List Fee	(09/06/2016) -	No	100-32210	\$24.50

Total For Selected Receipts

\$3,435.03

\$3,435.03

Date range: 08/17/2016 to 09/07/2016

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
Ronnan, Kenny	08/19/2016	29274	\$112.50	Council Meeting Services 7/12/16	No		
Priscilla Thomas	08/22/2016	29275	\$150.00	Music in the Park	No	100-41950-305	\$112.50
KEJ Enterprises	08/22/2016	29276	\$3,025.59	Mowing & Signs	No	210-45100-440	\$150.00
Toshiba Business Solutions, USA Inc	08/22/2016	29277	\$17.67	Quarterly Maintenance 3rd Qtr 2016	No	100-43155-305 100-45010-305	\$497.71 \$2,527.88
Payroll Period Ending 08/22/2016	08/22/2016	29278	\$1,032.87		No	100-41420-305	\$17.67
Lund, John	08/22/2016	29279	\$500.00	Hall Ave Trees	No	100-45200-100	\$1,032.87
Gunderson Health System	08/29/2016	29280	\$1,000.00	Patty Wetterling Payment	No	100-45200-400	\$500.00
Menards - Oakdale	08/29/2016	29281	\$87.46	Supplies	No	100-49200-999	\$1,000.00
Payroll Period Ending 08/30/2016	08/30/2016	29282	\$1,410.79		No	100-45200-400	\$87.46
PERA	08/30/2016	EFT83016	\$274.40	Employee Retirement	No	100-41400-100	\$1,410.79
Payroll Period Ending 08/31/2016	09/06/2016	29283	\$321.12		No	100-41400-121	\$274.40
Manship Plumbing & Heating Inc	09/06/2016	29284	\$1,220.00	Monthly Standby/locates/services	No	100-41400-100	\$321.12
St. Anthony Village	09/06/2016	29285	\$1,827.80	Q3 2016 UB Admin	No	601-43180-305	\$1,220.00
Press Publications	09/06/2016	29286	\$47.04	Legal Notice Publications x3	No	601-41500-305	\$1,827.80
KEJ Enterprises	09/06/2016	29287	\$1,710.00	Mowing	No	100-41130-351	\$47.04
Sauve's Outdoor Services, Inc. SOS	09/06/2016	29288	\$1,275.00	Layout/Striping	No	100-45010-305	\$1,710.00
Integra	09/06/2016	29289	\$174.85	Analog Phone Line	No	100-43100-305	\$1,275.00
Tennis Sanitation, LLC	09/06/2016	29290	\$1,656.00	Recycling Contract July- August 2016	No	100-41955-320	\$174.85
Gopher State One Call	09/06/2016	29291	\$36.45	Locates (27 Tickets)	No	100-43300-305	\$1,656.00
FP Mailing Solutions	09/06/2016	29292	\$125.34	Postage Machine - 2016 Quarter 2 rental	No	100-42805-305	\$36.45
TSE, INC	09/06/2016	29293	\$25.00	City Hall Janitorial Services 8/18	No	605-41430-200	\$125.34

City of Birchwood Village

Disbursements List

09/07/2016

Vendor	Date	Check #	Total	Description	Void	Account #	Detail
SL - serco	09/06/2016	29294	\$310.00	Meter Read/Maintenance	No	100-41940-305	\$25.00
Menards - Oakdale	09/06/2016	29295	\$34.77	Supplies	No	601-43180-305	\$310.00
MN Dept of Health Drinking Water	09/06/2016	29296	\$562.00	Water Supply Connection Svc Fee 3rd Qtr 2016	No	100-45200-400 100-45200-400	\$8.73 \$26.04
Office Depot	09/06/2016	29297	\$173.15	Supplies	No	601-43180-430	\$562.00
On-Site Sanitation Inc	09/06/2016	29298	\$198.72	Rental Monthly Units x 2	No	100-41420-200	\$173.15
Ronnan, Kenny	09/06/2016	29299	\$61.88	Council Meeting Services 8/17/16	No	100-45200-305 100-45200-305	\$99.36 \$99.36
White Bear Township	09/06/2016	29300	\$426.70	Lift Station Check / Repairs (7/25/16 - 8/07/16)	No	100-41950-305	\$61.88
City of White Bear Lake	09/06/2016	29301	\$1,568.75	Fire Services - August 2016	No	605-43190-305	\$426.70
Xcel Energy	09/06/2016	EFTa090616	\$698.10	Electric for Lift Stations/Warminghouse	No	100-42200-305	\$1,568.75
Xcel Energy	09/06/2016	EFTb090616	\$1,209.89	Electric for Street Lights	No	100-41940-380 100-45200-380 605-43190-380	\$164.46 \$10.76 \$522.88
Xcel Energy	09/06/2016	EFTc090616	\$43.96	Electric for Generator	No	100-43160-380	\$1,209.89
IRS - US Treasury	09/06/2016	EFTIRS0816	\$1,198.05	Q3 2016 Payment - August	No	100-43160-380	\$43.96
						100-41400-100 100-45200-100	\$1,069.91 \$128.14

