



AGENDA OF THE  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
WASHINGTON COUNTY, MINNESOTA  
JULY 12, 2011  
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the June 28, 2011 Regular Meeting (see exhibit)
2. Acceptance of Financial Report and Approval of Disbursements (see exhibit)
3. Approval to Authorize Disposal of Excess Electronic Equipment (see exhibit)
4. Approval of Hiring Johnny Dow & Matthew Brunner as Seasonal Parks Maintenance Workers at \$10.00 per hour (see exhibit)

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – REGULAR ORDER

5. 7:15 2010 Crack Filling Project – Inadequacies: Update (Elfering - see exhibit)  
Time Budget: 15 minutes
6. 7:30 Resolution 2011-14/Ordinance 2011-05: Changing the name of lower Birch Street to Owl Street (see exhibits)
  - a. Public Hearing
  - b. Council Discussion and Consideration of AdoptionTime Budget: 15 minutes
7. 7:45 Resolution 2011-15: Prohibiting On-Street Parking on Certain Portions of Lake Avenue and Park Avenue (Sampair – see exhibit)  
Time Budget: 15 minutes
8. 8:00 Parks Committee By-Laws: Review and Consideration of Approval (see exhibit)  
Time Budget: 10 minutes
9. 8:10 Out Of State Travel Policy: Review and Consideration of Approval (Mitchell – see exhibit)  
Time Budget: 10 minutes
10. 8:20 Next Meeting – August 9, 2011 – Topics  
Time Budget: 10 minutes
11. 8:30 ADJOURN



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## **EXECUTIVE SUMMARY – JULY 12, 2011 CITY COUNCIL MEETING**

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

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

1. Approval of the Minutes of the June 28, 2011 Regular Meeting.
2. Acceptance of the Financial Report & Approval of Disbursements.
3. Approval to authorize disposal of excess electronic equipment. Greg Donovan, the City's representative to the Ramsey Washington Suburban Cable Commission, addressed the Council at its June 28<sup>th</sup> meeting on this matter. Greg stated that there is quite a bit of used cable, computer, and photocopier equipment still being stored at City Hall that could be sold or otherwise disposed. In order for the City to dispose of the equipment, Greg advised the Council that it would need to adopt a resolution authorizing the disposal. Subsequent to that declaration, staff determined that a simple motion to approve is sufficient.
4. Approval of hiring Johnny Dow & Matthew Brunner as seasonal parks maintenance workers at \$10.00 per hour. The Council authorized advertising for this position at its May 10<sup>th</sup> meeting. The FY 2011 budget for the parks calls for \$450.00 for this expense. Johnny and Matthew were the only two applicants for the position. Parks Committee Chair John Lund recommends hiring both applicants, with mobilization to be determined by their availability and remaining funding.

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

5. 2010 CRACK FILLING PROJECT – INADEQUACIES - UPDATE: At the June 28<sup>th</sup> meeting, the Council directed the City Attorney to draft a letter to Allied Blacktop Company in regards to the 1-year warranty on the crack filling performed in 2010. A copy of the correspondence is included in the agenda packet as an exhibit. It is the understanding of staff that a representative of Allied Blacktop Company has been invited to this meeting to respond to questions on the work performed and the warranty.
6. RESOLUTION 2011-14/ORDINANCE 2011-05: CHANGING THE NAME OF LOWER BIRCH STREET TO OWL STREET: This matter first came to the Council's attention in February, when City residents Randy LaFoy and John McGinniss addressed the Council on concerns over vehicles driving to locations on upper Birch Street (the part off of Birchwood Avenue) by travelling on Wildwood Avenue to Birch Street, only to find that the two sections of Birch Street are not connected. Subsequently, the Council researched the cost of changing the name and found the cost (approximately \$200.00) to be reasonable. The Council also reviewed the draft resolution and ordinance and found it to be acceptable. Mayor Alan Mitchell drafted the codified ordinance 702.010 that (along with the resolution and ordinance) is included in the agenda packet as exhibits. Per the provisions of Minnesota Statutes Chapter 440.11, the City has the authority to change the name of any street by ordinance. While a public hearing apparently is not required by statute, it is required as a part of the City Council's rules of procedure. Notice was

published in the White Bear Press and mailed to all property owners whose property abuts upper and lower Birch Street.

**QUESTION: Should the City Council change the name of lower Birch Street (the part connecting to Wildwood Avenue) to Owl Street?**

7. RESOLUTION 2011-16 – A RESOLUTION PROHIBITING ON-STREET PARKING ON CERTAIN PORTIONS OF LAKE AVENUE AND PARK AVENUE: This issue came about due to the investigation of a complaint about exterior storage and off-street parking in the area of Lake Avenue and Park Avenue by Tighe-Schmitz Park. Subsequent review of the parking issues by Council Member Sampair and White Bear Lake Police Officer Rob Flick resulted in a recommendation that on-street parking be prohibited on certain portions of Lake Avenue and Park Avenue. A presentation of these changes was made by Council Member Sampair at the June 28, 2011 Council meeting. City Attorney Kevin Sandstrom advised the Council that a resolution should be adopted by the Council that lays out the reasons for the parking restriction and the precise areas of the affected streets on which parking is restricted. A copy of the draft resolution is included in the agenda packet as an attachment. As recommended by Sampair and Flick, the restrictions would be on the north side of Lake Avenue from the telephone pole in front of 409 Lake Avenue to the west edge of the Dellwood easement; on the south side of Lake Avenue 116 feet west of the power pole (between the power pole and the “patio-like” off-street hard surface pad adjacent to the driveway serving 401 Wildwood Avenue), and along the west side of Park Avenue (to provide access to the hydrant on the west side of Park Avenue by fire fighters).

**QUESTION: Should the City Council adopt Resolution 2011-16?**

8. PARKS COMMITTEE BY-LAWS: The Parks Committee is a long-standing Committee of the City, yet has not had a set of by-laws to govern their actions. At the gentle prodding of the City Council, the Parks Committee reviewed a set of draft by-laws proposed by Mayor Mitchell and recommended for approval the edited version included in the Council packet as an exhibit. Parks Committee Chair John Lund advised me that the reason gaining Parks Committee approval of the draft by-laws took as long as it did is because, with a 9 member committee it was difficult obtaining and keeping a quorum (5 members). With 4 members leaving the Committee, Lund thinks it would be a good time to lower the composition of the Committee to 5 (Lund, Katie Cavenor, Deb Harrod, John McCormick, and Carleen Corliss).

**QUESTION: Should the City Council approve the Parks Committee by-laws as approved by the Committee? Should the City Council consider lowering the number of Committee members so as to make it easier to obtain and maintain a quorum?**

9. OUT-OF-STATE TRAVEL POLICY: This issue arose from the recommendation of Peggy Moeller of HLB Tautges Redpath, the firm that audited the City's financial transactions the last 2 years. Many cities are adopting policies of this nature, so Birchwood would not be unique in adopting an out of state travel policy. Mayor Mitchell took the City's existing travel policy and edited it to incorporate language on out-of-state travel. This edit is included in the agenda packet as an exhibit.

**QUESTION: Should the City Council adopt the draft out-of-state travel policy as presented by Mayor Mitchell?**

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**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
June 28, 2011**

**MINUTES**

**MEMBERS PRESENT:** Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, and Tony Sampair (@ 7:09pm)

**MEMBER ABSENT:** Council Member Mark Peterson

**STAFF PRESENT:** City Engineer Kristie Elfering, City Clerk Dale Powers, and City Attorney Kevin Sandstrom

**OTHERS PRESENT:** White Bear Press reporter Kristine Goodrich, Todd Smith, and Mary Wingfield.

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

**AGENDA APPROVAL:** *Harper/Carson 3-0 (Peterson and Sampair absent) to approve the agenda for the June 28, 2011 Regular Meeting.*

**COMMUNITY EVENTS AND ANNOUNCEMENTS:** *Mitchell* made the following announcements:

- 4<sup>th</sup> of July Parade starts at 10:00am on Monday.
- Music in the Park continues on Sunday, July 10<sup>th</sup> with Tim Brown performing.
- Assured city residents that if state government shuts down on July 1 as anticipated that City Hall will continue to be open.
- Happy Birthday to Council Member Jane Harper!!

**OPEN PUBLIC FORUM:** No members of the public came forward to address the Council.

**APPROVAL OF THE MINUTES OF THE JUNE 14, 2011 REGULAR MEETING:** *Mitchell/Carson 4-0 (Peterson and Sampair absent) to approve the minutes of the June 14, 2011 regular meeting with the following corrections:*

- *Line 38: Change the comma to a period; delete all wording after the comma, to be replaced by "Mitchell described the survey and stated that more information is available at City Hall."*
- *Line 90: Place the phrase after "Wingfield" in parentheses instead of commas, and change the wording so as to read "who was Mayor at the time the City Council voted to switch to a local assessor".*
- *Line 107: Replace the phrase "the City" with the word "it".*
- *Line 111: Bold "Harper" to maintain consistency throughout the document.*
- *Line 190: Replace "ti" with "it".*
- *Line 206: Replace "determined" with "stated".*
- *Line 207: Add the word "City" between the words "total" and "cost".*

- 47 • *Line 241: Replace the phrase “and recommends that Kropelnicki apply” with “so Kropelnicki*
- 48 *can apply.”*
- 49 • *Line 249 and 250: Replace the sentence “The general consensus of the Council is for Kropelnicki*
- 50 *to be able to apply for a conditional use permit and directed Kropelnicki to submit a*
- 51 *conditional use permit application to the City” with “The general consensus of the Council is*
- 52 *that Kropelnicki is eligible to apply for a conditional use permit.”*
- 53 • *Line 317: Delete the word “with”*

