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June 1, 2011

Dear City Clerk/Finance Officer/County Auditor:

In 2010, the Legislature created the Council on Local Results and Innovation. In February 2011, the Council released a standard set of ten performance measures for counties and ten performance measures for cities that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties and cities in providing services, and measure residents' opinions of those services. By February of 2012, the Council must create comprehensive performance measurement systems for cities and counties to implement in 2012. Cities and counties that choose to participate in the new standards measure program may be eligible for a reimbursement in LGA, and exemption from levy limits.

Participation in the standard measures program by a city or a county is voluntary. Counties and cities that choose to participate in the standard measures program must officially adopt the corresponding 10 performance benchmarks developed by the Council, and implement them in 2011. They will be required to communicate the results of the measures to their residents the following calendar year. A county or city that elects to participate in the standard measures program for 2011 is eligible for a reimbursement of \$0.14 per capita in local government aid, not to exceed \$25,000 and is also exempt from levy limits under sections 275.70 to 275.74 for taxes payable in 2012, if levy limits are in effect.

In order to receive the per capita reimbursement in 2011, and levy limit exemption for calendar year 2012, counties and cities must:

- ✓ File a report with the Office of the State Auditor by July 1, 2011. This report will consist of a declaration approved by the city council or county board stating that the city/county has adopted the corresponding 10 performance measures developed by the Council.

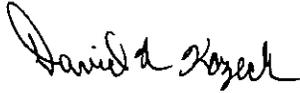
Annual reporting will be required by the cities and counties that participate in the program. By July 1, 2012, cities and counties will be required to report to the OSA that they have adopted both the performance benchmarks, and the performance measure system released by the Council in February of 2012. A declaration will be required that the city/county has reported or will report the results for calendar 2011 of the 10 adopted measures to its residents before the end of calendar year 2012.

To meet the reporting requirements for 2011, a copy of the declaration in a PDF format can be attached to an email and sent to gid@osa.state.mn.us. Beginning next year, the Office of the State Auditor will be using the State Auditor's Form Entry System (SAFES) for the local performance measurement and improvement program reporting.

To view the 10 performance measures for voluntary adoption for both cities and counties, please go to the Office of the State Auditor's website at www.auditor.state.mn.us, and then in the middle of the home page under *Meetings*, click on *Council on Local Results and Innovation*, and then on *Measurements*.

Please submit your declaration by July 1, 2011. There will be no extensions for the reporting deadline. If you have any questions, please contact me at (651) 297-3682 or email me at Dave.Kazeck@osa.state.mn.us.

Sincerely,



David R. Kazeck, Supervisor
Government Information Division

Encl: Legislation for new program

6.91 LOCAL PERFORMANCE MEASUREMENT AND REPORTING.

Subdivision 1. Reports of local performance measures.

(a) A county or city that elects to participate in the standard measures program must report its results to its citizens annually through publication, direct mailing, posting on the jurisdiction's Web site, or through a public hearing at which the budget and levy will be discussed and public input allowed.

(b) Each year, jurisdictions participating in the local performance measurement and improvement program must file a report with the state auditor by July 1, in a form prescribed by the auditor. All reports must include a declaration that the jurisdiction has complied with, or will have complied with by the end of the year, the requirement in paragraph (a). For jurisdictions participating in the standard measures program, the report shall consist of the jurisdiction's results for the standard set of performance measures under section 6.90, subdivision 2, paragraph (a). In 2012, jurisdictions participating in the comprehensive performance measurement program must submit a resolution approved by its local governing body indicating that it either has implemented or is in the process of implementing a local performance measurement system that meets the minimum standards specified by the council under section 6.90, subdivision 2, paragraph (b). In 2013 and thereafter, jurisdictions participating in the comprehensive performance measurement program must submit a statement approved by its local governing body affirming that it has implemented a local performance measurement system that meets the minimum standards specified by the council under section 6.90, subdivision 2, paragraph (b).

Subd. 2. Benefits of participation.

(a) A county or city that elects to participate in the standard measures program for 2011 is: (1) eligible for per capita reimbursement of \$0.14 per capita, but not to exceed \$25,000 for any government entity; and (2) exempt from levy limits under sections 275.70 to 275.74 for taxes payable in 2012, if levy limits are in effect.

(b) Any county or city that elects to participate in the standard measures program for 2012 is eligible for per capita reimbursement of \$0.14 per capita, but not to exceed \$25,000 for any government entity. Any jurisdiction participating in the comprehensive performance measurement program is exempt from levy limits under sections 275.70 to 275.74 for taxes payable in 2013 if levy limits are in effect.

(c) Any county or city that elects to participate in the standard measures program for 2013 or any year thereafter is eligible for per capita reimbursement of \$0.14 per capita, but not to exceed \$25,000 for any government entity. Any jurisdiction participating in the comprehensive performance measurement program for 2013 or any year thereafter is exempt from levy limits under sections 275.70 to 275.74 for taxes payable in the following year, if levy limits are in effect.

Subd. 3. Certification of participation.

(a) The state auditor shall certify to the commissioner of revenue by August 1 of each year the counties and cities that are participating in the standard measures program and the comprehensive performance measurement program.

(b) The commissioner of revenue shall make per capita aid payments under this section on the second payment date specified in section 477A.015, in the same year that the measurements were reported.

(c) The commissioner of revenue shall notify each county and city that is entitled to exemption from levy limits by August 10 of each levy year.

The Council on Local Results and Innovation 2011
Legislative Report

February 14, 2011

February 14, 2011

To the Property and Local Sales Tax Division of the House of Representatives, Taxes Committee and the Taxes Division on Property Taxes of the Senate Tax Committee,

Per the requirements of 2010 Minnesota Laws Chapter 389, Article 2, Sections 1 and 2, the Council on Local Results and Innovation is submitting its recommended "... standard set of approximately ten performance measures for counties and ten performance measures for cities that will aid residents, taxpayers, and state and local elected officials in determining the efficacy of counties and cities in providing services, and measure residents' opinion of those services." The recommended model performance measures are attached. Local government and public feedback was solicited on the proposed benchmarks.

The members of the Council include:

- Patricia Coldwell, Association of Minnesota Counties
- John Gunyou, City of Minnetonka
- Mark Hintermeyer, City of Moorhead
- Jay Kiedrowski, Humphrey School, University of Minnesota
- Katie Nerem, Blue Earth County
- Rebecca Otto, Minnesota State Auditor
- Jay Stroebel, City of Minneapolis
- Matt Stemwedel, City of Woodbury
- Wendy Underwood, City of St. Paul
- Tim Walsh, Scott County
- Ben Woessner, City of Pelican Rapids

The Council received no funding to conduct their work. Meeting minutes were taken by volunteers, and the Office of the State Auditor posted all meeting materials and meeting dates on the Office of the State Auditor website. All meetings were open to the public.

The Council sees value in having all counties and cities in Minnesota develop performance measures that they use to manage their jurisdictions and having results of those performance measures shared with citizens and property tax payers. Our recommended performance measures should be considered examples to assist counties and cities in developing their own performance measures. The Council was concerned about the misuse of these performance measures by the legislature or others in the appropriation of funds or for comparisons among counties and cities. The general performance measures recommended are simply inadequate for those purposes.

The Council on Local Results and Innovation is proceeding to meet the additional requirements of the statute, which is to "develop recommended minimum standards for comprehensive

performance measurement systems by February 15, 2012.” We interpret “performance measurement system” to mean more broadly a performance management system that uses performance measures to manage counties and cities.

Representatives of the Council would welcome the opportunity to discuss the Council’s work, our recommended model performance measures, and our concerns about the use of these measures.

Sincerely,

Jay Kiedrowski, Chair

Minnesota Council on Local Results and Innovation

Cc: House Speaker, House Minority Leader, Senate Majority Leader, and Senate Minority Leader

Attached: Model Performance Measures for Counties, Model Performance Measures for Cities

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

A Resolution Approving the Adoption of Performance Measures As Developed By the Minnesota Council on Local Results and Innovation

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 an annual budget and to levy upon the several taxable properties of the City a tax to fund its municipal operations and capital improvements; and

WHEREAS, the City Council has had an audit performed of financial transactions made in 2009 and 2010; and

WHEREAS, said audit of the 2009 financial transactions revealed that the City had 4 areas of material weakness and 23 significant deficiencies; and

WHEREAS, said audit of the 2010 financial transactions revealed that the City had 2 areas of material weakness and 7 significant deficiencies; and

WHEREAS, the City Council desires to build upon its improvement in financial reporting; and

WHEREAS, the Minnesota Council on Local Results and Innovation has developed 10 performance measures for municipalities that will aid residents, taxpayers, staff, and elected officials in determining the efficacy of the City in providing services and measure residents' opinions of those services; and

WHEREAS, upon adoption of these performance measures the City will be eligible for a reimbursement of 14 cents per capita of Local Government Aid (\$121.80) and the exemption from any state-mandated levy limits; and

WHEREAS, the City Council desires to adopt the performance measures developed by the Minnesota Council on Local Results and Innovation.

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

1. That the 10 performance measures recommended for municipalities by the Minnesota Council on Local Results and Innovation are hereby approved.
2. That the aforementioned performance measures are attached to this Resolution as an exhibit.

Adopted by the City Council on this 14th day of June, 2011 by the following vote:

Mitchell ____; Harper ____; Carson ____; Sampair ____; Peterson ____.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

Model Performance Measures for Cities

The following are the recommended model measures of performance outcomes for cities, with alternatives provided in some cases. Key output measures are also suggested for consideration by local city officials.