Total For Selected Checks

\$22,515.85

\$22,515.85

As of 09/07/2016

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$1,600.00	\$1,600.00
Total Acct 322	\$0.00	\$1,600.00	\$1,600.00
Total Revenues	\$0.00	\$1,600.00	\$1,600.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$1,100.00	(\$1,100.00)
Total Acct 451	\$0.00	\$1,100.00	(\$1,100.00)
Parks	\$0.00	\$2,585.00	(\$2,585.00)
Total Acct 452	\$0.00	\$2,585.00	(\$2,585.00)
Unallocated Expenditures	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
Total Disbursements	\$0.00	\$3,885.00	(\$3,885.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$2,800.02	
Cash Balance as of 09/07/2016		\$515.02	

As of 09/07/2016

Sewer Re-hab 2008 Debt

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$8,424.62	
Cash Balance as of 09/07/2016		\$8,424.62	

As of 09/07/2016

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$30,000.00	
Disbursements:			
Sewer Utility	\$0.00	\$38,650.00	(\$38,650.00)
Total Acct 431	\$0.00	\$38,650.00	(\$38,650.00)
Total Disbursements	\$0.00	\$38,650.00	(\$38,650.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$48,758.91	
Cash Balance as of 09/07/2016		\$40,108.91	

As of 09/07/2016

Water Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$44,259.95	\$44,259.95
Penalty - Late Water/Sewer	\$0.00	\$246.29	\$246.29
State and Misc fees	\$0.00	\$1,415.74	\$1,415.74
Total Acct 341	\$0.00	\$45,921.98	\$45,921.98
Total Revenues	\$0.00	\$45,921.98	\$45,921.98
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$125.34	(\$125.34)
Total Acct 414	\$0.00	\$125.34	(\$125.34)
Financial Administration	\$0.00	\$5,694.05	(\$5,694.05)
Total Acct 415	\$0.00	\$5,694.05	(\$5,694.05)
Water Utility	\$0.00	\$31,967.46	(\$31,967.46)
Total Acct 431	\$0.00	\$31,967.46	(\$31,967.46)
Total Disbursements	\$0.00	\$37,786.85	(\$37,786.85)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$15,617.59	
Cash Balance as of 09/07/2016		\$23,752.72	

As of 09/07/2016

Sewer Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$513.72	\$513.72
Sewer Fee	\$0.00	\$71,877.75	\$71,877.75
Total Acct 341	\$0.00	\$72,391.47	\$72,391.47
Total Revenues	\$0.00	\$72,391.47	\$72,391.47
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$250.68	(\$250.68)
Total Acct 414	\$0.00	\$250.68	(\$250.68)
Sewer Utility	\$0.00	\$84,087.53	(\$84,087.53)
Total Acct 431	\$0.00	\$84,087.53	(\$84,087.53)
Total Disbursements	\$0.00	\$84,338.21	(\$84,338.21)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$72,436.59	
Cash Balance as of 09/07/2016		\$60,489.85	

As of 09/07/2016

Sewer Infrastructure	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$3,845.00	
Cash Balance as of 09/07/2016		\$3,845.00	

AGN	Date	Citation Number	Badge	Officer Name	Citation Type	Warning	Street Name	City	Literal Desc
WCSSO	2016-08-09	820022622202	197	J. Wilts	Written Warning	Y	LAKE AVE	Birchwood	PK-Parking Where Signs Prohibit
WCSSO	2016-08-09	820022622201	197	J. Wilts	Written Warning	Y	LAKE AVE	Birchwood	PK-Parking Where Signs Prohibit

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MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Planning Commission Recommendation: Predatory Offender Ordinance

On Wednesday, August 31 the Birchwood Planning Commission met to discuss the proposed language from the Safety Committee.

The Planning Commission reviewed the ordinance language presented to them and voted in favor (3 ayes, 1 abstained) to accept the draft as written.