54  
55 **RESEARCH OF MUNICIPAL AUTHORITY TO CONTRACT WITH A PRIVATE ASSESSOR:** City Attorney

56 **Sandstrom** reviewed with the Council his research on this matter. **Sandstrom** stated he had had  
57 multiple communications with the attorney for the Minnesota Department of Revenue (DOR) over the  
58 past two weeks to exhaust all potential avenues of the City keeping the contract with Todd Smith based  
59 upon consent or agreement with the DOR changing their legal theories. The short of those  
60 communications is that the conclusion of the DOR remains the same – that the city is not permitted to  
61 have a local assessor. The discussion at the last Council meeting focused on the opinion from the DOR  
62 that the statutes that were in place back in the 70s required the City at that time to make an election to  
63 have the option to have a local assessor remain in place, and that the City failed to take that action back  
64 in the 70s. **Sandstrom** continued by saying another statute in place in the 90s that would have allowed  
65 the City to potentially have its local assessor position reinstated if it so chose under that statute. The  
66 City didn’t act under that statute when it was in force, and that statute was repealed in 1995 and  
67 replaced with a different statute. **Sandstrom** further stated that the DOR’s position is that under the  
68 current statute, if a city didn’t make that election under the pre-72 law or the pre-95 law that they’ve  
69 basically lost their ability to have a local assessor put back in place. **Sandstrom** addressed with the  
70 attorney for the DOR comments by the former Mayor Wingfield about the fact that former Mayor  
71 Wingfield was in discussions with DOR back in the 2009-2010 time frame prior to a contract being put in  
72 place, and at that time the DOR never jumped up to say “you can’t do that”, and the assertion by former  
73 Mayor Wingfield is that in fact the DOR had recommended Todd Smith as a potential local assessor for  
74 the City. The DOR attorney said he spoke to the employees in his department and doesn’t agree that any  
75 representation was made and doesn’t think that affects his analysis whatsoever. **Sandstrom** raised with  
76 the DOR attorney a legal issue of estoppel, an argument that the DOR made a representation to the City  
77 that it could have a local assessor and now the DOR was trying to back out of that representation after  
78 the City relied on it. The legal argument, **Sandstrom** noted, is that the DOR is stopped from arguing that  
79 the City invalidly entered into this contract. The DOR attorney’s response and opinion is that no, we  
80 didn’t make a representation to the former mayor and no, there’s no estoppel issue here; our previous  
81 position still stands that the City doesn’t have the authority to enter into this contract. **Sandstrom**  
82 passed out copies of a series of communications between himself and Lance Staricha, the DOR attorney,  
83 from last Thursday to even today. **Sandstrom** concluded his remarks by stating to disclose the extent of  
84 his communications with DOR, the series of communications takes up roughly 25 pages of printouts of e-  
85 mails; that he has gone back and forth at length with DOR on this issue; and that DOR is firm in that it is  
86 not going to bless the City’s contract and allow us to stay in it.

87  
88 **Mitchell** asked if there are e-mails in there from today that Council has not seen before? **Sandstrom**  
89 responded by saying he believes there probably is.

90  
91 **Mitchell** stated that we’ve heard the “he said she said” argument and his view is that the Council is  
92 never going to know that before making its decision, and the crucial point is whether the Council has the  
93 legal authority to do this or not. **Harper** asked **Sandstrom** whether in his research on this issue he found  
94 anything in writing regarding DOR’s communication with former Mayor Wingfield regarding a

95 recommendation for a local assessor or any discussions regarding this. **Sandstrom** replied that he didn't  
96 ask the DOR to produce documents; in essence, that's something that would be done if litigation was in  
97 place, because the City would have a right to request for a production of documents. Since litigation was  
98 not in place, **Sandstrom** noted that he didn't think he had the authority to demand any documents from  
99 DOR. The DOR attorney is of the position that he's reviewed their files and didn't find anything that  
100 would support the City staying in the contract with Todd or them approving the contract with Todd  
101 Smith. **Harper** responded by asking whether Sandstrom asked or not, nothing was forthcoming and  
102 Sandstrom hadn't found anything in his files in writing. **Sandstrom** said he didn't have anything.  
103

104 **Smith** read to the Council one particular e-mail exchange between Sandstrom and Staricha dated June  
105 23 as follows: "Mr. Sandstrom, you called today to ask what the Dept. of Revenue would do if the city  
106 went ahead and hired a local assessor despite our opinion that they do not appear authorized to have  
107 the office of local assessor. We can't answer that. We haven't made that determination, and it is  
108 unlikely that we would, or could, do that in the next few days given all the activities we have going on  
109 related to the potential shutdown. Additionally, I personally don't remember if there has been a  
110 comparable past situation that I could recount for you what happened." **Smith** stated that has left him  
111 in the lurch in that this is not a legal opinion citing precedence but a personal opinion. **Smith** concluded  
112 by saying he was hoping that the City would get a legal opinion.  
113

114 **Sampair** asked Wingfield if she had anything in writing from DOR saying that the agency gave you a  
115 recommendation on Smith. **Wingfield** responded by referring the Council to the whole sequence of  
116 events from the summer of 2008, when she came here as a citizen explaining the circumstances she was  
117 walking through in order to provide the City information. At that time, **Wingfield** stated that she  
118 provided the Council with the name Todd Smith, and noted that she had been consistent with that even  
119 in 2009 and 2010. **Wingfield** continued by stating that in 2010 Council Member Jay Brunner challenged  
120 whether she had contact with the DOR and whether the agency would endorse somebody. **Wingfield**  
121 said "feel free to give them a call." **Wingfield** noted that she has always known the name of Pam  
122 Lundgren (of DOR) and never used the name of Deb Volkert (also of DOR), and said that there is no way  
123 obviously any reasonable person would know the issue would turn on whether or not she had a  
124 conversation with the DOR. **Wingfield** continued by saying for her to now come in and say she had a  
125 conversation with the DOR doesn't have nearly the weight as what she said in 2008, 2009, and 2010.  
126 **Wingfield** also stated that the other thing is Smith then does include in his list of references "Pam  
127 Lundgren Department of Revenue". The Council could go to former Mayor Randy LaFoy because he  
128 (LaFoy) did background checks on two individuals who put forth their applications for this position.  
129 Wingfield recalls LaFoy saying that they both came with good recommendations. **Wingfield** further  
130 stated that this wasn't something where she was operating in a vacuum, and has phone notes.  
131 **Wingfield** concluded her remarks by stating that while she did not have anything in writing  
132 memorializing these conversations, if the matter was to turn on documentation then she would have  
133 had to document every phone conversation because this was the last thing on anybody's radar at any  
134 time up until two weeks ago.  
135

136 **Sandstrom** stated that he didn't think anyone here was faulting former Mayor Wingfield for not getting  
137 something in writing; we were just looking to see if there was something in writing so it sounds like  
138 there is not something in writing. **Sandstrom** further stated that if this matter went to trial it would boil  
139 down to testimony of former Mayor Wingfield versus the testimony of Pam Lundgren in a credibility  
140 determination. **Sandstrom** noted that the attorney for the State of Minnesota Department of Revenue  
141 said he interviewed the folks and nothing came up on his radar. **Sandstrom** further noted that whether  
142 it's accurate or not it appears that the testimony of Pam Lundgren would be contrary to the City's

143 position; whether that testimony is accurate or not is impossible to say at this point. From the  
144 communications he had with the (DOR) attorney, **Sandstrom** concluded that it would not be favorable  
145 to the City's position to uphold a contract with Mr. Smith.

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147 **Smith** responded by saying that throughout this process he thought it was relatively smooth in the  
148 beginning and then it came up to two weeks ago, which was unfortunate because it caught all of us off  
149 guard. **Smith** further said that the root of this issue that we may need to think about is the County's  
150 position on this whole thing. Has the County assessor's office or property tax division had something to  
151 do with the decision-making process? Was Kevin Corbid's call to the DOR to ask a specific question? Why  
152 would you ask a question like that unless you had some kind of forethought in the matter? **Smith**  
153 continued by stating that he signed the contract for the City of Grant this evening, and we did all the  
154 background given all these circumstances, e. g. we got a letter from the Department of Revenue saying  
155 the City of Grant can have their own private assessor, because they've had it in the past. Nothing has  
156 happened, and **Smith** said that he has a meeting tomorrow with Bruce Munneke to sit down and get the  
157 computer and get his passwords and his quintile that has to be done this year and tags and everything to  
158 determine what this year's work is going to be. **Smith** continued by stating that the process has been  
159 relatively smooth at the City of Grant; up until two weeks ago, it was relatively smooth here and was  
160 ready to start for the City of Birchwood. **Smith** concluded by saying that now all of a sudden Kevin  
161 Corbid asks the question of DOR something so obscure nobody knew about it; they had to look back at  
162 the records to pull the statutes that were no longer in existence; and would like a solid legal opinion.

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164 **Sampair** asked Smith why did he receive a letter for the Grant contract regarding the DOR opinion  
165 whether or not the City of Grant could get this? Was that done because of what's going on here, or was  
166 that done because that's the normal protocol? **Smith** responded that it was done because of what's  
167 going on here, and said he knew ahead of time after this question came up that the City of Grant had no  
168 issue with that because he knew the local assessor that worked for Grant prior to 10 years ago. **Smith**  
169 continued by saying the reason he got it was just to make an assurance to the City Council there that  
170 they have the right and the ability to hire a local assessor, and noted that prior to that, all of this was  
171 news to him - it's such an obscure old statute that it was never on his radar. **Smith** asked again has the  
172 County done anything to add to at least the information base for this question; has the County given an  
173 opinion as to whether it feels it would agree with it or not? **Smith** concluded by saying it goes past his  
174 thinking that this would become an issue and blow up to what it is right now, and is a little disturbed at  
175 that.

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177 **Powers** wanted to clarify a statement made by Smith regarding the role of the County in this process,  
178 and stated that the initiating party that brought up the whole idea of whether the City was eligible to  
179 have a local assessor was not Kevin; it was DOR. **Powers** stated that Kevin Corbid called Deb Volkert to  
180 say that the City of Birchwood has decided to go to a local assessor, and said that according to Kevin,  
181 Deb was the one that said "are they eligible?" **Powers** continued by saying he was led to believe that  
182 this whole thing took the County by surprise.