General:

1. Rating of the overall quality of services provided by your city (*Citizen Survey: excellent, good, fair, poor*)
2. Percent change in the taxable property market value
3. Citizens' rating of the overall appearance of the city (*Citizen Survey: excellent, good, fair, poor*)

Police Services:

4. Part I and II crime rates (*Submit data as reported by the Minnesota Bureau of Criminal Apprehension. Part I crimes include murder, rape, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Part II crimes include other assaults, forgery/counterfeiting, embezzlement, stolen property, vandalism, weapons, prostitution, other sex offenses, narcotics, gambling, family/children crime, D.U.I., liquor laws, disorderly conduct, and other offenses.*)

OR

Citizens' rating of safety in their community (*Citizen Survey: very safe, somewhat safe, neither safe nor unsafe, somewhat unsafe, very unsafe*)

Output Measure:

Police response time (*Time it takes on top priority calls from dispatch to the first officer on scene.*)

Fire Services:

5. Insurance industry rating of fire services (*The Insurance Service Office (ISO) issues ratings to Fire Departments throughout the country for the effectiveness of their fire protection services and equipment to protect their community. The ISO rating is a numerical grading system and is one of the primary elements used by the insurance industry to develop premium rates for residential and commercial businesses. ISO analyzes data using a Fire Suppression Rating Schedule (FSRS) and then assigns a Public Protection Classification from 1 to 10. Class 1 generally represents superior property fire protection and Class 10 indicates that the area's fire suppression program does not meet ISO's minimum criteria.*)

OR

Citizens' rating of the quality of fire protection services (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Fire response time (*Time it takes from dispatch to apparatus on scene for calls that are dispatched as a possible fire*).

Emergency Medical Services (EMS) response time (if applicable) (*Time it takes from dispatch to arrival of EMS*)

Streets:

6. Average city street pavement condition rating (*Provide average rating and the rating system program/type. Example: 70 rating on the Pavement Condition Index (PCI)*)

OR

Citizens' rating of the road condition in their city (*Citizen Survey: good condition, mostly good condition, many bad spots*)

7. Citizens' rating the quality of snowplowing on city streets (*Citizen Survey: excellent, good, fair, poor*)

Water:

8. Citizens' rating of the dependability and quality of city water supply (centrally-provided system) (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Operating cost per 1,000,000 gallons of water pumped/produced (centrally-provided system) (*Actual operating expense for water utility / (total gallons pumped/1,000,000)*)

Sanitary Sewer:

9. Citizens' rating of the dependability and quality of city sanitary sewer service (centrally provided system) (*Citizen Survey: excellent, good, fair, poor*)

Output Measure:

Number of sewer blockages on city system per 100 connections (centrally provided system) (*Number of sewer blockages on city system reported by sewer utility / (population/100)*)

Parks and Recreation:

10. Citizens' rating of the quality of city recreational programs and facilities (parks, trails, park buildings) (*Citizen Survey: excellent, good, fair, poor*)

WITH TRACKED CHANGES

CITY OF BIRCHWOOD VILLAGE
COUNTY OF WASHINGTON
STATE OF MINNESOTA

ORDINANCE 2011-03

AN ORDINANCE AMENDING CHAPTER 201 (CITY WATER SYSTEM) TO REQUIRE DEPOSIT OF WATER FUNDS IN A SPECIAL FUND AND CLARIFYING RESPONSIBILITY FOR REPAIRING AND MAINTAINING THE WATER SYSTEM.

WHEREAS, the City of Birchwood has adopted chapter 201 regulating the water system in the city, and

WHEREAS, chapter 201 needs to be amended to clarify the responsibility of property owners to maintain the service line to their property.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 201 is hereby amended to read as follows:

201 CITY WATER SYSTEM

201.010. CONTROL OF WATER SYSTEM. The Water System of the City of Birchwood Village shall be under the immediate direction and control of the City Council, who shall have the authority to do everything pertaining to said system that may be necessary for the management and protection thereof. The City Council shall appoint all persons who have responsibility for management of said system and prescribe their salaries and wages.

201.020. APPOINTMENT OF SUPERINTENDENT AND HIS DUTIES. The City Council may appoint a Superintendent of the Water System who shall have charge of the operation, maintenance and repair thereof subject to the direction of the City Council. The superintendent shall have immediate control and custody of all the property of the system, and see that all of such property is properly stored and cared for and that a full and complete record and inventory of the same is kept. The superintendent shall see that the hydrants, valves and other parts of the system are in order and that all leaks are promptly repaired and that full and accurate reports are kept of all work done, the cost of the same, the names and time of the those employed, and any other information and records that may be required by the City Council.

201.030. MAPS AND RECORDS. The Superintendent shall keep a full set of records and maps which shall show in detail the location and measurement for all water pipes, hydrants, valves, taps, shut-off boxes, T's, and such other records and measurements as may be necessary. The superintendent shall not remove or change the location of any fire hydrant, valve, water main or any other permanent improvement without first obtaining authority to do so from the City Council.

201.040. ACCOUNTS, BILLS, PERMITS, ETC. The Superintendent or such other person as the City Council may designate, shall keep a complete set of books, which shall at all

times show the distribution of accounts of the Water System; submit all bills, payrolls and accounts monthly to the City Council to be considered and approved; shall keep a correct account of all receipts, read all meters in service, prepare all bills for water service or materials and labor furnished and performed, collect the same and deposit the money so collected with the City within fourteen (14) days thereafter, to be credited to the Water Fund.

201.041. CREATION OF WATER FUND. All fees, water rentals and charges, and any other monies received in connection with the water system shall be deposited within fourteen (14) days of receipt and credited to a separate fund called the Water Fund.

201.042. USE OF WATER FUND. All expenses and costs incurred in the operation and maintenance of the City water system, including bonds and interest and loans, shall be paid out of the Water Fund. All monies in the Water Fund shall be dedicated to maintenance of the City water system.

201.050. SUPERINTENDENT - SALARY. The Superintendent shall receive such salary or compensation for said duties as the City Council shall by resolution prescribe.

201.060. APPLICATION TO CONNECT TO WATER MAINS. Before a connection can be made to any water line or main in the City, an application for permit shall first be made to the City which shall be signed by a master plumber licensed by the State, and bonded to the City and accompanied by a fee set by the City Council. The application shall contain the size and location of the service connection requested.

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201.70. NEW CONNECTION - COST. Only City employees or duly authorized licensed plumbers shall tap water mains, lay pipe from main to property line and install shut-off boxes, the cost of which, including both material and labor, shall hereafter be paid by the consumer requesting the same, and any consumer whose property has not been specially assessed for a connection charge shall pay an additional sum as set by the City Council.

201.080. METERS. The City will monitor water usage by consumers through a water meter furnished by the City, of the kind especially designated by the Council. Every household or other final consumer of City water must have its own meter. A suitable place, safe from frost and other damage, and accessible for examination and reading must be provided at the expense of the consumer.

Meters shall be installed by the City at the owner's expense. All meters shall be under the control and supervision of the City and shall be sealed by the proper City employees. No person other than City employees or other person designated by the City in charge of said work shall break said seals.

Consumers must keep their service pipes, attachments, and meters in order, and must protect them from frost.

In case of the breakage or stoppage of any meter, the consumer shall immediately notify the City. Any repairs necessary shall be made at the expense of the owner, except in the case of normal wear and tear. In cases where the meters are difficult to access by the officers of the City,

or are exposed to danger from frost, the water shall be shut off from such premises until the obstruction is removed or the danger is avoided.

201.090. WATER USE RATES. All water supplied to consumers, shall be sold at rates established by City Council resolution. A water use rate is hereby imposed upon each household served by the City water system.

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There shall be two classifications for water rates; Residential and Non-Residential rates. Residential rates shall apply to water users whose property, being supplied with city water, is located within the City of Birchwood Village, and non-residential rates shall apply to water users whose property, being supplied with City water, is located outside the City of Birchwood Village.

201.100. PAYMENT. Charges for water services furnished by the City shall become due and payable quarterly except as otherwise specifically provided in this ordinance. All current water bills paid on or before due date, shall be paid at the net rate and those water bills paid after the due date, shall be charged a penalty as set by the City Council.

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201.105. TERMINATION OF WATER SERVICE. Any consumer failing to pay his or her water bill within twenty (20) days after the due date of such water bill shall be immediately sent a notice of termination of water service. Said notice shall be sent by certified mail to the address of the consumer. Said notice shall inform the consumer that the consumer has one week from the date of receipt of the notice to return to the City a written objection to termination of water service. Said objection shall explain why the person has not paid his/her water bill and/or the factual basis upon which the consumer is disputing the amount of his/her water bill.

Upon the receipt of the objection, the City shall place the matter on the agenda of the next regularly scheduled City Council meeting. The consumer shall be sent a notice by regular U.S. Mail of the date of said meeting. At the meeting, the consumer shall be given an opportunity to present such testimony or other evidence as the consumer feels supports his or her position. The City Council shall make a decision on the objection at the time of the meeting, which may include delaying the decision until additional information is collected.

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If the City Council agrees with the consumer, then the necessary adjustments shall be made to City records and the water service shall not be terminated. If the City Council disagrees with the consumer, the consumer shall be given 72 hours, within which time to make full payment of all due charges. If payment is not made within 72 hours, the City shall immediately terminate the water service of said consumer.

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Any consumer aggrieved by the decision of the City Council shall be entitled to file an action in Washington County District Court seeking an injunction from preventing the City from turning off the consumer's water.

201.110. CHARGES BECOME A LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the water system of the City. All such charges which are on July 31st of each year

more than 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City to the Washington County Auditor each year. The City in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City, along with other taxes.

All accounts carried upon the books of the City Water System shall be with the owner of the property served, or his authorized agent, and such owner shall at all times be liable for water used upon such premises whether occupied by him or not.

201.120. REPAIR OF SERVICE LINES. If at any time a service line from the property to the main, to the service connection at the main, or to the curb stop becomes broken, the property owner shall immediately repair the same at his/her own expense. Maintenance and repair of such service line shall be the property owner's responsibility and the property owner shall be responsible for the expense of such maintenance and repair. This responsibility includes the connection at the main, the curb stop, and the box and the service line itself from the main to the residence. The property owner shall maintain the stop box at such a height as will ensure that it remains at the finished grade of the property.

201.121. CITY AUTHORIZED TO REPAIR. In the event said property owner fails to repair the same after notice by the City, the City is hereby authorized to make such necessary repairs and the cost of such repairs shall be a lien against said property and levied and collected in the same manner as provided in Section 201.110

201.122. TIME TO REPAIR. . If the property owner shall fail to repair any leak occurring in the service line within twenty-four (24) hours after notice of the break, the City may shut off the water. The City will not turn the water back on until the leak is repaired. The cost of shutting off the water and turning it back on shall be charged to the property owner.