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

409: Predatory Offender Residency Restrictions

409.010: Definitions

409.020: Regulations on Designated Predatory Offenders

409.030: A designated predatory offender does not violate this chapter if any of the following apply

409.040: Penalty and Enforcement

409.050: Renting Properties and Penalties

409.060: Severability

Findings and Intent:

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

The website for the Minnesota Department of Corrections states, "All predatory offenders who are required to register as sex-offenders are also assigned a level 1, 2, or 3 when they leave prison. Level 3 is considered the highest risk to re-offend. If a level 3 offender moves into your neighborhood, you will be notified by law enforcement."

The Department of Corrections cites statistics indicating that most offenders victimize someone they already know and most offenders do not commit offenses near their own place of residence. However, those statistics do not hold true for all offenders. This ordinance, in conjunction with Birchwood's Safe Zone Ordinance, aims to reduce opportunities for predatory behavior by those with the highest risk to re-offend, toward potential victims who access public spaces in Birchwood.

409.010: Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. "Designated predatory offender" means any person who has been categorized as a Level III predatory offender under Minnesota Statutes, section 244.052, a successor statute, or a similar statute from another state in which that person's risk assessment indicates a high risk of re-offense.
2. "Permanent residence" means a place where a person abides, lodges or resides for fourteen (14) or more consecutive days. A permanent residence includes the entire property upon which a dwelling sits, extending out to the property line.

3. "Temporary residence" means a place where a person abides, lodges or resides for a period of fourteen (14) or more days in the aggregate during any calendar year and which is not the person's permanent address, or a place where the person routinely abides, lodges, or resides for a period of four (4) or more consecutive or non-consecutive days in any month and which is not the person's permanent residence. A temporary residence includes the entire property upon which a dwelling sits, extending out to the property line.
4. "School" means any public or nonpublic elementary school, secondary school, high school or college.
5. "Licensed day care" means any in-home or other group child care center currently licensed by the State of Minnesota.
6. "Public Park" means the following Birchwood public parks and lake easements or beaches: Bloomquist Park/Field, Tighe-Schmitz Park, Wildwood Park, Nordling Park, Ash Beach, Birch Beach, Dellwood Beach, Elm Beach, and Kay Beach.
7. "Prohibited zone" means the area(s) that include one or more permanent residence(s) or temporary residence(s) that is/are 1000-feet or less from any school, licensed day care, or public park. The measurements shall be taken as the shortest possible distance between an outermost property line of a permanent or temporary residence to an outermost property line of the nearest school, licensed day care or public park.

409.020: Regulations on Designated Predatory Offenders

1. It shall be unlawful for any designated predatory offender to establish a permanent or temporary residence entirely within or touching upon a prohibited zone.
2. The city clerk shall maintain a map showing locations within prohibited zones, as defined by this chapter. The map shall serve as a guide but is not determinative of whether or not a residence is within a prohibited zone. When called upon, the city engineer shall conduct an assessment to determine whether or not a particular residence is within a prohibited zone.

409.030: A designated predatory offender does not violate this chapter if any of the following apply:

1. The person established permanent residence within a prohibited zone prior to the adoption of this chapter, and he has reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167 or a successor statute.
2. The person is a minor and the permanent or temporary residence is also the permanent residence of the person's custodial guardian(s).
3. The school or licensed day care within 1,000 feet of the persons' permanent or temporary residence was opened after the person established permanent residence

and reported and registered the residence pursuant to Minnesota Statutes, sections 243.166 and 243.167 or a successor statute.

4. The residence is a property owned or leased by the Minnesota Department of Corrections in operation prior to adoption of this chapter.

409.040: Penalty and Enforcement

1. A violation of this ordinance shall be a misdemeanor. In addition, the City may enforce this Ordinance by mandamus, injunction, and other appropriate remedy in any court of competent jurisdiction.

409.050: Renting Properties and Penalties:

1. It is unlawful to let or rent any place, structure, or part thereof, trailer, or other conveyance, with knowledge that it will be used as a permanent or temporary residence by any person prohibited from establishing a permanent residence or temporary residence pursuant to this Chapter if such place, structure or part thereof, trailer, or other conveyance is located within a prohibited zone described in this chapter.

2. A property owner's failure to comply with the provisions of this chapter shall constitute a violation of this chapter.

3. If a property owner discovers or is informed that a tenant is a designated offender after signing a lease or otherwise agreeing to let the offender reside on the property, the owner or property manager shall evict the offender.

409.060: Severability:

Should any section, subdivision, clause or other provision of this chapter be held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity of this chapter as a whole, or any part thereof, other than the part held to be invalid.