183  
184 **Mitchell** said it's time for the Council to figure out what to do, and noted that the most decisive  
185 information it has in writing is from the Department of Revenue telling the Council it can't do this.  
186 **Mitchell** continued by saying he is more persuaded by that than trying to trace who told whom what,  
187 and that if the law is what the Department tells the Council it is, it probably doesn't matter if somebody  
188 said something incorrectly 2 years ago or even a year ago. **Sampair** agrees. **Smith** said we're not really  
189 referring to a law; we're referring to the wording of the DOR. **Smith** stated that he doesn't believe there  
190 is a statute in place that absolutely prohibits this, and noted that DOR made an opinion to Mr.

191 Sandstrom, but that's not really in the form of a law or statute, quoting case in point. **Sandstrom**  
192 responded by saying that DOR's opinion is based upon its interpretations of statutes and wasn't off the  
193 top of their head. **Sandstrom** further stated that the opinion cites statutes and repealed statutes passed  
194 by the Legislature. **Smith** asked Sandstrom in the case of the repealed statutes, what bearing do they  
195 have on these decisions? **Sampair** interrupted by saying that at this point, it's a discussion amongst the  
196 Council because of the legal opinion that the Council shouldn't believe it should be throwing out here at  
197 this time. **Mitchell** agreed, saying that it is not appropriate for Smith to be questioning our lawyer, and  
198 the Council is going to deliberate. **Smith** said he's at a loss here and want to resolve this with the Council  
199 as best it can.

200

201 **Sampair** moved to direct the attorney to discuss with Todd a way to separate that's beneficial to both  
202 the City's and Todd's appraisal service so that the Council can end this contract because it has to be  
203 ended in whatever manner the attorney thinks is best for the City. **Mitchell** said he didn't hear a second  
204 and further said to Sampair that he didn't like the motion. **Mitchell** stated that he thinks the contract is  
205 null and void; there's nothing to negotiate – we don't have a contract.

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207 **Harper** (after the motion below was made but before it was voted upon) asked if we can direct the City  
208 Attorney to lay out the sequence of statutes that is the basis for the Council's decision, and recalls a  
209 memo about a month ago from Sandstrom that fairly clearly laid out those series of statutes and then  
210 case law that talked about contracts – illegal contracts would be null and void. **Sandstrom** responded  
211 that he provided a legal memorandum to the City Council basically outlining the same opinion from e  
212 statutes and case law on contracts. **Sandstrom** noted that he provided a legal memorandum outlining  
213 the same opinion as the DOR attorney that's on the first two pages of the packet of e-mails that was  
214 handed out tonight that lay out the statutory issues that are the basis of DOR's position on the matter.  
215 **Sandstrom** continued by saying his legal memorandum states that the basis for his opinion is the  
216 doctrine of illegality, stating that if two parties try to enter into a contract, but the basis on which that  
217 contract is made is illegal for some reason, the contract is void under the law. **Sandstrom** noted that the  
218 reasons the contract can be held illegal is if it is contrary to some provision in the law which is a statute  
219 or a city ordinance, or it can be illegal based upon what is put out in case law from the Minnesota  
220 Supreme Court or it can be illegal based upon public policy reasons - if it is a public policy reason, then  
221 the courts get into a more detailed analysis of what's good public policy and what's not. **Sandstrom**  
222 concluded by saying that in this case, the basis of illegality of this contract would be the fact that there  
223 are statutes that require the City to have done certain things and requires the City to obtain express  
224 permission of the commissioner of the Department of Revenue in advance under the current statute to  
225 put a local assessor in place. The City didn't do that, so the contract that's been put in place is in  
226 violation of a statute. Therefore, the contract is illegal and therefore void. **Mitchell** said that was a  
227 friendly amendment because I defer to the lawyer to word the letter in as much detail as he deems  
228 appropriate. **Harper** reiterated her concern that it's important in that letter to state the reason why  
229 we're cancelling the contract.

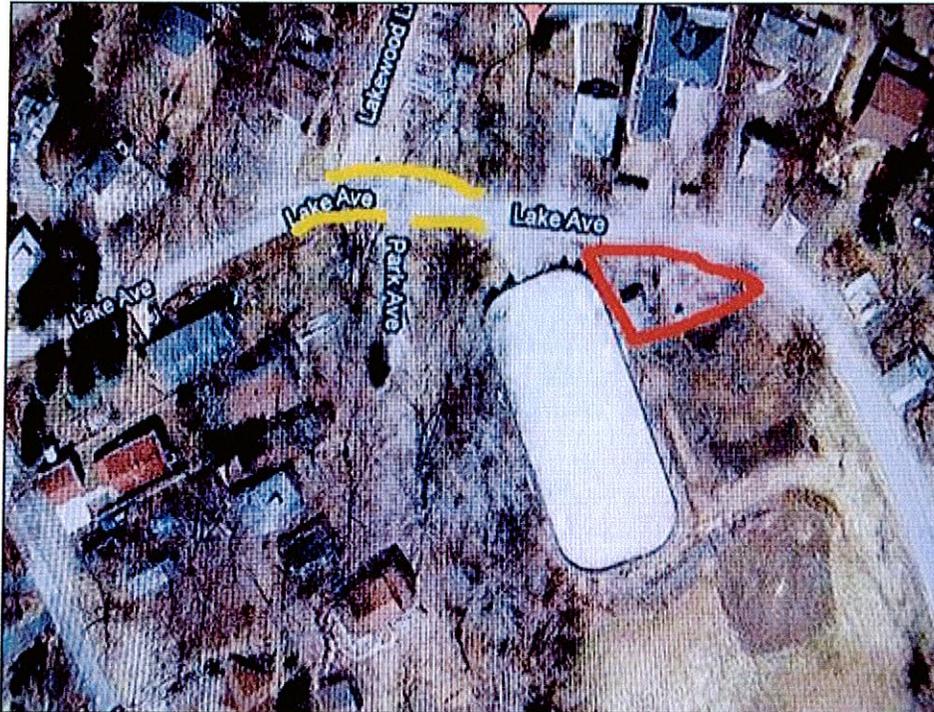
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231 **Mitchell/Sampair 4-0 (Peterson absent) to notify Mr. Smith that the City of Birchwood considers the**  
232 **contract to be null and void and that the City Clerk will contact the County and find out what we need**  
233 **to do to get back online with the County assessment process.**

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235 **STATUS OF PARKING REGULATIONS ON PARK AVENUE AND LAKE AVENUE:** **Sampair** reviewed with the  
236 Council an exhibit from Officer Rob Flick that indicates where parking should be restricted in the Lake  
237 and Park Avenue area, and noted that he, Flick, and Elfering met at the site and determined that the

238 area indicated on the exhibit should be posted as “no parking”. Sampair noted that in the future the  
239 area outlined in red (adjacent to the hockey rink) could be improved to provide off-street parking.  
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243 Exhibit: yellow is proposed for “no parking”; red is proposed future overflow parking area  
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245  
246 **Sampair** noted the combination of the steep grade of Lake Avenue, the narrowness of the pavement,  
247 and the curvature of the road all call out for restricting parking in the yellow-lined area.  
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249 **Mitchell** said we need to identify where parking is allowed – on the north side of Lake Avenue from the  
250 Dellwood easement to the corner, and a little segment in front of 401 Wildwood Avenue. On Park  
251 Avenue, parking would be allowed on the east side – no parking on the west side where the hydrant is  
252 located. **Sampair** noted that the residents on Park Avenue have done a good job of policing parking  
253 themselves and park on the east side.

254  
255 **Mitchell** asked whether residents can park on the grass. **Sampair** noted that in 1993 or 1995 a variance  
256 was granted to allow the fence to be closer to Lake Avenue, which makes it harder to park on the grass.  
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258 **Harper** said there is a split-rail fence touching on the red and the yellow that is close to the road and  
259 makes it hard to park off the road. The split-rail fence by the red should be moved farther off the road to  
260 allow for additional off-street parking. **Sampair** agreed with Harper, and noted that the fence was  
261 installed at the request of Park Avenue residents who said other people parking their cars there were  
262 making it hard for Park Avenue people to park. **Sampair** further stated that Park Avenue is really a  
263 glorified access driveway that is being maintained by the property owners.  
264

265 **Harper** also noted that the proposed area where parking will still be allowed on the north side of Lake  
266 Avenue is difficult to park on due to the overgrowth of vegetation. **Carson** noted that perhaps KEJ  
267 should be called in to take care of that.

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269 **Mitchell** reiterated his question about being able to be park on the grass. **Sampair** responded that since  
270 the right of way is not very well defined in the City, it would be difficult to say one way or another.

271 **Mitchell** asked about the process, stating that Section 502.020 of the City Code says the City needs to  
272 pass a resolution and publish it in the local newspaper. **Sandstrom** recommends to the Council to direct  
273 staff to draft a resolution for review and consideration at the next Council meeting.

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275 **Mitchell** also noted the crosswalk signs between Park Avenue and the Dellwood easement, and said that  
276 there is no pavement marking for the crosswalk. **Elfering** responded by saying that she recommends  
277 taking the crosswalk signs down because of its function as a mid-block crosswalk which are more  
278 dangerous than intersection crosswalks.

279  
280 **Carson** asked does it have to be no parking on both sides of Lake Avenue – why not on just one side?

281 **Sampair** responded by saying the north and east side of Lake Avenue east of Dellwood easement has  
282 always been no parking. **Elfering** noted that the area indicated for no parking covers the telephone  
283 pole, the easement, and the lift station.

284  
285 To summarize, **Mitchell** said that staff is to work with Sampair on a resolution for the next meeting on  
286 the no parking and the removal of the crosswalk signs. **Harper** asked if our ordinance calls for notifying  
287 the residents in the area about this change and if not, it would be a good courtesy to notify the  
288 residents.