201.123. FROZEN LINE. In the event that the service line becomes frozen between the main and the residence, the property owner shall have the sole responsibility to thaw the line and restore the service. No person shall be given a credit on a water bill for allowing water to run to prevent freezing of the line without first obtaining authorization to do so from the City Council.

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201.130. RIGHT TO DISCONTINUE SERVICE. The City expressly reserves the right to shut off the water at any time, when deemed necessary or desirable and to discontinue the service on any or all premises.

201.140. RIGHT TO LIMIT USE OF WATER. The City expressly reserves the right whenever it may deem it necessary for securing adequate fire protection, or for the proper and necessary husbanding of the water supply for domestic use or other necessary or desirable purposes, owing to drought, shortage of water supply, or other cause, to prohibit for such length of time as it may deem proper, the use of water for sprinkling purposes, or otherwise than for the most necessary and essential domestic purposes.

201.150. EXEMPT FROM CLAIM FOR DAMAGES. The City reserves the right at any time, to shut off the water in the main pipe for the purpose of repairing, cleaning, making connections or extensions thereto. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or for any damages arising from shutting off water for repairing, laying or re-laying mains, hydrants or other connections.

201.160. DEFECTIVE METERS. In case a meter fails to register the quantity of water used, the amount to be paid by the consumer for water during the period shall be ascertained by the amount registered during the corresponding period in a previous month, quarter or year.

201.170. TESTING METERS. At the written request of any owner or consumer, the City will test the meter supplying his/her premises. A deposit will be required before the meter is disconnected, which will be returned if the meter is found to be registering incorrectly within two percent on a flow equal to one-eighth of the diameter of the service, or in favor of the consumer. Otherwise, the deposit will be retained by the City to cover the cost of the test.

The owner or consumer may, if desired, be present at the time the test is made. The result of the test will be reported to the owner or consumer in every case.

If the testing of a meter shows that it fails to register correctly, the charge to the consumer shall be on the basis for the corresponding period of the previous year. If the meter has not been in service for a year, or if for any other reason the charge for the corresponding period of the previous year cannot be justly determined, the charge shall be equitably adjusted by the City Council. Such adjustment shall not extend back more than one billing period from the date of the written request.

Any other adjustment of charges for water supplied through meters shall be made by resolution of the City Council.

201.180. ACCESS TO AND INSPECTION OF METERS, ETC. Authorized City Officers, Superintendent or City employees shall have right of access to any consumer's premises at all reasonable hours for the purpose of reading, inspecting or repairing meters, pipes, hydrants, and valves used in connection with the water service and for any other purpose proper in the operation of the water system.

201.190. SEPARATE SHUT-OFFS AND SERVICE CONNECTION. Unless special permission is granted by the City Council, each premise shall have a separate and distinct service connection, water meter, shut-off box, wheel handled service stop, a shut-off valve on each side of the City-issued meter, and a check valve between meter and main. All valves are to be not less than the size of the service connection.

201.200. MAKE AND DEPTH OF SERVICE PIPES. All service pipes shall be of a size and type approved under the State Plumbing Code. All service pipes shall be laid not less than seven (7) feet below the established grade,

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201.210. SHUT-OFF BOXES AND THEIR LOCATION. There shall be a shut-off box to every service pipe attached to the main. The shut-off box shall be located on the property owner's property close to the property line. Any connection discontinued shall require five-day notice to the City.

201.220. COST OF SERVICE INSTALLATION BEYOND SHUT-OFF BOX. The cost of installation of all plumbing between the shut-off box and any service devices maintained by consumer, and all extensions made to such service pipes, as well as all repairs to the same, shall be borne entirely by the consumer. However, such service pipes and devices shall at all reasonable hours be subject to inspection by the Superintendent or authorized City employee.

201.230. EXCAVATING WORK.

1. All installation work or repair of connections to the water system including grades, bends, and backfilling shall be inspected by the Plumbing Inspector. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable for the purpose. The City shall be held harmless of any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed.

2. No digging in any city street shall be permitted except by special written permission from the City. Backfilling shall be thoroughly compacted by mechanical means to 100% Standard Proctor density. The top 12 inches of the excavation shall be backfilled with Minnesota Department of Transportation Class 5 gravel base material. The base shall be compacted and a 3.5 inch thick bituminous surface shall be installed in two lifts in accordance with the Minnesota Department of Transportation Specification No. 2350/2360, or to current standards.

3. The plumbing contractor shall be responsible for the restoration of the City street in accordance with the paragraph above and shall furnish a deposit in an amount set by the City Council to assure compliance. Said deposit shall be used to correct any deficiencies. If the cost of repairs shall exceed the amount on deposit with the City, the plumbing contractor shall be liable to the City for any additional cost. After sixteen (16) months the City shall refund to the plumbing contractor or his designee any remaining balance of the deposit which has not been used for the repair of the City streets.

4. Any service pipe installed in the city shall ~~be able to be located with a~~ locating device. If plastic pipe is installed, the contractor shall install a tracer wire along the entire length of the pipe. The tracer wire shall be brought up to ground level at one end of the pipe in a manner that allows permanent access to the wire for connection to locating equipment.

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5. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Inspector may elect to accept data provided by the contractor or owner to establish the location of the service

lateral. The City may order the owner to uncover any service lateral for which the horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision. The requirements of this provision apply to any service lateral installed after 5/9/06.

201.240. FEE FOR TURNING WATER ON AND OFF. In all cases where the water has been turned off it shall not be turned on again until a fee for each turning off and on of water service as determined by the City Council is paid together with all water charges that may be due. A fee will be charged for each turning on or off of the water service.

201.250. NOTICE OF LEAKS - PENALTY. In case of failure on the part of any consumer or owner to repair any leak occurring upon his service pipe within twenty-four (24) hours after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until fees as prescribed in 201.240 have been paid. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice.

201.260. NOTICE TO DISCONTINUE WATER SERVICE. Whenever any consumer desires to discontinue water service to the property, the consumer shall give five (5) days notice unless waived by the City Council to the Superintendent of his intention to discontinue service. Three (3) days notice is required for turning on water.

201.270 and 202.280 have been recoded as 201.041 and 201.042.

201.290. LIABILITY OF CITY FOR TURNING OFF WATER. The City shall not be liable for any deficiency or failure in the supply of water to consumers whether occasioned by shutting off the water for the purpose of making repairs or connections or for any cause whatsoever. In case of fire or alarm of fire, or in making repairs or constructing new works, the water may be shut off any time for such period as may be deemed necessary.

201.300. UNLAWFUL USE OF WATER. It is hereby declared unlawful for any person, firm or corporation to take water from the City water system except that drawn through a meter, owned or approved by the City, or to take water from any premise without permission of the owner.

201.310. TAMPERING WITH WATER SYSTEM. It shall be unlawful for any person to turn on any shut off box or to open or interfere with any of the hydrants, valves, or to tamper with any part of the water works system. The Superintendent, members of the fire department and employees and persons authorized by the City Council are exempt from this provision.

201.320. SEPARATION OF CITY WATER SYSTEM FROM PRIVATE SYSTEMS. There shall be a complete physical separation from any private water system with that of the City water system, so that in no case can water from a private system enter into the City system at any location, public or private.

201.330. USE OF FIRE HYDRANTS. No person shall open, use, or otherwise operate any fire hydrant in the city unless specifically authorized by the City to do so. No person shall interfere in any way with the water system.

“AMENDED BY ORDINANCE 2006-1; MAY 9, 2006”
AMENDED JUNE 14, 2011.

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CLEAN

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

ORDINANCE 2011-03

AN ORDINANCE AMENDING CHAPTER 201 (CITY WATER SYSTEM) TO REQUIRE DEPOSIT OF WATER FUNDS IN A SPECIAL FUND AND CLARIFYING RESPONSIBILITY FOR REPAIRING AND MAINTAINING THE WATER SYSTEM.

WHEREAS, the City of Birchwood has adopted chapter 201 regulating the water system in the city, and

WHEREAS, chapter 201 needs to be amended to clarify the responsibility of property owners to maintain the service line to their property.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 201 is hereby amended to read as follows:

201 CITY WATER SYSTEM

201.010. CONTROL OF WATER SYSTEM. The Water System of the City of Birchwood Village shall be under the immediate direction and control of the City Council, who shall have the authority to do everything pertaining to said system that may be necessary for the management and protection thereof. The City Council shall appoint all persons who have responsibility for management of said system and prescribe their salaries and wages.

201.020. APPOINTMENT OF SUPERINTENDENT AND HIS DUTIES. The City Council may appoint a Superintendent of the Water System who shall have charge of the operation, maintenance and repair thereof subject to the direction of the City Council. The superintendent shall have immediate control and custody of all the property of the system, and see that all of such property is properly stored and cared for and that a full and complete record and inventory of the same is kept. The superintendent shall see that the hydrants, valves and other parts of the system are in order and that all leaks are promptly repaired and that full and accurate reports are kept of all work done, the cost of the same, the names and time of the those employed, and any other information and records that may be required by the City Council.

201.030. MAPS AND RECORDS. The Superintendent shall keep a full set of records and maps which shall show in detail the location and measurement for all water pipes, hydrants, valves, taps, shut-off boxes, T's, and such other records and measurements as may be necessary. The superintendent shall not remove or change the location of any fire hydrant, valve, water main or any other permanent improvement without first obtaining authority to do so from the City Council.

201.040. ACCOUNTS, BILLS, PERMITS, ETC. The Superintendent or such other person as the City Council may designate, shall keep a complete set of books, which shall at all

times show the distribution of accounts of the Water System; submit all bills, payrolls and accounts monthly to the City Council to be considered and approved; shall keep a correct account of all receipts, read all meters in service, prepare all bills for water service or materials and labor furnished and performed, collect the same and deposit the money so collected with the City within fourteen (14) days thereafter, to be credited to the Water Fund.

201.041. CREATION OF WATER FUND. All fees, water rentals and charges, and any other monies received in connection with the water system shall be deposited within fourteen (14) days of receipt and credited to a separate fund called the Water Fund.