SUMMARY OF ADOPTED CITY CODE 409

Please be advised that on September 13, 2016 the City of Birchwood has passed the following ORDINANCE:

A PREDATORY OFFENDER RESIDENCY RESTRICTION ORDINANCE.

The following is a SUMMARY of the Ordinance:

It is the intent of this code to serve the city's compelling interest to promote, protect and improve the health, safety and welfare of the community by restricting certain predatory offenders from establishing residency near locations where children regularly congregate in concentrated numbers. This ordinance, in conjunction with Birchwood's Safe Zone Ordinance, aims to reduce opportunities for predatory behavior by those with the highest risk to re-offend, toward potential victims who access public spaces in Birchwood.

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

Summary complies with Minn. Stat. § 331A.05 subds. 8&10. & §412.191 subd 4.



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Planning Commission Recommendation: 605.043 (allowing dogs in parks)

On Wednesday, August 31 the Birchwood Planning Commission met to discuss City Code 605.043 regarding allowing dogs in parks.

The Planning Commission reviewed the ordinance language and recommended the following changes.

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

The Planning Commission agreed with striking language 607.360 and amending 605.043. This can be seen attached with this memo with the striking and proposed language as requested.

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

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

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

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

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

605.030. TAG AND COLLAR.

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

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

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

605.040. RESTRAINT. The owner shall keep his dog ~~under restraint~~ on a leash at all times and shall not permit such dog to be at large off the premises or property of the owner unless the dog is under restraint on a leash. (underlined wording was recommended)

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

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

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

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

“AMENDED BY ORDINANCE; September 13, 2016”

607.360. ~~No person being in custody of any animal shall permit said animal to enter and remain in any beach area, park, nature interpretive area, wildlife refuge, or park building, whether leashed or otherwise.~~

607.370. No person shall voluntarily enter the water of any lake without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public.

607.380. WHITE BEAR CONSERVATION DISTRICT. No person shall violate any provision of any White Bear Lake Conservation District ordinance, rule, or regulation which provision applies to Lake Easement Tracts.

607.400. CAMPING.

607.410. No person shall establish or maintain any camp or other temporary lodging or sleeping place in any Open Space Site except by permit and then only in areas specifically designated for such use.

607.420. No person shall camp for a period longer than that authorized by the permit.

607.430. All garbage or refuse of any kind shall be placed in receptacles provided for that purpose.

607.440. No person shall install permanent camp facilities or physically alter the camp site.

607.450. No person shall wash cooking and eating utensils, or clean fish except at locations designated for such use.

607.460. No person shall cut or gather wood on any Open Space Site for fuel other than that provided by the Department and stored for such use.

607.470. No person shall desert a camp site until the site is thoroughly cleaned.

607.480. No person or group of persons shall exclusively use a park shelter unless a specific permit has been granted by the Director for such use.

607.490. Permits for shelter use or camping shall be issued to adults only, and said adult shall be on the premises at all times during the duration of the permit.

607.500. DESTRUCTION AND LITTERING.

607.510. DEFACEMENT, DESTRUCTION OF PROPERTY AND RESOURCES.



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Planning Commission Recommendation: Opt Out Ordinance

On Wednesday, August 31 the Birchwood Planning Commission met to discuss an ordinance Opting Out of Temporary Family Health Care Dwellings.

The Planning Commission reviewed the materials provided by City Attorney Kantrud. The Planning Commission voted in favor (all ayes) to recommend opting out of this state ordinance.

The one recommendation they would like to suggest to the Council is to change wording in City Code to allow for two (2) dwellings inside one house. This was suggested based on having a "basement apartment" that a resident could use to house or provide residence for a family member.

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

MEMORANDUM

TO: Mike Anderson, City Administrator
FROM: H. Alan Kantrud, City Attorney
DATE: July 29, 2016
SUBJECT: Consider Approval of Ordinance Opting Out of Recently Passed Legislation Requiring Cities to Permit Temporary Family Health Care Dwelling Units

Introduction

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

Discussion

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

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

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

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

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

Commission Review

The Planning Commission meeting will be reviewing the proposed ordinance.

Budget Impact

None

Recommendation

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

Attachment

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

ORDINANCE NO. 2016-08-16

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

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

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

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

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

Sec. _____. OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593.