289  
290 **2011 CRACKFILLING PROJECT – INADEQUACIES:** **Harper** reviewed this matter with the Council, and  
291 stated that the crackfilling project from last year has resulted in a lot of the cracks on Wildwood Avenue  
292 have been popping. This was brought to the contractor's attention last fall, and the contractor (Allied  
293 Blacktop) responded by saying that the work is warrantied for 1 year and recommended waiting until  
294 around that time and saw how it went. Harper said that it the work is not holding up. **Elfering** reviewed  
295 with the Council a photo array indicating the deficiencies in the work, and said that she shared this  
296 information with the contractor. Elfering informed the Council that the contractor responded to her by  
297 stating that some of the deficiencies would be fixed. Elfering concluded her remarks by asking whether  
298 the Council wanted her to review the entire work on Wildwood Avenue and mark the cracks that need  
299 repair. **Sampair** commented that if the contractor warrantied the work that the contractor should repair  
300 all of the deficient cracks identified by Elfering. Harper noted that some of the cracks that are covered  
301 by sealcoating may be deficient, but the deficiency won't be apparent until the sealcoating wears away.  
302 **Sampair** asked Elfering how this could have occurred, wondering if the cracks weren't dug out deep  
303 enough. **Elfering** responded that the cracks may not have been properly cleaned before filling, so the  
304 contractor laid filler on top of sand and debris.

305  
306 **Harper** raised a question about the warranty process. **Sandstrom** commented that in a warranty claim,  
307 the first step is to demand upon the party to fix the problem, and if the problem is not fixed before the  
308 end of the warranty period, the City can make a breach of warranty claim. **Sampair** recommended that  
309 the letter to Allied should be from the City Attorney, as it would carry more weight.

310  
311 **NEXT MEETING – JULY 12, 2011 – TOPICS:** **Mitchell** noted the following items are on the agenda for the  
312 next meeting:

- 313 • Seasonal parks help
- 314 • Owl Street public hearing
- 315 • Update on 2010 crackfilling project inadequacies
- 316 • Parks by-laws
- 317 • Resolution on parking on Lake Avenue & Park Avenue
- 318 • Resolution on disposal of excess equipment
- 319 • Out of state travel policy

320

321 **ADJOURN:** Without a motion, **Mitchell** adjourned the meeting at 8:25pm.

322

323

324

325

326

---

327 Dale Powers

328 City Clerk

Birchwood Village  
7-12-11  
Treasurer's Report

To: City Council  
From: Cindie J Reiter, Treasurer



### **Financial Report**

*Attached are the CTAS reports:*

The **DISBURSEMENTS REGISTER** is for those claims presented for payment this eve. Disbursement Register includes check numbers or EFT identifier.

The **Interim Financial Report** shows the year to date totals for each revenue and expense of each Fund. The report is presented by ACCOUNT code. Fund 100 is the operating fund for which property taxes are levied.

In the disbursement section you will find a running total (YTD) and variance (remaining balance) of the budgeted amount for each category of expense.

The **Cash Balance Statement** is the beginning balances (same as: year-end results for 2010). The beginning balances are all cash balances – which reside at US Bank (checking for operating funds & savings) and at Piper Jaffray (money market accounts for various fund reserves & savings)

### **Current Items of Interest-**

- Check #26702 VOIDED due to printer error.
- Catchbasin Expenses – reside in Fund 403, Capital Projects Catchbasin. This will help to identify expenses of the catchbasin project which will be presented to RC Watershed District for allowable grant expenses as is a cost-share grant. The negative balance will accrue until any reimbursement is received.
- Received property tax (including special assessments) from county for July 2011 allocation in amount of \$185,150.48.
- Catchbasin invoice paid for \$27,808 (approved June 2011)

Please call/email with any questions.

*Cindie J. Reiter,*

Birchwood City Treasurer

**Special Assessment – Pay 2011** Resolution of over calculation of interest for Pay 2011 is to refund all PAID debt service special assessment for Pay 2011. This refund will be sent to property owners after the county provides report of those properties paid for 2011. The report should be available in the first quarter 2012 – refunds to be issued shortly after.

As of 12/31/2011

## General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$0.00	\$165,201.43	\$165,201.43
Total Acct 310	\$0.00	\$165,201.43	\$165,201.43
Building Permits	\$0.00	\$3,910.33	\$3,910.33
Dog Licenses	\$0.00	\$25.00	\$25.00
Total Acct 322	\$0.00	\$3,935.33	\$3,935.33
Recycle Grant	\$0.00	\$1,678.00	\$1,678.00
Cable Comm. Grant	\$0.00	\$7,119.06	\$7,119.06
Total Acct 336	\$0.00	\$8,797.06	\$8,797.06
City Hall Rent	\$0.00	\$325.00	\$325.00
Total Acct 341	\$0.00	\$325.00	\$325.00
Fines	\$0.00	\$418.63	\$418.63
Total Acct 351	\$0.00	\$418.63	\$418.63
Miscellaneous	\$0.00	\$1,082.84	\$1,082.84
Total Acct 361	\$0.00	\$1,082.84	\$1,082.84
Interest Earnings	\$0.00	\$594.05	\$594.05
Contrib. & Donations-Private	\$0.00	\$600.00	\$600.00
Refunds and Reimbursements	\$0.00	\$1,791.61	\$1,791.61
Total Acct 362	\$0.00	\$2,985.66	\$2,985.66
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$182,745.95</b>	<b>\$182,745.95</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,000.00	\$961.17	\$1,038.83
Total Acct 411	\$2,000.00	\$961.17	\$1,038.83
City Council	\$2,800.00	\$0.00	\$2,800.00
Total Acct 413	\$2,800.00	\$0.00	\$2,800.00
Clerk - Treasurer	\$52,855.00	\$33,184.94	\$19,670.06
Elections	\$470.00	\$470.00	\$0.00
Office Operations/Supplies	\$4,500.00	\$4,388.62	\$111.38
Postage/Postal Permits	\$0.00	\$504.50	(\$504.50)
Total Acct 414	\$57,825.00	\$38,548.06	\$19,276.94
Financial Administration	\$16,000.00	\$15,307.90	\$692.10
Assessing	\$5,200.00	\$5,917.85	(\$717.85)
Total Acct 415	\$21,200.00	\$21,225.75	(\$25.75)
Legal Services	\$8,000.00	\$3,424.14	\$4,575.86
Engineer Service	\$6,000.00	\$3,612.45	\$2,387.55
Total Acct 416	\$14,000.00	\$7,036.59	\$6,963.41

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

**07/07/2011**

Per Diem	\$495.00	\$0.00	\$495.00
Total Acct 418	\$495.00	\$0.00	\$495.00
Grants	\$0.00	\$200.00	(\$200.00)
City Training & Development	\$7,590.00	\$1,437.89	\$6,152.11
City Hall-Gov't Buildings	\$17,300.00	\$4,506.88	\$12,793.12
City Insurance	\$7,600.00	\$1,166.00	\$6,434.00
Cable Eqpmnt and Service	\$0.00	\$563.50	(\$563.50)
Newsletter	\$1,000.00	\$100.00	\$900.00
Total Acct 419	\$33,490.00	\$7,974.27	\$25,515.73
Police	\$88,500.00	\$45,925.68	\$42,574.32
Total Acct 421	\$88,500.00	\$45,925.68	\$42,574.32
Fire	\$20,100.00	\$17,414.38	\$2,685.62
Total Acct 422	\$20,100.00	\$17,414.38	\$2,685.62
Building Inspection	\$0.00	\$2,293.36	(\$2,293.36)
Total Acct 424	\$0.00	\$2,293.36	(\$2,293.36)
PUBLIC WORKS	\$3,000.00	\$0.00	\$3,000.00
Total Acct 430	\$3,000.00	\$0.00	\$3,000.00
Hwys, Streets & Road Mntnc	\$21,500.00	\$7,006.72	\$14,493.28
Ice and Snow Removal	\$0.00	\$10,093.73	(\$10,093.73)
Tree Care/Inspection	\$1,500.00	\$0.00	\$1,500.00
Tree Removal	\$4,000.00	\$1,606.88	\$2,393.12
Drainage - Structure Care	\$2,000.00	\$2,114.25	(\$114.25)
Street Signs	\$1,000.00	\$0.00	\$1,000.00
Street Lights	\$13,800.00	\$7,353.17	\$6,446.83
Water Utility	\$0.00	\$269.90	(\$269.90)
Sewer Utility	\$0.00	\$269.90	(\$269.90)
Total Acct 431	\$43,800.00	\$28,714.55	\$15,085.45
Sanitation - Recycling	\$12,000.00	\$6,363.98	\$5,636.02
Total Acct 441	\$12,000.00	\$6,363.98	\$5,636.02
Lawn Care/Mntnc	\$7,000.00	\$0.00	\$7,000.00
Total Acct 450	\$7,000.00	\$0.00	\$7,000.00
Recreation	\$1,500.00	\$696.42	\$803.58
Total Acct 451	\$1,500.00	\$696.42	\$803.58
Parks	\$13,000.00	\$11,734.46	\$1,265.54
Total Acct 452	\$13,000.00	\$11,734.46	\$1,265.54
CONSERVATION - NATURAL RESOURC	\$1,609.00	\$1,609.16	(\$0.16)
Total Acct 461	\$1,609.00	\$1,609.16	(\$0.16)
Unallocated Expenditures	\$681.00	\$72.56	\$608.44
Total Acct 492	\$681.00	\$72.56	\$608.44
<b>Total Disbursements</b>	<b>\$323,000.00</b>	<b>\$190,570.39</b>	<b>\$132,429.61</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$513,678.05</b>	

Cash Balance as of 12/31/2011

\$505,853.61

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

07/07/2011

As of 12/31/2011

Special Rev Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock Permit Fee	\$0.00	\$8,435.00	\$8,435.00
Total Acct 322	\$0.00	\$8,435.00	\$8,435.00
Interest Earnings	\$0.00	\$0.31	\$0.31
Total Acct 362	\$0.00	\$0.31	\$0.31
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$8,435.31</b>	<b>\$8,435.31</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$800.00	(\$800.00)
Total Acct 451	\$0.00	\$800.00	(\$800.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$800.00</b>	<b>(\$800.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$7,550.65</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$15,185.96</b>	