201.042. USE OF WATER FUND. All expenses and costs incurred in the operation and maintenance of the City water system, including bonds and interest and loans, shall be paid out of the Water Fund. All monies in the Water Fund shall be dedicated to maintenance of the City water system.

201.050. SUPERINTENDENT - SALARY. The Superintendent shall receive such salary or compensation for said duties as the City Council shall by resolution prescribe.

201.060. APPLICATION TO CONNECT TO WATER MAINS. Before a connection can be made to any water line or main in the City, an application for permit shall first be made to the City which shall be signed by a master plumber licensed by the State, and bonded to the City and accompanied by a fee set by the City Council. The application must contain the size and location of the service connection requested.

201.70. NEW CONNECTION - COST. Only City employees or duly authorized licensed plumbers shall tap water mains, lay pipe from main to property line and install shut-off boxes, the cost of which, including both material and labor, shall hereafter be paid by the consumer requesting the same, and any consumer whose property has not been specially assessed for a connection charge shall pay an additional sum as set by the City Council.

201.080. METERS. The City will monitor water usage by consumers through a water meter furnished by the City, of the kind especially designated by the Council. Every household or other final consumer of City water must have its own meter. A suitable place, safe from frost and other damage, and accessible for examination and reading must be provided at the expense of the consumer.

Meters shall be installed by the City at the owner's expense. All meters shall be under the control and supervision of the City and shall be sealed by the proper City employees. No person other than City employees or other person designated by the City in charge of said work shall break said seals.

Consumers must keep their service pipes, attachments, and meters in order, and must protect them from frost.

In case of the breakage or stoppage of any meter, the consumer shall immediately notify the City. Any repairs necessary shall be made at the expense of the owner, except in the case of normal wear and tear. In cases where the meters are difficult to access by the officers of the City,

or are exposed to danger from frost, the water shall be shut off from such premises until the obstruction is removed or the danger is avoided.

201.090. WATER USE RATES. All water supplied to consumers, shall be sold at rates established by City Council resolution. A water use rate is hereby imposed upon each household served by the City water system.

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There shall be two classifications for water rates; Residential and Non-Residential rates. Residential rates shall apply to water users whose property, being supplied with city water, is located within the City of Birchwood Village, and non-residential rates shall apply to water users whose property, being supplied with City water, is located outside the City of Birchwood Village.

201.100. PAYMENT. Charges for water services furnished by the City shall become due and payable quarterly except as otherwise specifically provided in this ordinance. All current water bills paid on or before the first day of the new quarter, shall be paid at the net rate and those water bills paid after the due date, shall be charged a penalty as set by the Council.

201.105. TERMINATION OF WATER SERVICE. Any consumer failing to pay his or her water bill within twenty (20) days after the due date of such water bill shall be immediately sent a notice of termination of water service. Said notice shall be sent by certified mail to the address of the consumer. Said notice shall inform the consumer that the consumer has one week from the date of receipt of the notice to return to the City a written objection to termination of water service. Said objection shall explain why the person has not paid his/her water bill and/or the factual basis upon which the consumer is disputing the amount of his/her water bill.

Upon the receipt of the objection, the City shall place the matter on the agenda of the next regularly scheduled City Council meeting. The consumer shall be sent a notice by regular U.S. Mail of the date of said meeting. At the meeting, the consumer shall be given an opportunity to present such testimony or other evidence as the consumer feels supports his or her position. The City Council shall make a decision on the objection at the time of the meeting, which may include delaying the decision until additional information is collected.

If the City Council agrees with the consumer, then the necessary adjustments shall be made to City records and the water service shall not be terminated. If the City Council disagrees with the consumer, the consumer shall be given 24 hours, within which time to make full payment of all due charges. If payment is not made within 24 hours, the City shall immediately terminate the water service of said consumer.

Any consumer aggrieved by the decision of the City Council shall be entitled to file an action in Washington County District Court seeking an injunction from preventing the City from turning off the consumer's water.

201.110. CHARGES BECOME A LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the water system of the City. All such charges which are on July 31st of each year

more than 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City to the Washington County Auditor each year. The City in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City, along with other taxes.

All accounts carried upon the books of the City Water System shall be with the owner of the property served, or his authorized agent, and such owner shall at all times be liable for water used upon such premises whether occupied by him or not.

201.120. REPAIR OF SERVICE LINES. If at any time a service line from the property to the main, to the service connection at the main, or to the curb stop becomes broken, the property owner shall immediately repair the same at his/her own expense. Maintenance and repair of such service line shall be the property owner's responsibility and the property owner shall be responsible for the expense of such maintenance and repair. This responsibility includes the connection at the main, the curb stop, and the box and the service line itself from the main to the residence. The property owner shall maintain the stop box at such a height as will ensure that it remains at the finished grade of the property.

201.121. CITY AUTHORIZED TO REPAIR. In the event said property owner fails to repair the same after notice by the City, the City is hereby authorized to make such necessary repairs and the cost of such repairs shall be a lien against said property and levied and collected in the same manner as provided in Section 201.110

201.122. TIME TO REPAIR. . If the property owner shall fail to repair any leak occurring in the service line within twenty-four (24) hours after notice of the break, the City may shut off the water. The City will not turn the water back on until the leak is repaired. The cost of shutting off the water and turning it back on shall be charged to the property owner.

201.123. FROZEN LINE. In the event that the service line becomes frozen between the main and the residence, the property owner shall have the sole responsibility to thaw the line and restore the service. No person shall be given a credit on a water bill for allowing water to run to prevent freezing of the line without first obtaining authorization to do so from the City Council.

201.130. RIGHT TO DISCONTINUE SERVICE. The City expressly reserves the right to shut off the water at any time, when deemed necessary or desirable and to discontinue the service on any or all premises.

201.140. RIGHT TO LIMIT USE OF WATER. The City expressly reserves the right whenever it may deem it necessary for securing adequate fire protection, or for the proper and necessary husbanding of the water supply for domestic use or other necessary or desirable purposes, owing to drought, shortage of water supply, or other cause, to prohibit for such length of time as it may deem proper, the use of water for sprinkling purposes, or otherwise than for the most necessary and essential domestic purposes.

201.150. EXEMPT FROM CLAIM FOR DAMAGES. The City reserves the right at any time, to shut off the water in the main pipe for the purpose of repairing, cleaning, making connections or extensions thereto. No claim shall be made against the City by reason of the breaking of any service pipe or service cock, or for any damages arising from shutting off water for repairing, laying or re-laying mains, hydrants or other connections.

201.160. DEFECTIVE METERS. In case a meter fails to register the quantity of water used, the amount to be paid by the consumer for water during the period shall be ascertained by the amount registered during the corresponding period in a previous month, quarter or year.

201.170. TESTING METERS. At the written request of any owner or consumer, the City will test the meter supplying his/her premises. A deposit will be required before the meter is disconnected, which will be returned if the meter is found to be registering incorrectly within two percent on a flow equal to one-eighth of the diameter of the service, or in favor of the consumer. Otherwise, the deposit will be retained by the City to cover the cost of the test.

The owner or consumer may, if desired, be present at the time the test is made. The result of the test will be reported to the owner or consumer in every case.

If the testing of a meter shows that it fails to register correctly, the charge to the consumer shall be on the basis for the corresponding period of the previous year. If the meter has not been in service for a year, or if for any other reason the charge for the corresponding period of the previous year cannot be justly determined, the charge shall be equitably adjusted by the City Council. Such adjustment shall not extend back more than one billing period from the date of the written request.

Any other adjustment of charges for water supplied through meters shall be made by resolution of the City Council.

201.180. ACCESS TO AND INSPECTION OF METERS, ETC. Authorized City Officers, Superintendent or City employees shall have right of access to any consumer's premises at all reasonable hours for the purpose of reading, inspecting or repairing meters, pipes, hydrants, and valves used in connection with the water service and for any other purpose proper in the operation of the water system.

201.190. SEPARATE SHUT-OFFS AND SERVICE CONNECTION. Unless special permission is granted by the City Council, each premise shall have a separate and distinct service connection, water meter, shut-off box, wheel handled service stop, a shut-off valve on each side of the City-issued meter, and a check valve between meter and main. All valves are to be not less than the size of the service connection.

201.200. MAKE AND DEPTH OF SERVICE PIPES. All service pipes shall be of a size and type approved under the State Plumbing Code. All service pipes shall be laid not less than six (6) feet below the established grade, except seven (7) feet under a driveway.

201.210. SHUT-OFF BOXES AND THEIR LOCATION. There shall be a shut-off box to every service pipe attached to the main. The shut-off box shall be located on the property owner's property close to the property line. Any connection discontinued shall require five-day notice to the City.

201.220. COST OF SERVICE INSTALLATION BEYOND SHUT-OFF BOX. The cost of installation of all plumbing between the shut-off box and any service devices maintained by consumer, and all extensions made to such service pipes, as well as all repairs to the same, shall be borne entirely by the consumer. However, such service pipes and devices shall at all reasonable hours be subject to inspection by the Superintendent or authorized City employee.

201.230. EXCAVATING WORK.

1. All installation work or repair of connections to the water system including grades, bends, and backfilling shall be inspected by the Plumbing Inspector. All work and excavations shall be protected by barricades and warning markers and lights reasonable and suitable for the purpose. The City shall be held harmless of any claim or loss as might otherwise arise for damage, loss or injury caused by or arising by reason of such work being performed.

2. No digging in any city street shall be permitted except by special written permission from the City. Backfilling shall be thoroughly compacted by mechanical means to 100% Standard Proctor density. The top 12 inches of the excavation shall be backfilled with Minnesota Department of Transportation Class 5 gravel base material. The base shall be compacted and a 3.5 inch thick bituminous surface shall be installed in two lifts in accordance with the Minnesota Department of Transportation Specification No. 2350/2360, or to current standards.

3. The plumbing contractor shall be responsible for the restoration of the City street in accordance with the paragraph above and shall furnish a deposit in an amount set by the City Council to assure compliance. Said deposit shall be used to correct any deficiencies. If the cost of repairs shall exceed the amount on deposit with the City, the plumbing contractor shall be liable to the City for any additional cost. After sixteen (16) months the City shall refund to the plumbing contractor or his designee any remaining balance of the deposit which has not been used for the repair of the City streets.