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

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

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

Mayor Wingfield

Attest:

Mike Anderson: City Clerk

RESOLUTION NO. 2016-19
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

**RESOLUTION ESTABLISHING THE PRELIMINARY LEVY CERTIFICATION FOR
THE CITY'S 2017 GENERAL FUND AT \$326,299.00**

WHEREAS, the State of Minnesota requires that municipalities adopt a proposed, preliminary levy certification for its General Fund; and

WHEREAS, the City Council is required to adopt its 2017 Preliminary Levy Certification on or before September 13, 2016.

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

1. The 2017 General Fund Budget has been established with a Preliminary Levy Certification at \$326,299.00
2. The City of Birchwood Village will conduct its Truth in Taxation Public Hearing on the proposed 2017 Budget at the City's regular City Council meeting Tuesday, December 13, 2016 at 7:00 p.m.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 13 day of September, 2016.

Mary Wingfield, Mayor

Attest:

Mike Anderson
City Administrator-Clerk

RESOLUTION 2016-09-13
SUPPORTING ACTION BY RICE CREEK WATERSHED DISTRICT TO REPAIR HALL'S MARSH OUTLET TO
WHITE BEAR LAKE

Whereas Rice Creek Watershed District maintains and controls the outlet drainage structure from Hall's Marsh in Birchwood to White Bear Lake

Whereas the outlet structure has fallen into disrepair and is blocked and obstructed resulting in harmful flooding

Whereas the water drainage area continues to back up above acceptable and permitted levels

Whereas those increased levels have resulted in flooding and destruction of upland habitat, including Tighe-Schmitz Park areas which are used by Birchwood residents

Whereas this flooding has been exacerbated by the frequent and large rainfalls this year

Whereas Birchwood Village owns Hall's Marsh but relies on Rice Creek Watershed District to protect its natural resource

Now it is RESOLVED that Birchwood Village requests that Rice Creek Watershed District repair or replace the outlet structure to White Bear Lake as quickly and expeditiously as possible so that the City and its residents can enjoy its properties without further loss of use and value.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
info@cityofbirchwood.com

September 13, 2016

Mahtomedi City Council
600 Stillwater Road
Mahtomedi, MN 55115

Dear Mahtomedi Mayor and City Council:

As you all know, our communities share the old street car route of Birchwood Road, Hall Avenue and Cedar Street. These roads have always generated safety concerns for our residents. Our council has taken a proactive approach to these safety issues, including reducing the speed limit to 25 MPH, narrow the driving lanes to 10 feet, and installing pedestrian walks and markers. All have had some measure of success, but our residents continued to see considerable traffic that appeared to be taking a short cut through to White Bear Lake. To that end, we have now installed stop signs at regular intervals. The success has been substantial. Traffic volumes and speeds have decreased and residents have noticed it is much quieter as well.

Unfortunately, one of the unintended consequences is drivers appear to be going faster on the Mahtomedi portion to make up for lost time.

Our council encourages you to adopt many of the ideas that we have adopted, especially installing a three way stop at Lost Lake Court.

Members of our council have been in contact with your residents along that stretch and they have stated to us they appreciate the reduced traffic and look forward to vehicles moving slower.

With the start of a new school year and the addition of three new homes on Birchwood Road, it is even more imperative that the communities work together to make our roads safe for all.

We look forward to helping you in any way we can. Please feel free to contact any of us if you would like to discuss this further.

Very truly yours,

The Birchwood Mayor and City Council



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Ordinance Amendments

The City of Birchwood is currently looking at adding some language to City Code. Building Official, Jack Kramer has suggested the following based on his encounters with projects in the City:

1. "Road Escrow"

A Road Escrow is required when a Building Permit is applied for any activity that requires construction traffic to enter a construction site. The Road escrow is not limited to pavement damage, but includes any cleanup from soil erosion onto city streets regulated by ordinance or MPCA requirements, or any damage incurred to any city property. The Road Escrow fee shall be \$ 5,000.00. in the form of a bond or cashier's check.

2. "Regulation for the completion of the residential construction projects"

The city shall require that all exteriors of remodeled or new construction projects shall be fully enclosed with approved weather tight construction materials. Siding, roofing, soffit and fascia material's shall be approved by the State Building Code Standards and installed in a workman like manner. The use of house wrap, tar paper or like material shall not constitute a final or weather tight finish.

If you have questions please feel free to contact me at 651-426-3403 or mike.anderson@cityofbirchwood.com



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Planning Commission Recommendation: Impervious Surface Language

On Wednesday, August 31 the Birchwood Planning Commission met to discuss the definition of Impervious Surface in City Code.