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

**07/07/2011**

**As of 12/31/2011**

<b>Sewer 2004 Bonds</b>	<u><b>Budget</b></u>	<u><b>Actual</b></u>	<u><b>Variance</b></u>
<b>Receipts:</b>			
Sewer Re-hab A&B	\$0.00	\$6,769.57	\$6,769.57
Total Acct 361	\$0.00	\$6,769.57	\$6,769.57
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$6,769.57</b>	<b>\$6,769.57</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Bond Payment	\$0.00	\$2,511.47	(\$2,511.47)
Total Acct 471	\$0.00	\$2,511.47	(\$2,511.47)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$2,511.47</b>	<b>(\$2,511.47)</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$4,258.10</b>	

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

**07/07/2011**

**As of 12/31/2011**

<b>Birchwood In Re-hab Bond</b>	<b><u>Budget</u></b>	<b><u>Actual</u></b>	<b><u>Variance</u></b>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$494.10	\$494.10
Total Acct 361	\$0.00	\$494.10	\$494.10
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$494.10</b>	<b>\$494.10</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$494.10</b>	

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

07/07/2011

As of 12/31/2011

Sewer Re-hab 2008 Debt	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$15,666.74	\$15,666.74
Total Acct 361	\$0.00	\$15,666.74	\$15,666.74
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$15,666.74</b>	<b>\$15,666.74</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$3,994.31	(\$3,994.31)
Total Acct 471	\$0.00	\$3,994.31	(\$3,994.31)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$3,994.31</b>	<b>(\$3,994.31)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$11,672.43</b>	

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

**07/07/2011**

As of 12/31/2011

<b>Cap Project - PW</b>	<u><b>Budget</b></u>	<u><b>Actual</b></u>	<u><b>Variance</b></u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$41,571.00</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$41,571.00</b>	

As of 12/31/2011

<b>Capital Projects</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Interest Earnings	\$0.00	\$579.00	\$579.00
Total Acct 362	\$0.00	\$579.00	\$579.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$579.00</b>	<b>\$579.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$65,527.99</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$66,106.99</b>	

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

**07/07/2011**

As of 12/31/2011

**Cap Proj - Catchbasin**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$3,745.00	(\$3,745.00)
Total Acct 416	\$0.00	\$3,745.00	(\$3,745.00)
Drainage - Structure Care	\$0.00	\$27,808.00	(\$27,808.00)
Total Acct 431	\$0.00	\$27,808.00	(\$27,808.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$31,553.00</b>	<b>(\$31,553.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>(\$31,553.00)</b>	

As of 12/31/2011

<b>Water Enterprise Fund</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	\$0.00	\$21,280.51	\$21,280.51
Penalty - Late Water/Sewer	\$0.00	\$781.56	\$781.56
State & Misc fees	\$0.00	\$1,051.18	\$1,051.18
Total Acct 341	\$0.00	\$23,113.25	\$23,113.25
DELQ - Water-Sewer fees	\$0.00	\$2,025.09	\$2,025.09
Total Acct 361	\$0.00	\$2,025.09	\$2,025.09
Interest Earnings	\$0.00	\$379.16	\$379.16
Total Acct 362	\$0.00	\$379.16	\$379.16
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$25,517.50</b>	<b>\$25,517.50</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Engineer Service	\$0.00	\$472.00	(\$472.00)
Total Acct 416	\$0.00	\$472.00	(\$472.00)
Other Protection	\$0.00	\$144.51	(\$144.51)
Total Acct 428	\$0.00	\$144.51	(\$144.51)
Water Utility	\$0.00	\$28,102.49	(\$28,102.49)
Wtr/Swr Emergency	\$0.00	\$22,108.02	(\$22,108.02)
Total Acct 431	\$0.00	\$50,210.51	(\$50,210.51)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$50,827.02</b>	<b>(\$50,827.02)</b>
<b>Other Financing Uses:</b>			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$45,623.45</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$20,313.93</b>	

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

07/07/2011

As of 12/31/2011

Sewer Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$36,065.82	\$36,065.82
Total Acct 341	\$0.00	\$36,065.82	\$36,065.82
Sewer Re-hab A&B	\$0.00	\$15.00	\$15.00
DELQ - Water-Sewer fees	\$0.00	\$1,642.51	\$1,642.51
Total Acct 361	\$0.00	\$1,657.51	\$1,657.51
Interest Earnings	\$0.00	\$512.96	\$512.96
Total Acct 362	\$0.00	\$512.96	\$512.96
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$38,236.29</b>	<b>\$38,236.29</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Other Protection	\$0.00	\$144.49	(\$144.49)
Total Acct 428	\$0.00	\$144.49	(\$144.49)
Wtr/Swr Emergency	\$0.00	\$1,106.89	(\$1,106.89)
Sewer Utility	\$0.00	\$32,471.04	(\$32,471.04)
Total Acct 431	\$0.00	\$33,577.93	(\$33,577.93)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$33,722.42</b>	<b>(\$33,722.42)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$173,186.41</b>	
<b>Cash Balance as of 12/31/2011</b>		<b>\$177,700.28</b>	

As of 07/07/2011  
Fiscal Year:2011

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$513,678.05	\$182,745.95	\$190,570.39	\$505,853.61
Special Rev Projects	\$7,550.65	\$8,435.31	\$800.00	\$15,185.96
Sewer 2004 Bonds	\$0.00	\$6,769.57	\$2,511.47	\$4,258.10
Birchwood In Re-hab Bond	\$0.00	\$494.10	\$0.00	\$494.10
Sewer Re-hab 2008 Debt	\$0.00	\$15,666.74	\$3,994.31	\$11,672.43
Cap Project - PW	\$41,571.00	\$0.00	\$0.00	\$41,571.00
Capital Projects	\$65,527.99	\$579.00	\$0.00	\$66,106.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$31,553.00	(\$31,553.00)
Water Enterprise Fund	\$45,623.45	\$25,517.50	\$50,827.02	\$20,313.93
Sewer Enterprise Fund	\$173,186.41	\$38,236.29	\$33,722.42	\$177,700.28
<b>Total</b>	<b>\$847,137.55</b>	<b>\$278,444.46</b>	<b>\$313,978.61</b>	<b>\$811,603.40</b>

Fund Name: All Funds  
 Date Range: 06/15/2011 to 07/06/2011

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
06/15/2011	Residents - via LC	Utility Billing - LC JE 20	511	\$4,989.53	601-34105 601-34120 605-34110	\$1,399.09 \$96.91 \$3,493.53
06/15/2011	Residents - via LC	Utility Billing - LC JE20	518	\$6,670.04	601-34105 601-34115 601-34120 605-34110	\$2,037.70 \$0.22 \$131.98 \$4,500.14
06/21/2011	DS Bahr Construction	Bldg Permit #WB052600	496	\$171.75	100-32210	\$171.75
06/21/2011	GL Roofing	Bldg Permit #WB052653	497	\$127.95	100-32210	\$127.95
06/21/2011	RAMsey/WA Co Cable Comm	REimb. videographer service	498	\$346.50	100-33625	\$346.50
07/06/2011	WS & D Permit Srvc	Bldg permit #WB052753	512	\$403.63	100-32210	\$403.63
07/06/2011	Jeff Holst Plbg	Bldg Permit #052747	513	\$30.00	100-32210	\$30.00
07/06/2011	WA County Tax Div	Prop Tax & SA Receipts 2011	514	\$185,150.48	100-31000 301-36110 301-36110 303-36110 303-36110 305-36110 305-36110 601-36130 605-36130	\$161,953.24 \$5,270.68 \$318.52 \$77.44 \$416.66 \$1,451.32 \$11,995.02 \$2,025.09 \$1,642.51
07/06/2011	FSA Title PID3003021210054	Special Assessment PIF (over paid I)	515	\$399.79	100-36140 301-36110	\$72.56 \$327.23
07/06/2011	Village Title & Abstract	Special Pay-off PID3003021240012	516	\$987.82	305-36110	\$987.82
07/06/2011	Residents	copies	517	\$2.30	100-36140	\$2.30
<b>Total For Period</b>				<b>\$199,279.79</b>		
<b>Total Year To Date</b>				<b>\$278,444.46</b>		

Fund Name: All Funds  
Date Range: 06/15/2011 to 07/12/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
06/15/2011	Payroll Period Ending 05/31/2011		26616	\$1,024.17	100-41400-100	\$1,024.17
06/15/2011	Payroll Period Ending 05/31/2011		26617	\$325.03	100-41400-100	\$325.03
06/15/2011	Powers, Dale	Mileage Expense - LMC Conference	26664	\$88.07	100-41920-331	\$88.07
06/15/2011	League of Mn Cities Insurance Trust	Vol Accident Coverage 2011	26665	\$160.00	100-41945-150	\$160.00
06/15/2011	Steve Dean	Roadway Tree removal (wind)	26666	\$107.13	100-43135-305	\$107.13
06/15/2011	Joe or Roxy Cruz	BWD Music In The Park	26667	\$200.00	100-45100-305	\$200.00
06/15/2011	TA Schifsky & Sons, INC	Street Mntnc - asphalt	26668	\$63.22	100-43100-305	\$63.22
06/15/2011	City of White Bear Lake Bldg Inspec	Bldg Inspections - Apr & May 2011	26669	\$1,182.00	100-42401-305	\$1,182.00
06/15/2011	League of Mn Cities Insurance Trust	Work Comp Coverage 2011	26670	\$445.00	100-41945-150	\$445.00
06/30/2011	Payroll Period Ending 06/15/2011		26671	\$1,024.17	100-41400-100	\$1,024.17
06/30/2011	Payroll Period Ending 06/15/2011		26672	\$392.09	100-41400-100	\$392.09
06/30/2011	Xcel Energy	City Hall June 2011	26673	\$344.85	100-41940-380	\$344.85
06/30/2011	Xcel Energy	Park electric June 2011	26674	\$20.13	100-45200-380	\$20.13
06/30/2011	Xcel Energy	Lift Stn Electric June 2011	26675	\$609.73	605-43190-380	\$609.73
06/30/2011	City of White Bear Lake Fire	Fire Srvc -June 2011	26676	\$1,673.16	100-42200-305	\$1,673.16
06/30/2011	City of White Bear Lake Police	Law Enforcement - June 2011	26677	\$7,375.42	100-42100-305	\$7,375.42
06/30/2011	Bailey, Fred	Park Music 6/26/11 Men In Black	26678	\$100.00	100-45100-300	\$100.00
07/07/2011	Mitchell, Alan	Reimbursement - Park Music signage	26679	\$96.42	100-45100-210	\$96.42
07/07/2011	TSE, INC	City Hall Cleaning 5/31/11	26680	\$25.56	100-41940-305	\$25.56
07/07/2011	S&T Office Supplies	Fax Cartridges	26681	\$71.93	100-41420-200	\$71.93
07/07/2011	Broomell, Laura	REFUND - Boat Slip Fee (Rcpt #429)	26682	\$200.00	210-45100-810	\$200.00
07/07/2011	MCFOA	Clerk/Treasurer Annual Dues	26683	\$70.00	100-41920-433	\$70.00
07/07/2011	Malles, Kathy	Park Expense - reimbursement	26684	\$28.73	100-45200-210	\$16.26