4. Any service pipe installed in the city shall contain a locating device to allow for location of the pipe in the future. If plastic pipe is installed, the contractor shall install a tracer wire along the entire length of the pipe. The tracer wire shall be brought up to ground level at one end of the pipe in a manner that allows permanent access to the wire for connection to locating equipment.

5. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Inspector may elect to accept data provided by the contractor or owner to establish the location of the service lateral. The City may order the owner to uncover any service lateral for which the

horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision. The requirements of this provision apply to any service lateral installed after 5/9/06.

201.240. FEE FOR TURNING WATER ON AND OFF. In all cases where the water has been turned off it shall not be turned on again until a fee for each turning off and on of water service as determined by the City Council is paid together with all water charges that may be due. A fee will be charged for each turning on or off of the water service.

201.250. NOTICE OF LEAKS - PENALTY. In case of failure on the part of any consumer or owner to repair any leak occurring upon his service pipe within twenty-four (24) hours after verbal or written notice has been given upon the premises, the water will be shut off from the same and will not be turned on until fees as prescribed in 201.240 have been paid. When the waste of water is great, or when damage is likely to result from the leak, the water will be turned off if the repair is not proceeded with immediately upon the giving of such notice.

201.260. NOTICE TO DISCONTINUE WATER SERVICE. Whenever any consumer desires to discontinue water service to the property, the consumer shall give five (5) days notice unless waived by the City Council to the Superintendent of his intention to discontinue service. Three (3) days notice is required for turning on water.

201.290. LIABILITY OF CITY FOR TURNING OFF WATER. The City shall not be liable for any deficiency or failure in the supply of water to consumers whether occasioned by shutting off the water for the purpose of making repairs or connections or for any cause whatsoever. In case of fire or alarm of fire, or in making repairs or constructing new works, the water may be shut off any time for such period as may be deemed necessary.

201.300. UNLAWFUL USE OF WATER. It is hereby declared unlawful for any person, firm or corporation to take water from the City water system except that drawn through a meter, owned or approved by the City, or to take water from any premise without permission of the owner.

201.310. TAMPERING WITH WATER SYSTEM. It shall be unlawful for any person to turn on any shut off box or to open or interfere with any of the hydrants, valves, or to tamper with any part of the water works system. The Superintendent, members of the fire department and employees and persons authorized by the City Council are exempt from this provision.

201.320. SEPARATION OF CITY WATER SYSTEM FROM PRIVATE SYSTEMS. There shall be a complete physical separation from any private water system with that of the City water system, so that in no case can water from a private system enter into the City system at any location, public or private.

201.330. USE OF FIRE HYDRANTS. No person shall open, use, or otherwise operate any fire hydrant in the city unless specifically authorized by the City to do so. No person shall interfere in any way with the water system.

"AMENDED BY ORDINANCE 2006-1; MAY 9, 2006"

**State of Minnesota
County of Washington
City of Birchwood Village
Resolution No. 2011-12**

**A Resolution Approving Ordinance 2011-03 Amending Chapter 201 to Clarify
Responsibility for Repairing and Maintaining the Water System**

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

WHEREAS, the City has adopted chapter 201 regulating the water system in the city; and

WHEREAS, the present ordinance is unclear regarding who has the responsibility, the City or the landowner, to repair broken water lines; and

WHEREAS, it is necessary to amend the ordinance to clarify that every household should pay for its own water usage; and

WHEREAS, the obligation to repair broken water mains between the main line in the street and the private property or on the private property is solely that of the property owners; and

WHEREAS, it is necessary to be able to locate all water lines laid in the ground in the city; and

WHEREAS, no Birchwood resident should be entitled to keep the water line running constantly during the winter to prevent freeze-up and not have to pay for that water use, unless the City Council gives prior approval for such action; and

WHEREAS, nobody should operate or otherwise tamper with a fire hydrant except with permission from the City; and

WHEREAS, the City Council held a public hearing on May 10, 2011 and another public hearing on June 14, 2011, to elicit comment on the proposed ordinance amendments; and

WHEREAS, no person testified in opposition to the proposed amendments to chapter 201, and

WHEREAS, the changes proposed by the City in chapter 201 to clarify responsibilities for maintaining and locating water lines and protecting fire hydrants are reasonable.

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

1. That Chapter 201 of the City Code, entitled City Water System, is amended as shown in the attached document to clarify responsibilities for maintaining and repairing broken water lines and for locating underground lines and protecting fire hydrants.
2. The effective date of these Ordinance amendments shall be upon their publication as required by law.
3. The City may publish the attached summary of the amendments and need not publish the entire chapter showing all the amendments.

Adopted by the City Council on this ____ day of _____, 2011 by the following vote:

Mitchell: ____ Carson: ____ Harper: ____ Peterson: ____ Sampair: ____

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

SUMMARY OF AMENDMENTS TO CHAPTER 201

On May 10, 2011, the Birchwood City Council passed a resolution amending the City Code, chapter 201, entitled City Water System, to clarify responsibility and obligation for repairing and maintaining the water system. The changes to Chapter 201 are summarized as follows:

- Section 201.090 was amended to clarify that every household in the community will be charged for water usage.
- Section 201.110 (Charges Become a Lien) was amended to clarify that the City will certify delinquent water charges to the Washington County Auditor after July 31 of each year and such charges shall go on the tax roll for the property.
- Section 201.120 (Repair of Service Lines) was amended to clarify that the property owner has the obligation and responsibility to maintain and repair the water line between the main line in the street and the dwelling and that the City may turn off the water to the property if a broken line is not repaired within 24 hours of notice of the break.
- Section 201.120 (Repair of Service Lines) was amended further to provide that any Birchwood resident who leaves his or her water running during the winter to prevent freeze-up will be charged for such water usage unless the City Council first gives authorization to do so without charge.
- Section 201.230(2) (Excavating Work) was amended to update the specifications for filling excavations in city streets. The new Minnesota Department of Transportation Specification for the base is Specification 2350/2360.
- Section 201.230(4) (Excavating Work) was amended to provide that any water service line installed in the ground must have a tracer wire installed so the line can be located in the future if necessary.
- Section 201.340 (Use of Fire Hydrants) was added to the ordinance to provide that no person other than one authorized by the City shall operate the fire hydrants or interfere with the water system.
- These amendments are effective upon publication of this summary.



Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: June 6, 2011

RE: Catchbasin Improvement Project - Change Order #1

Background

As you are aware, the City awarded the Catchbasin Improvement Project to New Look Contracting, Inc. and construction began on May 25, 2011. After removing the existing structure in front of 267 Wildwood Avenue in anticipation of installing the new structure it was determined that the sanitary sewer service for the property was located only 6-feet deep and lay in such a manner that would prevent installation of the new structure.

We reviewed several options with the Contractor to determine the most cost effective solution. Part of the discussions included the possibility of simply reinstalling the old structure, but the poor condition of the structure did not allow for this. It was determined that a smaller structure should be placed at the old location to provide a connection for the existing pipes and the new, larger structure would be placed downstream an appropriate distance from the sanitary sewer service. Due to the extent of the excavation and the location the Contractor was directed to complete the work as revised.

Summary and Recommendations

Field conditions required modifications to Storm Manhole Number 2 located in front of 267 Wildwood Avenue. The additional work required will result in an increase to the project cost of \$5,500.00. Change Order #1 is attached, which provides documentation for the increase. Due to the fact that the existing structure could not be utilized and a connection needed to be made for the existing pipes the Contractor did complete the work on May 26, 2011. We would recommend approval of the attached Change Order Number 1.

If you have any questions or would like to discuss this issue please feel free to call me at (763) 780-0450 ext. 2.



June 6, 2011
File No. 310049E-0071

Mr. Dale Powers, MA, AICP, City Clerk
City of Birchwood Village
207 Birchwood Avenue
Birchwood Village, MN 55110-1827

RE: 2011 Catchbasin Improvements Project
Pay Request #1

Dear Mr. Powers:

Enclosed is a copy of Pay Estimate #1 to New Look Contracting, Inc. for their work on the 2011 Catchbasin Improvements Project. The total payment due to New Look Contracting, Inc. at this time is in the amount of \$27,308.00. During construction it was determined that some additional work and changes had to be completed in the field. This work is included on the Pay Estimate as Change Order 1 and is detailed in a separate document.

We have inspected the work performed by New Look Contracting, Inc. and find it to be in compliance with the plans, specifications, and contract documents. Therefore, we would recommend payment of Pay Estimate Number 1 in the amount of \$27,308.00. We have requested verification of the final construction amount from the Contractor and to date have not heard back a response. We will update any final dollar amounts prior to the Council meeting. We have also requested final paperwork from New Look Contracting, Inc. and would recommend holding payment until we are in receipt of the paperwork.

If you have any questions please call me at (763) 780-0450 ext. 2.

Sincerely,

Elfering & Associates

Kristie Elfering
City Engineer

Enclosure

**SECTION 00671
CHANGE ORDER**

(Instruction on reverse side)

No. 1

PROJECT: 2011 Catchbasin Improvements OWNER: City of Birchwood Village 207 Birchwood Avenue Birchwood Village, MN 55110 CONTRACTOR: New Look Contracting, Inc. 19696 County Road 72 Elk River, MN 55330	DATE OF ISSUANCE: June 6, 2011 OWNER's Project No.: 310049E ENGINEER: Elfering & Associates 10062 Flanders Court NE Blaine, MN 55449 ENGINEER's Project No.: 310049E
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You are directed to make the following changes in the Contract Documents.
Description: See Attached

Purpose of Change Order: See Attached

Attachments (List documents supporting change): See Attached

CHANGE IN CONTRACT PRICE: Original Contract Price \$ 21,808.00 Previous Change Orders No. ___ to No. ___ \$ 0.00 Contract Price prior to this Change Order \$ 21,808.00 Net Increase (Decrease) of this Change Order \$ 5,500.00 Contract Price with all approved Change Orders \$ 27,308.00	CHANGE IN CONTRACT TIME: Original Contract Time Substantial Completion: - Final Completion: June 10, 2011 Net change from previous Change Orders 0 Days Contract Time prior to this Change Order Substantial Completion: - Final Completion: June 10, 2011 Net Increase (Decrease) of this Change Order N/A days for Substantial Completion N/A days for Final Completion Contract Time with all approved Change Orders Substantial Completion: - Final Completion: June 10, 2011
--	--

RECOMMENDED: By _____ Elfering & Associates	APPROVED: By _____ City of Birchwood Village	APPROVED: By _____ New Look Contracting, Inc.
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**CHANGE ORDER #1
(Attachment)**

This contract is amended as follows:

WHEREAS: The unexpected location of the existing sanitary sewer service for 267 Wildwood Avenue prevented the installation of the proposed sump structure; and

WHEREAS: The condition of the existing storm structure did not allow for reuse; and

WHEREAS: The City Engineer determined that it was necessary and would be more cost effective to have the Contractor install an additional structure as part of the this project.