The Planning Commission reviewed the materials that were presented at the August Council Meeting and the following is their recommendation:

The Planning Commission voted in favor (all ayes) to keep the current language the same and not change it to the recommended Dellwood language the Council suggested. Their reasoning was that the Dellwood language was too broad and didn't explain it as good as the current Code language.

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

Proposed Impervious Surface Ordinance

302.020 Definitions

23. Impervious Surface: The percentage of the lot covered with buildings including all appurtenances, decks, swimming pools, driveways and sidewalks.

This information was provided by Sherri Buss, TKDA planner used by Birchwood. The proposal incorporates DNR and Washington County language and interpretations

She also noted that all lots in the Shoreland District (almost all of Birchwood) require notice to the DNR for any variance requests.



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 2, 2016
SUBJECT: Ordinance 302.045 & 302.070 Fence Language

The City of Birchwood is currently looking at amending the code language regarding fences. Building Official, Jack Kramer has suggested the following:

302.070 City Fence Ordinance
4. Height

No fence or support posts shall not exceed (6) feet in height.
(Exception) Fences that are susceptible to rot or require normal maintenance may be allowed to be constructed a maximum of 3" above grade. The fence described shall not exceed 6'-3" maximum height.

Fences that are planned or constructed on uneven elevation changes shall follow the contour of the land and be in compliance with all requirements of the fence ordinance.

The current code language only allows for a maximum of 6 feet from grade level. Fence companies mainly use 4 foot or 6 foot boards for fences and if they raise them above the ground 2-3 inches, this language becomes unclear and needs to be visited.

If you have questions please feel free to contact me at 651-426-3403 or mike.anderson@cityofbirchwood.com

b. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.

b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.

5. STRUCTURES IN WETLANDS. No structures are allowed within any wetlands.

“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”

“AMENDED BY ORDINANCE 2003-1; February 12, 2003.”

302.030. HIGH WATER ELEVATIONS. All buildings shall be located such that the lowest floor surface is at a level at least three (3) feet in elevation above the highest known water level of any lake, pond, or wetland adjoining the lot. For three water bodies the high known water levels are:

HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	926.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	927.0 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	926.7 (NGVD, 1929)

302.040. STRUCTURE REQUIREMENTS.

1. Each dwelling unit must have a floor area of at least 900 square feet.
2. The maximum square footage of a storage shed is 144 square feet. No person shall place automobiles, vans, or trucks in a storage shed.

302.045 STRUCTURAL HEIGHT RESTRICTIONS

1. STRUCTURAL HEIGHT LIMITATION: The maximum height of a structure as calculated by Method A or Method B (see below) is as follows:

<u>Structure type</u>	<u>Structure Height Limitation</u>
Principal Structure/attached garage	30 feet
Detached garage	18 feet
Detached storage shed	12 feet
Fences	6 feet
Fences	6 feet, 6 inches (78 inches)

METHOD A: (Most applicable to 3-dimensional structures, e.g. houses and garages.) The maximum height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the grade plane. The grade plane shall be calculated based on the method shown in Exhibit A below. Elevation points at the ground level shall be evenly distributed along each façade.

METHOD B: (Most applicable to structures which are mainly 1- or 2-dimensional, e.g. towers, fences, and walls.) The maximum height of a structure is the difference in elevation between any point on the structure and the ground directly below that point.

2. Grading/Fill Limitation

The existing grade of the property shall not be raised around a new building or foundation in order to comply with the height requirements of this code.

3. Tallest Point Limitation

Regardless of the structure height limitations for principal structures specified in section 302.045 subsection 1 above, the lowest point on the façade to the tallest point of a structure shall not exceed 35 feet. Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues and does not extend more than three feet above the tallest point of the structure.

Exhibit A:

control on any property within the City, is a nonconformity. When a development permit is sought for property with non conforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation.

302.070 CITY FENCE ORDINANCE.

1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. A site drawing showing the location of the fence shall be submitted with the permit application.
2. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
3. Location. All fences shall be located entirely upon the property of the fence owner.
4. Height. No fence may exceed ~~six (6) feet~~ six (6) six (6) inches in height (78 inches maximum).
5. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.
6. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.

“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”

302.080. STAIRS AND LIFTS TO LAKE OR WATER BODY - STANDARDS. A stairway or lift to enable access from land properties to White Bear Lake or pond or recreational body of water shall be constructed and maintained in compliance with the standards and requirements of Section 302.080 parts 2 and 3.

1. The applicant shall obtain a Zoning Permit before any construction takes place.
2. Standards and requirements for stairways are as follows:
 - a. Stairways may not exceed 44 inches in width.
 - b. Landings may be permitted at a minimum vertical interval of 20 feet.
 - c. Landings may not exceed 32 square feet in area.