City of Birchwood Village

Disbursements Register

07/07/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
					100-45200-210	\$10.27
					100-45200-210	\$2.20
07/07/2011	New Look Contracting, Inc	Catchbasin Improvements 2011	26685	\$27,808.00	403-43150-305	\$27,808.00
07/07/2011	Allied Blacktop Company	Street Patch - WWD & Cedar	26686	\$4,900.00	100-43100-305	\$4,900.00
07/07/2011	FSA Title Services, LLC	Spec Asmt - refund overpay 3003021210054	26687	\$72.56	100-49200-810	\$72.56
07/07/2011	Elfering & Associates	Eng Srvc & Catchbasin Proj- June 2011	26688	\$869.45	100-41650-300	\$729.45
					403-41650-300	\$140.00
07/07/2011	Press Publications	Ord Publication/St Name Change	26689	\$183.95	100-41130-351	\$127.35
					100-41130-351	\$56.60
07/07/2011	Gopher State One Call	Locates June 2011 (26 email)	26690	\$36.25	601-42800-305	\$18.13
					605-42800-305	\$18.12
07/07/2011	White Bear Rental and Sales	Bobcat Rental for park project	26691	\$347.69	100-45200-240	\$347.69
07/07/2011	On-Site Sanitation Inc	Rental Unit - Park June 2011	26692	\$102.98	100-45200-305	\$102.98
07/07/2011	On-Site Sanitation Inc	Rental Unit - Tennis Court June 2011	26693	\$59.78	100-45200-305	\$59.78
07/07/2011	Compar, Inc.	Computer Installs	26694	\$880.00	100-41420-210	\$880.00
07/07/2011	City of White Bear Lake	Water Purchase Apr-June Qtr 2011	26695	\$6,956.36	601-43180-210	\$6,956.36
07/07/2011	Hugo Plumbing & Pump Srvc, Inc.	Water Turn On at Park(s)	26696	\$143.75	100-45200-220	\$143.75
07/07/2011	KEJ Enterprises	Mowing park/ball field & Ash Esmt	26697	\$685.00	100-45200-305	\$685.00
07/07/2011	Waste Management of WI-MN	Recycle - June 2011	26698	\$909.14	100-44100-305	\$909.14
07/07/2011	Lund, John	REimb - city hall repairs, Park gas	26699	\$50.68	100-41940-220	\$34.34
					100-45200-220	\$16.34
07/07/2011	City of White Bear Lake Fire	Fire Srvc -July 2011	26700	\$1,673.16	100-42200-305	\$1,673.16
07/07/2011	City of White Bear Lake Police	Law Enforcement - July 2011	26701	\$7,375.42	100-42100-305	\$7,375.42
07/07/2011	City of White Bear Lake Public Work	Lift Stn Mntnc /Water Testing/Call out Data Fail	26703	\$1,315.45	601-43180-305	\$329.75
					605-43185-305	\$169.70
					605-43190-305	\$816.00
07/07/2011	IRS - US Treasury	FEDTaxes - June 2011	FED062011	\$914.69	100-41400-110	\$404.58
					100-41400-160	\$55.61
					100-41400-162	\$237.80
					100-41400-164	\$55.61
					100-41400-166	\$161.09

**City of Birchwood Village**

**Disbursements Register**

**07/07/2011**

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
07/07/2011	MN Department of Revenue	State W/H June 2011	MN062011	\$209.13	100-41400-115	\$209.13
07/07/2011	PERA	Staff Retirement PE 5/31/11	PEA053111	\$253.45	100-41400-120	\$136.11
					100-41400-121	\$117.34
<b>Total For Period</b>				<b>\$71,373.70</b>		
<b>Total Year To Date</b>				<b>\$313,978.61</b>		

## LIST OF EXCESS ELECTRONIC EQUIPMENT – July 12, 2011

<u>BRAND</u>	<u>MODEL</u>	<u>DESCRIPTION</u>
ESC	219A	Blackburst Generator
Commodore Amiga	520	Video Adapter for a 500 (Box & Cable)
Kramer	VM2N	Video and Audio Distribution Amp (New in Box)
Kramer	VM50AN	1.5 Audio Distribution Amp (New in Box)
GE	3-5301B	Cassette Recorder
Leightronix	Mini T Pro	Video Switcher
JVC	SR3250U	VHS Recorder
Acher	7034T	Computer Monitor 12"
JVC	RX 40	Stereo Receiver with Equalizer
Optimus	40-291	Speaker
Video Tek	RM13 TR	electronic equipment with mounts
Leitch	VDA16	with 19" rack mount
Bogen	CAM386	mixer with rack mount
Sawyers	550	slide projector (in box)
Compix	LCG400010	shell
Dumont	DLM1395W	monitor
Panasonic	WV5200-W5203B	shell with 3 monitors
LG	47LD420	47" LCD monitor (cracked screen)
Mackie Onyx	1640	analog mixer
Kramer	RK-1	rack

Old photocopier that was replaced by the Toshiba E-studio 205L

# APPLICATION FOR EMPLOYMENT

## PERSONAL INFORMATION

DATE OF APPLICATION: June 6<sup>th</sup>

Name: Dow Johnny Patrick  
Last First Middle

Address: 321 Wildwood ave kirchwood, MN 55110  
Street (Apt) City/State Zip

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

Contact Information: (551) 426-0914 (551) 210-1115 \_\_\_\_\_  
Home Telephone Mobile Telephone Email

How did you learn about our company?

POSITION SOUGHT: Parks Attendant Available Start Date: when needed

Desired Pay Range: \_\_\_\_\_ Are you currently employed? No  
Hourly or Salary

## EDUCATION

	Name and Location	Graduate? - Degree?	Major / Subjects of Study
High School	<u>Hill - Murray Maplewood</u>		
College or University			
Specialized Training, Trade School, etc...			
Other Education			

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

I like being outside. I am good at keeping things clean and am a hard worker. I have a lot of experience with outdoor work

## PREVIOUS EXPERIENCE

Please list beginning from most recent

Dates Employed	Company Name	Location	Role/Title
Winter	Birchwood rink	Birchwood rink	Rink attendant

Job notes, tasks performed and reason for leaving:

The winter season ended.

Dates Employed	Company Name	Location	Role/Title
last spring + winter	Scott Howe		

Job notes, tasks performed and reason for leaving:

I did yard work for him and flooded and shoveled his rink. I got too busy with school and lacrosse but will probably start up soon working for him too.

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

# APPLICATION FOR EMPLOYMENT

**PERSONAL INFORMATION**

DATE OF APPLICATION: 6/14/11

Name: Brunner Matthew Raymond  
Last First Middle

Address: 30 Oakridge drive Birchwood 55110  
Street (Apt) City/State Zip

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

Contact Information: ~~(651) 424 2010~~ ~~(651) 233 4334~~ ~~shub7662@comcast.net~~  
Home Telephone Mobile Telephone Email

How did you learn about our company? newsletter parent

POSITION SOUGHT: seasonal summer park attendant Available Start Date: now

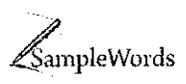
Desired Pay Range: posted salary Are you currently employed? no  
Hourly or Salary

**EDUCATION**

	Name and Location	Graduate? - Degree?	Major / Subjects of Study
High School	White Bear Lake Area High School	going into 11 <sup>th</sup> grade	Generals
College or University			
Specialized Training, Trade School, etc...			
Other Education			

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

Friendly, outgoing, self directed, hard working, follow directions optimistic.



## PREVIOUS EXPERIENCE

Please list beginning from most recent

Dates Employed	Company Name	Location	Role/Title
Summer 2019 & 2020	Brunner Construction	Two Cities	Laborer

Job notes, tasks performed and reason for leaving:

Helped out shingling for residential. cleaned up shingles & debris.  
Helped out putting on siding. clean up workspace & maintenance.  
Reason for leaving was return to school.

Dates Employed	Company Name	Location	Role/Title
Ongoing	Family	Birchwood	

Job notes, tasks performed and reason for leaving:

Lawn maintenance; mowing, raking, weeding, hauling dirt and  
landscaping.

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

Dates Employed	Company Name	Location	Role/Title

Job notes, tasks performed and reason for leaving:

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



REC'D JUL 05 2011

Writer's Direct Dial:  
(651) 351-2134

Writer's E-mail:  
KSandstrom@eckberglammers.com

Stillwater Office:  
1809 Northwestern Avenue  
Stillwater, Minnesota 55082  
(651) 439-2878  
Fax (651) 439-2923

June 30, 2011

Hudson Office:  
430 Second Street  
Hudson, Wisconsin 54016  
(715) 386-3733  
Fax (715) 386-6456

www.eckberglammers.com

**Via Fax (763.424.6791) and U.S. Mail**

Peter M. Capistrant  
Allied Blacktop Company  
10503 - 89th Avenue North  
Maple Grove, MN 55369

Re: *City of Birchwood Village – Allied Blacktop Company*  
Our File No.: 10622-21665

Dear Mr. Capistrant:

Please be advised that my office is the City Attorney for the City of Birchwood Village. We are writing regarding your work as a road contractor for the City during the summer of 2010.