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED AND UNDERSTOOD THAT:

1. The Contractor shall complete the above described changes and additions to the project.
2. Payment for the work was reviewed and approved by the Engineer.
3. The Contractor will not make claim of any kind or character for any other costs or expenses that he may have incurred or that he may hereafter incur in performing the work or furnishing the materials of this agreement.

(10)

SmartZone Communications Center

birchwoodvillage@comcast.net

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FW: Cost to publish

From : AR @ Press Publications <ar@presspubs.com> Tue May 24 2011 11:25:17 AM
Subject : FW: Cost to publish  4 attachments
To : birchwoodvillage@comcast.net

Dale Powers,

Ordinance will cost 77.82 per week
Notice of Public Hearing 63.68 per week

Any other questions please call me at 651-407-1205

Thank You
Lisa Graber

From: Legals Dept. [mailto:legals@presspubs.com]
Sent: Tuesday, May 24, 2011 10:32 AM
To: Lisa Graber
Subject: Fwd: Cost to publish

Lisa,
The sizes for these notices are:
Ordinance: 2x2.75
Pub Hearing 2x2.25

Begin forwarded message:

From: birchwoodvillage <birchwoodvillage@comcast.net>
Date: May 24, 2011 10:05:27 AM CDT
To: Press Publications Legals <legals@presspubs.com>
Subject: **Cost to publish**

Please advise as to the cost to publish the attachments once each. Thanks!

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
City Clerk

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

**NOTICE OF PUBLIC HEARING
STREET NAME CHANGE
JULY 12, 2011**

NOTICE is hereby given that the City Council will be holding a public hearing at **7:00pm on Tuesday, July 12, 2011** at the Birchwood Village Hall, 207 Birchwood Avenue, Birchwood Village, Minnesota.

The purpose of the public hearing is to hear testimony from the public on a proposed street name change. If adopted, that portion of Birch Street located north and east of the former right-of-way of the Minneapolis Saint Paul Suburban Railroad (connecting with Wildwood Avenue) would be renamed "Owl Street". *The portion of Birch Street located south and west of the former right-of-way of the Minneapolis Saint Paul Suburban Railroad (connecting with Birchwood Avenue) would NOT be affected by this proposal and would remain as Birch Street.*

/s/Dale Richard Powers
City Clerk
City of Birchwood Village

Published: White Bear Press June 29, 2011

**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 is hereby renamed Owl Street.

Section 2. That Chapter 702.010 of the City Code, entitled "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" is hereby established.

Section 3. 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

**SmartZone Communications Center**

birchwoodvillage@comcast.net

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**Dale please include in packet for discussion at the next available meeting...see email below for budget for signs.
Thanks**

From : Anthony E Sampair
<ASampair@CBBURNET.COM>

Tue May 31 2011 12:13:29 PM

Subject : Dale please include in packet for discussion at the next available meeting...see email below for budget for signs. Thanks

To : birchwoodvillage
<birchwoodvillage@comcast.net>

Tony Sampair
CBBurnet-Shoreview
Realtor Appraiser
100 Village Ctr. Dr., Ste 100
North Oaks, MN 55127
Fax 651-483-3681
Cell 651-208-1701
www.shortsalecbb.com

-----Original Message-----

From: Kristie Elfering [mailto:kelfering@elferingeng.com]
Sent: Tuesday, May 31, 2011 11:23 AM
To: Sampair, Anthony E
Subject: RE: Signs

Tony,

I looked at some costs associated with completing the sign replacement in 3 phases. Some thoughts are as follows:

- Replacing all No Parking signs and correcting associated time issues. Also replacing easement signs and other specialty signs. - \$2,400
- Replacing all regulatory signs (i.e. stop signs, yield signs, etc.) - \$3,600
- Replacing all street name signs - \$3,000

The costs above are for the actual signs and assumes no pole replacement will be necessary. An extra \$600 should be budgeted each year for installation. There may also be some administrative costs depending on who orders and coordinates the sign purchase and installation. Let me know if you are thinking along a different path or need anymore

information.

Thanks,

Kristie Elfering
Elfering & Associates
10062 Flanders Court NE
Blaine, MN 55449
Ph: (763) 780-0450 ext. 2
kelfering@elferingeng.com

From: Sampair, Anthony E [mailto:ASampair@CBBURNET.COM]
Sent: Friday, May 13, 2011 1:24 PM
To: Kristie Elfering
Subject: RE: Signs

Yes you are correct. That will occur next meeting. If you could please let me know your ideas about the 3 phases of the \$3000 for each year for next 3 years. I beleive we should address the no parking issues along with times reflecting present ordinaces and being more consistent as one phase, street signs as one phase, and entry signs to Birchwood along with misc follow up as another phase. I suppose we need to address the 'net effect' as well at each phase. My expectation is there will propbably be a net increase in one year with a net decrease in another year, and possibly no change in the street sign year. How does this sound to you. Any thoghts.

Tony Sampair
CBBurnet-Shoreview
Realtor Appraiser
100 Village Ctr. Dr., Ste 100
North Oaks, MN 55127
Fax 651-483-3681
Cell 651-208-1701
www.shortsalecbb.com

-----Original Message-----

From: Kristie Elfering [mailto:kelfering@elferingeng.com]
Sent: Friday, May 13, 2011 8:35 AM
To: Sampair, Anthony E
Subject: RE: Signs

Tony,
Thanks for the e-mail. I am assuming that the next step is for you to recommend a budget of \$3,000 when the budget discussions start. Let me know if you need anything from me to help, such as a segment of town that would be completed for that amount.
Thanks,

Kristie Elfering
Elfering & Associates

TO: Dale Powers, City Clerk

FROM: Alan Mitchell, Mayor

DATE: June 9, 2011

SUBJECT: **Investigation of Complaint about 401 Wildwood**

THE COMPLAINT

Resident Jim Greeley appeared at the May 10, 2011, City Council meeting and registered a complaint about storage of a boat lift and various equipment and items in the backyard of the property at 401 Wildwood Avenue and on the public right-of-way along Park Avenue adjoining the 401 Wildwood property. Park Avenue is the short street that runs perpendicular to Wildwood Avenue near the hockey rink. Mr. Greeley also complained about a vehicle being parked along Lake Avenue across from his driveway. Earlier Dale Powers had conducted an inspection of the property and took a picture showing snowmobiles parked on a trailer on the right-of-way. I agreed to look into the matter and report back to the Council at the June 14 meeting. The Council also requested that I look into the parking situation on Park Avenue.

WHAT I DID

I met with the landowner (Brian Lind) on three different occasions and talked with Brian's wife (Karen Hagen) on one occasion on the phone. I spent over an hour on the property with Brian Lind on June 6. I drove by the house after dark one evening to observe the light in the back yard.

I talked with Jim Greeley once on the phone and once in person.

Kristie Elfering provided me with the schematic she showed the Council on May 10 showing the right-of-way along Park Avenue.

I also reviewed the City file for the 401 residence. The only documents in the file related to approval to build the fence along Lake Avenue.

I talked to Officer Rob Flick of the White Bear Police Department. Rob sent me an email with results of a light test the police conducted at four o'clock one morning in May to measure the lumens from a light shining on an American flag flying on the back of the house.

I also looked at the ordinance provisions that I thought were applicable and I identify those in the next section of this report.

APPLICABLE ORDINANCES

The Exterior Storage ordinance is chapter 615. It provides generally in section 615.010 that “All materials and equipment shall be stored within buildings or in the rear yard in a screened area . . . so that stored items are not visible from the frontage street or adjoining properties” and then provides exceptions in section 615.020 for certain items. It allows for the “Seasonal storage of boat lifts” in the backyard. Section 615.040 provides as a separate Note that “It is in the best interests of all residents of the City of Birchwood Village to try to resolve all problems regarding exterior storage by polite personal contact between neighbors.”

The Parking restrictions are found in chapter 502. The main provision is in section 502.040 (NO PARKING), which states “There shall be no parking on any paved portion of any City street from 2 A.M. to 8 A.M.”

Chapter 606 is the Public Nuisances ordinance. Section 606.020 addresses lighting and states that lights shall be hooded or controlled in some manner so as not to light adjacent property and cannot exceed 1.0 foot candle on a public street and 0.4 foot candles on residential property.

WHAT I FOUND

The 401 Wildwood Property

The 401 Wildwood property is long and narrow and on a steep hill. Since it fronts on Wildwood Avenue, the property along Lake Avenue lower down the hill is the back yard. The main floor of the Greeley house is higher than the backyard of the Lind property, as are the neighboring properties to the east along Wildwood Avenue whose back yards also border Park Avenue. There is some shrubbery along Lake Avenue but the back yard is visible from higher elevations, including from the back of the Greeley residence and the back of other neighbors on Wildwood Avenue, and from Park Avenue and Wildwood Avenue . The back yard is enclosed by a cyclone fence.

Storage in the Back Yard

There are a lot of items in the Lind back yard. These items include a boat, a canoe, a barbecue grill, lawn furniture, a fire pit, firewood, a wood chipper, and kids toys. There is presently some brush from a tree that was taken down recently. There is a dead tree in the back yard with some colorful streamers hanging from the branches.