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Dock Association

The City Council has asked that the dock association to present information at the October 11 meeting. That information is as follows:

With the high water, what is the number of lifts that will actually be placed at each dock and which folks will be renting them? Not just spaces, but actual names so they have time to get lifts.

Also, in the past the city has waived the \$400 dock fees. The City Council would like to again waive those fees in return for installing/removing the Kay beach dock.

Finally, it appears there are still left over dock parts at some of the beaches. As part of the permit application, those need to be removed.

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

Mike.Anderson@CityofBirchwood.com

Mayor Mary Wingfield

September 1st, 2016

207 Birchwood Ave

City of Birchwood Village

Birchwood, MN 55110

Mayor Wingfield,

Please accept this letter as my application to fill the open seat on the White Bear Lake Conservation District Board representing Birchwood Village.

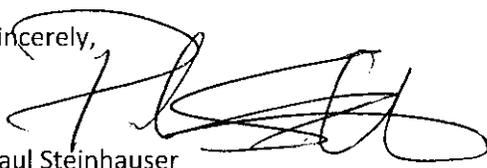
I have worked in the White Bear Lake area for 30 years, have lived around the lake for over 40 years, and enjoyed the lake lifestyle, including raising my two sons who spent many a day at area beaches.

My commitment to the health of the lake is seen by:

- Founding Race 2 Reduce, a water conservation non-profit organization in the City of White Bear Lake, under the H2O for Life umbrella
- Presenting a TEDx talk on water conservation, Century College, 2014
- Lead author of a study funded by the Conservation Board which quantifies water saving possibilities in the City of White Bear Lake through updating water use technologies in community residences
- Successfully lobbied the Minnesota Legislature for funding of the H2O for Life in schools water conservation education initiative
- Facilitated the conversion of Life Time Fitness pools to the moss filtration system, reducing chemical use along with countless gallons of water system wide

I believe my experiences relating to water use issues have me well suited to contribute to the Conservation District Boards leadership for the well being of White Bear Lake.

Sincerely,



A handwritten signature in black ink, appearing to read 'Paul Steinhauser', written over a horizontal line.

Paul Steinhauser



MEMORANDUM

TO: Birchwood City Council
FROM: Mike Anderson, City Administrator
DATE: September 7, 2016
SUBJECT: Portable Restrooms

The City of Birchwood is currently using On-Site Sanitation for our portable restrooms. Birchwood has two units throughout the year. One is located at the hockey rink year round while the other is located outside of Birchwood City Hall seasonally (spring-fall)

Currently On-Site charges Birchwood \$99.36 per month, per unit. After doing some research and receiving some quotes from other companies for the same service I would like to make this recommendation:

AIRFRESH is a portable restroom company that services Stillwater Township, Grant, Scandia, Lakeland, and Bayport. This company charges \$75 per unit, per month and includes free delivery and pick-up. The billing cycle is every 28 days which I have requested to change to monthly. They also charge \$25 to move the unit (4th of July) which I have also requested to have one (1) free move per year. At the time of this memo, I have not heard back yet but might have an update on 9/13/16. I recommend the City of Birchwood change services from On-Site Sanitation to AIRFRESH.

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

call City Hall at 651-426-3403.



P.O. Box 24, Stillwater, MN 55082
 Tel (651) 430-0916 • Portable Restroom Rental
 Tel (651) 775-1489 • Septic Design/Inspection Services
 Fax (651) 433-9934 • www.AirFreshIndustries.com
 MPCA License #2114/Insured
 CERT Certified SBE/WBE
 DBE/TGB Certified

August 30, 2016
 City of Birchwood
 Attn: Mike Anderson, City Administrator
 207 Birchwood Ave.
 Birchwood, MN 55110

Thank you for the opportunity to provide you with a Portable Restroom Rental quote for the City of Birchwood Village. Our portable restrooms include hand sanitizers and would be placed and picked up on your requested dates. AirFresh Industries *does not* add hidden charges such as "Environmental Disposal Fees" or "Fuel Surcharges."