As you will recall, by contract dated May 12, 2010, you agreed to perform chip sealing, patching, and crack sealing for the City, and performed said work in August of 2010. Your contract proposal states: **“This contractor offers a one year guarantee on workmanship and materials.”** Not long after your work was completed, the City Engineer, Kristie Elfering of Elfering & Associates, raised concerns about the quality of your work, including incomplete filling of cracks. This issue was raised and discussed at the City Council meeting on October 12, 2010, at which you were present to defend yourself. During that meeting, you reiterated that you provided a one-year guarantee, and you therefore urged the City to wait-and-see how the crack sealing looked in 2011 after weathering the winter months. In fact, the official minutes of the October 12, 2010 council meeting state:

**“Elfering shared with the Council her professional opinion on the recently-completed crack filling project, and provided a photo array for the Council and the public to review. Capistrant, of Allied Blacktop, responded to Elfering’s concerns by saying that the project has a 1-year warranty where his firm will correct any deficiencies.”**

On the foregoing basis, the City Council voted to monitor the project and revisit the issue in the spring.

City Engineer Elfering has re-inspected your work this year, and finds that it remains defective. In particular, as to the crack filling that was not covered over with chip sealing (i.e. on Wildwood Avenue), those crack filling materials are readily peeling away from the cracks in multiple locations, demonstrating inadequate adhesion. Ms. Elfering reports that it appears you did not properly clean the debris from the cracks prior to applying the crack sealant, and as a result, the crack sealant is

adhered to loose debris, causing it to easily delaminate from the cracks. Further, incomplete filling of cracks also remains a problem.

**The City hereby advises you that your workmanship and materials are defective. The City hereby demands, pursuant to your one-year warranty, that you remedy all defects in your work within 20 days of the date of this letter. If you do not remedy all defects prior to July 20, 2011, the City will consider you to be in breach of your warranty, and will thereafter seek appropriate legal action against you.**

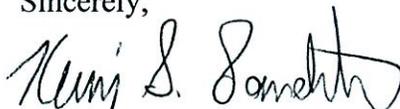
I understand you spoke to Ms. Elfering on or about June 29<sup>th</sup> regarding these issues. She asked you to walk the project with her to discuss the problems and potential solutions, as requested by the City Council. Ms. Elfering reports that you were uncooperative and refused to do so.

Please be further advised that the City Council intends to re-address this issue at its council meeting on **July 12, 2011, which starts at 7:00pm**, and will occur at the **Birchwood City Hall, 207 Birchwood Avenue, Birchwood, MN 55110**. We strongly encourage you to:

1. Contact City Engineer Kristie Elfering at 763.780.0452 to discuss this issue again, and agree to walk the project with her prior to July 12, 2011 to inspect the defects and discuss how they should be remedied; and
2. Attend the City Council meeting on July 12, 2011 to provide your comments to the City Council on this agenda item and address any questions they might pose.

Your prompt attention to this matter is appreciated. Feel free to contact me with any questions.

Sincerely,



Kevin S. Sandstrom, City Attorney

KSS/mah

cc: Dale Powers, City Clerk  
Kristie Elfering, City Engineer

**State of Minnesota  
County of Washington  
City of Birchwood Village  
Resolution No. 2011-14**

**A Resolution Approving Ordinance 2011-05 Changing the Name of That Portion of Birch Street Located North and East of the Former Right-Of-Way of the Minneapolis Saint Paul Suburban Railroad to Owl Street**

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

WHEREAS, the City Council has the authority under Minnesota Statutes Chapter 412.221, subdivision 18 to name or rename the public streets of the City or any part thereof; and

WHEREAS, the City Council has heard testimony from the public that the bifurcated nature of Birch Street within the corporate limits of the City of Birchwood Village is creating a hazard to the public safety and repose; and

WHEREAS, the City Council has heard further testimony from the public that the portion of Birch Street connecting with Wildwood Avenue and located north and east of the former right-of-way of the Minneapolis Saint Paul Suburban Railroad be renamed so as to avoid confusion with the motoring public; and

WHEREAS, the City Council has heard further testimony from the public that the affected portion of Birch Street be renamed "Owl Street", which has historical significance to the City and is not in use elsewhere in Washington County; and

WHEREAS, the City Council published notice in the White Bear Press of a public hearing on July 12, 2011, where testimony was received in regards to the proposed street name change; and

WHEREAS, in furtherance of the testimony received at the public hearing and the hazard the current street name poses to the public, the City Council desires to change the name of the affected portion of Birch Street to Owl Street.

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

1. That Chapter 702 of the City Code, entitled "Street Names" is hereby established.
2. That Ordinance 2011-05 is hereby approved [as presented/as amended] and placed in the Code Book of the City of Birchwood Village as Section 702.010
3. The effective date of these Ordinance amendments shall be upon their publication as required by law.

Adopted by the City Council on this 12th day of July, 2011 by the following vote:

Mitchell \_\_\_\_; Harper \_\_\_\_; Carson \_\_\_\_; Sampair \_\_\_\_; Peterson \_\_\_\_.

Approved:

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

Attest:

\_\_\_\_\_  
Dale Powers, City Clerk

**CITY OF BIRCHWOOD VILLAGE  
COUNTY OF WASHINGTON  
STATE OF MINNESOTA  
ORDINANCE 2011-05**

**AN ORDINANCE CHANGING THE NAME OF THAT PORTION OF BIRCH STREET  
LOCATED NORTH AND EAST OF THE FORMER RIGHT OF WAY OF THE  
MINNEAPOLIS SAINT PAUL SUBURBAN RAILROAD TO OWL STREET**

THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON  
COUNTY, MINNESOTA DOES ORDAIN:

Section 1. That the portion of Birch Street located north and east of the former right of way of the Minneapolis Saint Paul Suburban Railroad and intersecting Wildwood Avenue is hereby renamed Owl Street. That portion of Birch Street located south and west of the former right of way of the Minneapolis Saint Paul Suburban Railroad and intersecting Birchwood Avenue shall remain named Birch Street.

Section 2. That Chapter 702 of the City Code, entitled "Street Names" is hereby established.

Section 3. That Section 010 of Chapter 702, titled "Owl Street" is hereby established, as follows: "That portion of Birch Street located north and east of the former right of way of the Minneapolis Saint Paul Suburban Railroad and intersecting Wildwood Avenue is hereby renamed Owl Street. That portion of Birch Street located south and west of the former right of way of the Minneapolis Saint Paul Suburban Railroad and intersecting Birchwood Avenue shall remain named Birch Street."

Section 4. This ordinance shall be effective upon publication in the City's official newspaper.

Adopted by the City of Birchwood Village City Council this 12th day of July, 2011.

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

Attest: \_\_\_\_\_  
Dale Powers, City Clerk

State of Minnesota  
County of Washington  
City of Birchwood Village  
Resolution No. 2011-15

**A Resolution Prohibiting On-Street Parking On Certain Portions of Lake Avenue and Park Avenue**

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

WHEREAS, the City Council has the authority under Minnesota Statutes to adopt parking regulations on the streets of the City; and

WHEREAS, a safety concern has been raised over on-street parking on Lake Avenue east from its intersection with Wildwood Avenue to Tighe-Schmitz Park due to the existence of a steep grade and curve; and

WHEREAS, continued unrestricted on-street parking on Lake Avenue creates an impairment for emergency vehicles travelling the subject roadway; and

WHEREAS, it is the professional recommendation of White Bear Lake Police Officer Rob Flick that parking restrictions be placed on Lake Avenue; and

WHEREAS, the surface parking needs of the residents immediate adjacent to the proposed restricted parking areas are sufficiently supplied on each of their individual private properties; and

WHEREAS, there is ample on-street parking available on Lake Avenue east and south of Park Avenue to serve the parking needs of patrons of Tighe-Schmitz Park; and

WHEREAS, the presence of a fire hydrant on the west side of Park Avenue requires that parking be restricted along the west side of Park Avenue along its entire length; and

WHEREAS, the City mailed notice of the proposed parking restrictions to all residents with property abutting the proposed restricted parking areas of Lake Avenue and Park Avenue.

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

1. That on-street parking is hereby prohibited along the north side of Lake Avenue from the utility pole in front of 409 Lake Avenue west to the western edge of the Dellwood easement.
2. That on-street parking is hereby prohibited along the south side of Lake Avenue a distance of one hundred sixteen (116) feet west of the utility pole located near the intersection of Lake Avenue and Park Avenue.

3. That on-street parking is hereby prohibited along the west side of Park Avenue along its entire length.
4. The effective date of these restrictions is the latest of either publication of this Resolution in the City's official newspaper, or posting the aforementioned restrictions in the area so designated.

Adopted by the City Council on this 12th day of July, 2011 by the following vote:

Mitchell \_\_\_\_; Harper \_\_\_\_; Carson \_\_\_\_; Sampair \_\_\_\_; Peterson \_\_\_\_\_.

Approved:

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

Attest:

\_\_\_\_\_  
Dale Powers, City Clerk

## **PARKS AND NATURAL RESOURCES COMMITTEE**

### **BYLAWS**

#### **I. NAME OF THE COMMITTEE**

The name of the committee shall be the Parks and Natural Resources Committee.

#### **II. PURPOSE OF THE COMMITTEE**

The purpose of the Parks and Natural Resources Committee shall be to maintain and enhance all the public areas within the City of Birchwood, including Tighe-Schmidt Park, Bloomquist Field, Wildwood Park, Nordling Park, Kurt Feistner Preserve, Ash, Grotto, Birch walkways, Ash, Elm, Kay, Dellwood, and Birch Beaches, ~~the public lake tracts,~~ and all other public spaces within the City, as directed by the city council.