The Exterior Storage ordinance makes an exception for firewood and boats and trailers. Garden tools are another exception. Fire pits are permitted since section 604.010 (OPEN BURNING) allows a person to have a fire in a fire pit. The firewood on the property is used for fires in the fire pit, according to Mr. Lind.

Some people may find the Lind property to be cluttered; Mr. Greeley certainly does. I can't conclude, however, that all the items in the back yard constitute a violation of the Exterior Storage restrictions. I don't interpret the ordinance to say that residents can't

keep their lawn furniture and barbecue grills in the back yard during the times they are not using them, certainly not in the summertime.

The intent of the statute is to screen a resident's back yard from his neighbors. That is difficult in this situation because of the elevation difference between the Lind backyard and the neighbors' observation points. It would require tall trees to provide that screening. Such trees would take several years to grow and then would obscure the view of the lake by the neighbors to the east along Wildwood Avenue.

Mr. Lind did tell me that he would be removing the brush, the canoe had been sold, and an old chaise lounge chair would be recycled. He said that everything else was being used.

Storage on the Right-of-Way

There is a boat lift and canopy stored on the right-of-way outside the fence line along Park Avenue. The boat lift, and in fact the entire fence that runs along Park Avenue, are on the City right-of-way, according to the diagram Kristie Elfering provided. I'm not sure when that fence was built or how it was located.

Brian Lind told me that since he lost his boat slip at Dellwood Beach he has been unable to put the boat lift in the water and that he cannot sell the lift to new members of the Birchwood Dock Association because they are not permitted to have canopies and he wants to sell both the lift and the canopy. He told me that if he is required to move the boat lift, the only place he can go with it is in his back yard, on the other side of the fence from where it is now.

Boat lifts can be stored in back yards on a "seasonal" basis. There is no definition in the ordinance of "seasonal." In my view, the term is more an expression of intent than a time limitation. The idea is to allow such storage until the boat lift can be placed in the water. If there is no plan to put the lift in the water, the storage should not occur. As a side note, the lift in question here is not the only boat lift in the village that is not in the water. There is a boat lift on Dellwood Beach, a neighbor of Lind's has a lift in the back yard, and there are lifts on the beach along the lake. Section 615.030(2) provides that boat lifts can be stored seasonally above the high water level. I think there are numerous situations around the community where boat lifts are being stored in technical violation of the ordinance. I don't know what to do about that.

The snowmobiles that Dale Powers observed earlier in May on public right-of-way along the fence line have been removed and are in storage off-site.

Parking along Lake Avenue

The Linds often park their Suburban van on the grass along Lake Avenue near the bottom of the hill and across from the Greeley driveway. Brian told me they have no where else to park it because the driveway and a second parallel paved area have other vehicles parked there.

Section 502.040 says nobody can park on any "paved" portion of any City street from 2:00 a.m. to 8:00 a.m. The van is being parked on the grass, off the paved portion of Lake Avenue. The

City could post a No Parking sign there since it is on the bottom of the hill and the grass strip is rather narrow. The Linds would have to park their van somewhere else in that case. Brian did tell me that if Jim Greeley or somebody else advised him when Jim was having an open house or a showing, Brian would move his van to another location for that period of time.

Parking along Park Avenue

The Council asked me to look into the broader question of parking along Park Avenue. The concern is that the existence of vehicles along the east side of Park Avenue could interfere with access to the fire hydrant further along the street away from Lake Avenue. One problem is that the home next to the Linds' at 409 Wildwood Avenue relies on Park Avenue for access to the home; there is no access from Wildwood Avenue. Park Avenue is not paved, and the residents have actually done some of the maintenance themselves by hauling in gravel. Brian Lind suggested to me that maybe the fire hydrant could be moved closer to Lake Avenue, parking could be allowed along the west side of Park Avenue, and the east side could be incorporated more into the park. I know that this question is more than I can solve in one month's time.

The Back Yard Light

The Linds, who both served in Desert Storm I, fly an American flag off the deck on the back of the house, at all times. Brian says that proper protocol is to shine a light on the flag at night, and they do, from a light mounted on the back of the house. (A Google search of FlagGuys.com says the proper etiquette is to fly the flag only during the day but if it is flown at night, it should be illuminated so it can be seen by a casual observer.) Mr. Greeley objects to the light shining in his direction. I drove by the property after dark one night and observed the light.

I learned that the White Bear Police actually conducted a test of the light early one morning in May. The test showed that the light did not exceed the limitation specified in section 606.020 of 0.4 foot candles on nearby property or the 1.0 foot candle on any public street. The Police measured a light intensity of 0.21 foot candles in the street and 0.19 foot candles on the Greeley property and concluded that there was no violation.

WHAT I RECOMMEND

I recommend that neighbors be nice to each other, and courteous, and considerate, and that they talk to each other nicely.

I can't come up with any recommendations to address these long standing issues. I suggest that the Council ask the Planning Commission to look into the matter of storage in the community, particularly storage of boating paraphernalia. I also recommend that the Council ask the Planning Commission to look into what can be done about parking along Park Avenue.

Individual Council members might want to stop by the 401 Wildwood property and Park Avenue before the Council meeting on June 14 so they can observe for themselves what the situation is.

14

SmartZone Communications Center

birchwoodvillage@comcast.net

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Re: city garage

From : Kim Otness <kimotness@kixmoeller.com>

Thu Jun 02 2011 9:47:51 AM

Subject : Re: city garage

To : birchwoodvillage
<birchwoodvillage@comcast.net>

Cc : Ken Kixmoeller <ken@kixmoeller.com>

Hi Dale,

While we understand the logic of a 12/1 start date for the city garage lease term, we have objections to this arrangement. When we made our bid of \$305 it was for a one year period including the winter season. Quite frankly, the garage is of very little value to us during the summer season. Perhaps an option that could be considered would be extending the lease period until 11/30/12 using the prorated rental rate of \$305. We would still be paying for two summers of underutilized garage space but would have the guarantee of one more year of winter storage. We hope the council will give consideration to our proposal. We think it is quite fair.

Kim

On Jun 2, 2011, at 9:31 AM, birchwoodvillage wrote:

> Hi Kim - the City Council authorized an extension until the end of November 2011 for use of the City garage. Using the \$305.00 per year as a basis of establishing a monthly rental, the City will need a check for \$127.00 - and your acceptance of maintaining the existing contractual terms - in order to execute the contract. If you like, you can put the check in an envelope along with a copy of this e-mail indicating your agreement with the terms and we're all set.

>

> CITY OF BIRCHWOOD VILLAGE

>

> Dale Richard Powers, MA, AICP

> City Clerk

> 207 Birchwood Avenue

> Birchwood Village, MN 55110

> 651-426-3403 phone

> 651-426-7747 fax

> 320-493-8930 cell

>

>

> ----- Original Message -----

City of Birchwood Village Revenue and Expenditure Trends Page 1

Source: 2007 - 2010 Year End Financial Statements

	2007	2008	2009	2010	2011	2012	Assigned To
	Actual	Actual	Actual	Actual	Budgeted	Revenue Source	
RECEIPTS							
General Property Taxes (levy)	284,443	327,304	363,941	323,491	323,000		Staff
LICENSES AND PERMITS							Staff
Business Licenses and Permits	1,668	3,387	36,546	9,583	0		Staff
Building Permits	16,998	9,701	0	0	0		Staff
Plan Check Fee	4,464	2,593	0	0	0		Staff
Variances	1,345	1,191	0	0	0		Staff
Dog Licenses	1,408	1,535	0	0	0		Staff
INTERGOVERNMENTAL REVENUES							Staff
Federal Grants and Aids	0	0	0	0	0		Staff
State Grants and Aid	14,417	12,196	7,201	32,985	0		Staff
State of MN Pera	238	238	0	0	0		Staff
Local Grants and Aids	0	10,000	0	3,500	0		Staff
Recycle Grant	1,500	1,500	0	0	0		Staff
Cable Commission Grant	37,382	0	0	0	0		Staff
CHARGES FOR SERVICES	0	0	501	992	0		Staff
GENERAL GOVERNMENT							Staff
City Hall Rent	125	125	0	0	0		Staff
Certified Bills	0	0	8,053	1,116	0		Staff
Delingnt Utilities - Garb/CEC	86,462	51,109	0	0	0		Staff
PUBLIC SAFETY							Staff
HIGHWAYS AND STREETS							Staff
CULTURE AND RECREATION							Staff
Park Fees				5,900	0		Staff
OTHER CHARGES							Staff
State & Misc Fees							Staff
Sales Tax	5,918	3,244	0	0	0		Staff
FINES AND FORFEITS							Staff
Fines	942	1,492	2,474	1,277	0		Staff
Forfeits							Staff
MISCELLANEOUS REVENUES							Staff
Surcharge	803	427	0	0	0		Staff
Interest Earnings	14,231	8,806	2,764	1,332	0		Staff
Contrib. & Donations-Private	649	664	0	0	0		Staff
Refunds and Reimbursements	1,319	1,003	0	0	0		Staff

City of Birchwood Village Revenue and Expenditure Trends

Source: 2007 - 2010 Year End Financial Statements

	2007	2008	2009	2010	2011	2012	Assigned To
Sale of Investments	Actual 205,515	Actual 199,000	Actual 35,000	Actual 70,000	Budgeted 0	Revenue Source 0	Staff
Recycling Charge (Mahv/Willemie)	83,558	85,650	0	0	0	0	Staff
Cable/Excess Franchise Fee	4,747	5,342	0	0	0	0	Staff
Miscellaneous	1,597	1,670	3,047	4,702	0	0	Staff
TRANSFER FROM OTHER FUNDS							
Transfer from Sewer Fund	53,488	61,370	0	0	0	0	Staff
Transfer from Capital Projects	41,741	110,500	0	0	0	0	Staff
Transfer from Water Fund							Staff
Transfer from General Fund							Staff
Parks Special Revenue Fund					5,000		Staff
Sewer Loan		192,000	0	0	0	0	Staff
TOTAL RECEIPTS	864,958	1,092,047	459,527	454,878	328,000		Staff