CITY OF BIRCHWOOD VILLAGE, MN

Portable Restrooms Skid Units (Includes Dropoff/Pickup/Service 1x/week):

- | | |
|--|--------------------------------|
| 1. Toilet w/Deodorizer & Handsanitizer | \$ <u>75.00</u> /unit/28-days |
| 2. ADA Accessible Toilet w/ Deodorizer & Handsanitizer | \$ <u>125.00</u> /unit/28-days |

Miscellaneous:

- | | |
|---|--------------------------|
| 1. Chemical Hand Sanitizer/Unit (included) | \$ <u>0.00</u> /28 days |
| 2. Extra Service or Tip-Over/Unit (provided upon request) | \$ <u>25.00</u> /service |

Delivery/Pickup/Move Charges:

- | | |
|--------------------------------------|--------------------------|
| 1. Delivery/Unit | \$ <u>0.00</u> /delivery |
| 2. Pickup/Unit | \$ <u>0.00</u> /pickup |
| 3. Move/Unit (provided upon request) | \$ <u>25.00</u> /move |

TOTAL = \$150.00/2-units/28-days
Sales tax (if applicable) not included in above pricing.

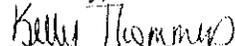
_____ Signature/Title	_____ Date
City of Birchwood Village	

NO Pickup or Delivery Charges
NO Damage Waivers
NO Disposal or Hidden Fees

_____ Signature/Title	_____ Date
AirFresh Industries	

For areas where environmental conditions or vandalism is of concern, our portable restrooms can be staked down or locked upon request at no additional charge.

AirFresh Industries is licensed (MPCA #2114) and insured. AirFresh Industries is certified as a **Disadvantaged Business Enterprise (DBE)** through the Minnesota Unified Certification Program (MnUCP) and is also certified through the Central Certification (CERT) Program as a **Small Business (SBE) and Women-Owned Business (WBE) Enterprise**. AirFresh Industries is certified through the **Metropolitan Council Underutilized Businesses program (MCUB)** as well as the **Minneapolis Small and Underutilized Business Enterprise Program (SUBP)**. AirFresh Industries is additionally certified as a **Targeted Group Business (TGB)** thru State Admin and also has its Affirmative Action Plan registered w/MnDHR.

Sincerely,


Kelly Thommes
 President/AirFresh Industries, Inc.
 P.O. Box 24
 Stillwater, MN 55082
 651-430-0916 (main)/651-775-1489 (cell)
 651-433-9934 (fax)
kellythommes@airfreshindustries.com
www.airfreshindustries.com



Heating & Cooling Exxperts LLC
 123 Cedar Street
 White Bear Lake, Mn 55110
 (651) 653-5757

Proposal

14879

Sales Person:

08/29/16

Page 1 of 1

PREPARED FOR:

City Of Birchwood
 207 Birchwood Ave
 Birchwood MN 55110
 Home Office 651-426-3403
 Cell Fax

JOB LOCATION:

City Of Birchwood
 207 Birchwood Ave
 Birchwood MN 55110
 Home Office 651-426-3403
 Cell Fax

Y - BA - OP LEGEND: Y=ACCEPTED BA=BASE OP=OPTION AMOUNT

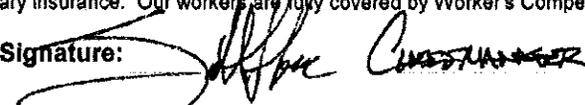
- Remove existing central A/C system and dispose of properly. Install one new RUUD model # RA1324AJ1NA, 2.0 ton 13 SEER, R410-A central A/C system. Installation includes the following: Set new condenser on new pad, install new indoor coil in down flow application. Revise sheet metal plenum as needed, install new refrigeration line set, connect condensate to drain, connect low voltage wiring, start up and testing of system. 5 year labor, 10 year parts and compressor warranty. Line voltage electric not included. \$3,530.00
- Remove existing central A/C system and dispose of properly. Install one new RUUD model # RA1424AJ1NA, 2.0 ton 14.5 SEER, R410A central A/C system. Installation includes the following: Set new condenser on new pad, install new indoor coil in downflow application. Revise sheet metal plenum, install new refrigeration line set, reconnect condensate to drain, reconnect low and line voltage wiring, start up and testing of system. 5 year labor and 10 year parts and compressor warranty. \$3,880.00

PLEASE SUM THE TOTAL OF ACCEPTED ITEMS.

PROPOSAL TOTAL \$ _____

PAYMENT TERMS: Down payment of 50% required, and final payment upon completion of job.

All material is guaranteed to be as specified. All work to be completed in a professional manner according to standard practices. Any alteration or deviation from above specification involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Worker's Compensation Insurance.

Salesperson Signature:  Proposal may be withdrawn by us if not accepted within 10 days.

By signing below, the above prices, specifications, conditions and payment terms are satisfactory and are hereby accepted.

Customer Signature: _____ Date of Acceptance: _____