#### **III. COMMITTEE MEMBERSHIP**

**A. Members.** The committee shall consist of nine members appointed by the City Council.

**B. Terms.** The terms of each member shall be for three years. ~~Initially, the committee~~

~~shall stagger the terms of the members for one, two, or three years so that in the future the terms of three members shall expire each year.~~ A person may be reappointed to the committee by the Council and serve more than one term. Any new member appointed in months other than July, shall end his/her term three years after her/his appointed month. Terms shall run from July to July.

- C. Resignation.** Any member of the committee may resign before his or her term expires by providing written notice of such intent to the City Council. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.
- ~~D. Removal.~~** ~~The City Council may remove any member from the committee prior to expiration of the member's term upon the request of a majority of the committee members. or upon the Council's own initiative if the person has missed three or more meetings in a year or has otherwise been disruptive of committee function.~~
- E. Vacancy.** In the event of a vacancy through resignation or removal, the City Council shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full three year term upon expiration of the filled term.
- F. Council Liaison.** The Council shall appoint one Council member to be the liaison to the committee. The Council liaison shall not be a voting member of the committee but may participate in committee functions and may vote on all matters before the Council involving the committee.
- G. List of Members.** The City Clerk shall maintain a list of the members of the committee and the date of each member's term and shall post the same information on the City webpage.

#### IV. COMMITTEE OFFICERS

- H. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from July to July. The Chair may serve up to three consecutive terms.
- I. Secretary/Treasurer.** The committee shall also elect a Secretary/Treasurer. The term shall run from July to July. The Secretary/Treasurer may serve up to three consecutive terms. The committee may determine to separate the office of Secretary/Treasurer and decide to elect two people to serve these roles, one as Secretary and one as Treasurer. Whether the office is combined or not may be changed from year to year. Preparation of the budget document for review by the committee is the responsibility of the treasurer

- J. Majority Vote.** All officers shall be elected by a simple majority vote.
- K. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.
- L. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

## V. COMMITTEE MEETINGS

- M. Scheduling.** The Chair of the committee shall call for meetings of the committee as deemed necessary. The committee shall meet at least once every three months. The Chair shall call for a meeting upon the request of three committee members.
- N. Open Meeting and Notice.** All meetings of the Parks and Natural Resources Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the City's webpage and by posting a notice on the bulletin board outside city hall, along with a draft agenda.
- O. Quorum Not Necessary.** The committee can meet regardless of how many members are in attendance at the meeting. A quorum is not necessary for the committee to hold a meeting. However, the committee cannot take any action unless a majority of all the members vote in favor of the action.
- P. Minutes.** The committee shall keep Minutes of all its meetings. The Secretary or other person shall be responsible for keeping the Minutes of each meeting. The Chair shall forward the ~~draft~~ Minutes of all meetings to the City Clerk and the Council when they become available. The Clerk shall post the draft Minutes on the city webpage. Upon approval of the Minutes, the Chair shall forward the approved Minutes to the Clerk and the Council and the approved Minutes shall be posted on the city webpage.

## VI. COMMITTEE ACTION

- Q. Majority Required.** A majority vote of all the committee members (at least <sup>3?</sup> ~~five~~) members) shall be required for the committee to take final action, regardless of how many members are present at the meeting at which the action is proposed.
- R. Authority.** The committee shall have no authority to make final decisions that permanently affect any of the public spaces within the city, such as cutting trees, buying or selling land, removing structures, installing rain gardens, or making other decisions that are clearly ones requiring Council authorization. When in doubt, the

committee shall bring the matter to the attention of the Council.

**S. Budget.** The committee is authorized to spend all monies budgeted to the committee by the Council for the fiscal year. Monies may be carried over to subsequent fiscal years provided no more than \$5,000 in total may be carried over. Any amounts remaining in the committee's budget at the end of a fiscal year over \$5,000 shall be returned to the City's general fund. The committee shall prepare a budget for the for the following fiscal year by October 1<sup>st</sup>, and shall present the proposed budget to the city council at their November meeting.

**T. Report to the Council.** Upon the request of the City Council, the Chair or another member shall report to the Council on the activities of the committee.

#### **VII. COMMITTEE CONTINUATION**

The committee shall continue in existence until terminated by action of the Council.

#### **VIII. COMPENSATION**

Members of the Parks and Natural Resources Committee shall receive no compensation for their service on the committee.

#### **IX. AMENDMENT OF BYLAWS**

These bylaws may be amended at any time by action of the City Council. The committee may recommend changes to the Council.

Adopted this \_\_\_\_\_ day of January, 2011

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

Attest

\_\_\_\_\_  
Dale Powers  
City Clerk

TO: Dale Powers, City Clerk

FROM: Alan Mitchell, Mayor

DATE: June 22, 2011

SUBJECT: Travel Policy for City Officials

In the Audit Report prepared by HLB Tautges Redpath, in Finding 2010-8 at page 47, the auditors recommended that the City adopt an out-of-state travel policy for elected officials pursuant to state law (Minnesota Statutes section 471.661). The City Council did actually adopt an "Elected Official Travel Policy" on December 13, 2005. Section I of that Policy states, "This policy is being promulgated pursuant to Minnesota Statutes section 471.661."

Arguably, the City does have a policy that applies to out-of-state travel, as required by the statute. However, it makes sense to amend the policy to make that point clear. In addition, the policy itself in Section VI says the Council should review the policy every December, so it makes sense to conduct a comprehensive review of the policy in response to the auditor's report.

Attached to this memorandum are some proposed amendments to the Travel Policy. The following is an explanation of the changes.

1. The Title. The Title has been changed just to make it clearer.
2. Section I. A sentence is added at the end of the section to state that the policy applies to both instate and out-of-state travel.
3. Section II. The present language requires approval of travel to be done by resolution. The statute does not require that, and indeed only requires a recorded vote to adopt the policy itself. The proposed change would allow the Council to approve travel through a majority vote on a motion.
4. Section III. The bullet points have been changed to letters to simplify citation to the language. Paragraphs 2 and 3 have been renumbered to 3 and 4.
5. Section IV. The bullet points have been changed to letters to simplify citation to the language.
6. Section V. The word "an" has been changed to "a," simply a grammatical change.

7. Section VI. The policy requires review every December to determine whether any changes are appropriate. The statute requires a city to review its policy annually. Rather than require review every December, which the Council has not done the past few years, the language is changed to simply require review once each calendar year. This review will satisfy the requirement for 2011; the Council will have to review it again sometime in 2012.

The Rules of Procedure adopted by the Council last March provide in Section 9.02 that the Council may adopt policies, and the only requirement is that the matter be placed on a council meeting agenda. Dale, please place this matter on the agenda for July 12 and include in the packet the proposed amendments and this memorandum.

## CITY OF BIRCHWOOD

### ELECTED OFFICIAL TRAVEL POLICY FOR ELECTED CITY OFFICIALS

#### I. General Statement of Policy

The City of Birchwood shall not reimburse any elected official for travel expenses to any event, workshop, conference, or assignment unless the travel has been approved in advance of incurring the expense. This policy sets forth the conditions under which travel expenses will be reimbursed by the City. This policy is being promulgated pursuant to Minnesota Statutes section 471.661. This policy shall apply to both instate and out-of-state travel.

#### II. Procedures for Obtaining Approval of Official Travel

1. The Mayor or any other council member who seeks authorization to incur travel expenses shall request the Clerk to place the matter on the agenda for a regular or special council meeting.
2. The person requesting the travel shall provide the Council with an explanation of the reasons for the travel and an estimate of the cost.
3. The Council shall consider the matter in the form of a motion. ~~resolution.~~—A majority vote of a quorum is required to approve the resolution and authorize the travel and reimbursement of expenses. The person requesting the travel may vote on the matter.
4. The Mayor may authorize another council member to attend an event and incur expenses when there is insufficient time to bring the matter to the full council and the Mayor determines it is in the best interest of the City to attend the event. The Council shall be advised of the decision at the next regular council meeting.

#### III. Guidelines for Approval of Official Travel on Behalf of the City

1. No travel on behalf of the City shall be authorized by the Council unless the Council determines it is in the best interests of the City to send the Mayor or other council member to the event.
2. The Council shall consider the following factors in deciding whether to authorize the travel and reimbursement of expenses:
  - (a) Whether the elected official will be receiving training on issues relevant to the City or to his or her role as the Mayor or as a council member;

- (b) Whether the elected official will be meeting and networking with other elected officials to exchange ideas on topics of relevance to the City or on the official roles of local elected officials.
  - (c) Whether the elected officials will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City, where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
  - (d) Whether the City has sufficient funding available in the budget to pay the cost of the trip.
2. 3. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
  3. 4. The Council shall not authorize more than one council member to attend an event unless it is a training event that will benefit all members who attend.

#### **IV. Reimbursement of Expenses for Official City Travel**

1. The City may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.
2. The City will reimburse for transportation, lodging, meals, registration, and incidental costs in accordance with the following:
  - (a) Airfare will be reimbursed at the coach rate, but no air travel is authorized to any location within the State of Minnesota without specific authorization from the Council.
  - (b) Mileage will be reimbursed at the IRS rate. If two or more council members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct city business.
  - (c) Lodging costs and meal expenses are limited to a reasonable amount, taking into account the location of the travel.
  - (d) Receipts are required for lodging, airfare, and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the City Clerk for payment.

- (e) The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family members, rental of luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis.

#### **V. Unreimbursed Travel**

Nothing in this policy shall preclude the Mayor or a council member from traveling to a workshop, conference, or other event at his or her own expense.

#### **VI. Review of Policy**

The Council shall review the Travel Policy to determine whether any amendments are appropriate once each calendar year, ~~in December~~. Any amendments to the Policy shall be by majority vote of a quorum of the council.

Adopted this 13<sup>th</sup> day of December, 2005