DISBURSEMENTS

GENERAL GOVERNMENT							
Publishing							
Contracted Services	0	0	0	0	0	0	Staff
Printing and Binding	0	0	0	0	0	0	Staff
Legal Notice Publication	1,273	2,128	1,535	2,719	2,000	2,000	Staff
City Council							Staff
Wages and Salaries	3,140	2,586	4,300	1,847	4,300	4,300	AI
Clerk							AI
Wages and Salaries	20,784	21,923	32,935	51,131	52,855	52,855	AI
Federal Tax - Employee	5,555	5,652	0	0	0	0	AI
State Tax - Employee	3,135	3,600	0	0	0	0	AI
Employer Cont.-Retirement	0	0	0	0	0	0	AI
Retirement - Employee	6,037	0	0	0	0	0	AI
Medicare - Employer	8,724	9,700	0	0	0	0	AI
Social Security Employer	0	6,676	0	0	0	0	AI
Medicare - Employee	0	0	0	0	0	0	AI
Soc Security - Employee	0	0	0	0	0	0	AI
Other Pay	0	0	0	0	0	0	AI
Professional Services	0	0	0	0	0	0	AI

City of Birchwood Village Revenue and Expenditure Trends

Source: 2007 - 2010 Year End Financial Statements

Page 3

	2007	2008	2009	2010	2011	2012	Assigned
	Actual	Actual	Actual	Actual	Budgeted	Proposed	To
Legal	0	0	0	0	0	0	AI
Contracted Services	0	0	0	0	0	0	AI
Recording and Reporting	0	0	127	0	0	0	AI
Accounting (Treasurer)							AI
Professional Services	3,680	3,682	4,064	3,500	0	0	AI
Subtotal (staff)	47,915	51,233	37,126	54,631	52,855		
Elections							Staff
Wages and Salaries	0	2,035	0	4,311	0	0	Staff
Operating Supplies	0	0	0	0	0	0	Staff
Repair & Maint. Supplies	0	0	470	0	470	470	Staff
Contracted Services	0	0	0	0	0	0	Staff
Mileage	0	0	0	0	0	0	Staff
Legal Notice Publication	0	0	0	0	0	0	Staff
Subtotal	0	2,035	470	4,311	470		
Office Supplies							Staff
Office Supplies	3,012	3,493	3,413	2,846	5,300		Barb
Operating Supplies	0	0	0	445	0	0	Barb
Repair & Maint. Supplies	125	470	0	520	0	0	Barb
Office Equipment	42,130	0	0	2,023	4,500		Barb
Small Tools & Minor Equip	0	0	0	70	0	0	Barb
Contracted Services	0	0	0	59	0	0	Barb
Postage/Postal Permits							Barb
Office Supplies	451	424	0	433	0	0	Barb
Refunds & Reimbursements	0	0	0	52	0	0	Barb
Subtotal	45,718	4,387	3,413	6,447	9,800		
Financial Administration							
Auditing Services	0	0	0	22,874	16,000		Jane
Fees (Banking)	0	0	170	472	0	0	Staff
Subtotal	0	0	170	23,346	16,000		
Insurance - Employee							
Workers Compensation	0	0	676	690	0	0	Staff
Insurance - City							
Insurance	6,607	7,407	0	0	7,600		Staff
General Liability Ins.	0	0	5,677	3,604	0	0	Staff
Property Insurance	0	0	930	2,160	0	0	Staff

City of Birchwood Village Revenue and Expenditure Trends

Source: 2007 - 2010 Year End Financial Statements

Page 4

	2007	2008	2009	2010	2011	Proposed	2012	Assigned
	Actual	Actual	Actual	Actual	Budgeted		Revenue Source	To
Vehicle Insurance	0	0	0	69	0			Staff
Excess Liability	0	0	0	900	0			Staff
Crime Coverage	0	0	0	133	0			Staff
Municipal	0	0	1,500	0	0			Staff
Subtotal	6,607	7,407	8,783	7,556	7,600			Staff
Assessing								
Contracted Services	5,536	4,965	5,978	5,164	5,200			Staff
Legal Services								AI
Professional Services	9,787	12,668	6,557	15,731	8,000			AI
Engineer Service								
Professional Services	21,701	9,353	3,160	2,818	6,000			AI
Per Diem	495	396	495	475	495			Staff
Grants (non levy)								Staff
Grants (pandemic)	0	5,762	0	0	0			Staff
City Training & Development								
Training	515	0	660	40	2,540			AI
Transportation	0	0	32	0	900			AI
Dues & Subscriptions	3,746	4,559	5,410	5,275	1,000			AI
Grants	0	0	0	0	3,150			AI
Subtotal	4,261	4,559	6,102	5,315	7,590			AI
City Hall-Gov't Buildings								
Repair & Maint. Supplies	5,204	5,163	2,130	176	12,000			Barb
Professional Services	0	0	0	182	0			Barb
Contracted Services	0	0	0	418	0			Barb
Telephone	1,001	1,008	0	1,158	0			Barb
Utility Services	2,932	3,438	6,631	3,249	0			Barb
Buildings & Structures	6,846	6,525	0	10,861	0			Barb
Computer/Internet	0	0	336	0	0			Barb
Subtotal	15,983	16,134	9,097	16,044	12,000			
Cable Eqpt and Service								
Contracted Services	0	0	990	1,106	0			Staff
Communication	0	0	0	26,785	0			Staff
Newsletter								
Operating Supplies	0	0	0		0			Staff
Contracted Services	0	0	0	302	0			Staff

City of Birchwood Village Revenue and Expenditure Trends

Source: 2007 - 2010 Year End Financial Statements

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	2007	2008	2009	2010	2011	2012	Assigned To
Printing and Binding	Actual 0	Actual 0	Actual 0	Actual 0	Budgeted 1,000	Revenue Source	Staff
TOTAL	164,013	125,283	91,223	179,299	133,310		
PUBLIC SAFETY							
Police							Tony
Contracted Services	81,154	86,129	89,667	85,637	88,500		Tony
Fire							
Contracted Services	19,181	20,058	21,375	21,867	20,100		
Building Inspection (non levy)							
Contracted Services	9,117	13,339	22,387	15,664	0		Jane
Fees (variance, cond use permits)	2,440	4,264	0	692	0		Jane
Other Protection							Staff
Contracted Services	0	0	0	1,015	0		Staff
Dept. of Labor Fees	0	0	1,185	692	0		Staff
County Environmental Charge			627				Staff
Animal Control	1,610	1,332	1,237	304	0		Staff
Operating Supplies	0	0	0	0	0		Staff
Refuse Collection	52	133	79	0	0		Staff
Refunds & Reimbursements	0	0	0	0	0		Staff
TOTAL	113,554	125,255	136,557	125,871	108,600		
PUBLIC WORKS							
Improv Other than Bldg	0	0	0	0	3,000		Staff
Highways, Streets & Roadways							Mark
Repair & Maint. Supplies	2,318	0	10,703	516	0		Mark
Contracted Services	0	9,415	0	10,460	21,500		Mark
Street Sweeping	4,716	5,150	0	0	0		Mark
Seal Coat	24,744	25,050	0	35,739	0		Mark
Street Signs					1,000		Tony
Subtotal	31,778	39,615	10,703	46,715	22,500		
Street Lights							Staff
Utility Services	12,877	13,289	12,979	14,847	13,800		Mark
Drainage - Structure Care							Mark
Contracted Services	0	6,702	0	228	2,000		Mark
Fees	0	0	0	400	0		Mark
Subtotal	0	6,702	0	628	2,000		
Crack Sealing		9,778	0	0	0		Mark

City of Birchwood Village Revenue and Expenditure Trends

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Source: 2007 - 2010 Year End Financial Statements

	2007	2008	2009	2010	2011	2012	Assigned To
	Actual	Actual	Actual	Actual	Budgeted	Revenue Source	
Ice and Snow Removal							Mark
Operating Supplies (salt, sand)	4,950	4,172	0	3,266	0		Mark
Contracted Services	10,024	8,465	18,404	17,646	0		Mark
Subtotal	14,974	12,637	18,404	20,912	0		
Water Utility							Staff
Refunds & Reimbursements	0	0	0	554	0		
Sewer Utility							Staff
Refunds & Reimbursements	0	0	0	270	0		
TOTAL	59,629	82,021	42,086	83,927	41,300		
CULTURE & RECREATION							
Recreation							Barb
Operating Supplies	0	0	0	41	0		Barb
Dues & Subscriptions	0	0	0	0	0		Barb
Parks							Barb
Wages and Salaries	3,836	7,154	0	5,508	0		Barb
State Tax - Employee	0	0	0	34	0		Barb
Unemployment Compensation	0	0	0	174	0		Barb
Office Supplies	0	0	0	30	0		Barb
Operating Supplies	752	550	0	1,392	13,000		Barb
Repair & Maint. Supplies	32,729	6,735	0	890	0		Barb
Professional Services	0	0	0	190	0		Barb
Contracted Services	0	0	0	1,902	0		Barb
Utility Services	517	590	0	507	0		Barb
Fees	0	0	0	35	0		Barb
Buildings & Structures	0	0	0	1,429	0		Barb
Furniture and Fixtures	0	0	0	1,212	0		Barb
Garbage Pickup	377	459					Barb
Parks Special Revenue Fund					5,000		Barb
TOTAL	38,211	15,488	16,388	13,304	18,000		
Subtotal	38,211	15,488	16,388	13,345	18,000		
SANITATION							
Tree Care/Inspection							Barb
Contracted Services	0	0	0	701	1,500		
Tree Removal							Barb
Operating Supplies	0	0	0	321	0		

City of Birchwood Village Revenue and Expenditure Trends

Source: 2007 - 2010 Year End Financial Statements

Page 7

	2007	2008	2009	2010	2011	2012	Assigned
	Actual	Actual	Actual	Actual	Budgeted	Proposed	Revenue Source To
Diseased Trees	2,585	4,173	4,218	0	0	0	
Contracted Services	4,499	5,453	0	4,762	4,000		Staff
Sanitation - Recycling							
Contracted Services	93,430	96,378	8,849	12,537	12,000		Barb
Lawn Care/Maintenance							
Contracted Services	7,083	7,998	0	4,480	7,000		
TOTAL	107,597	114,002	13,067	22,800	24,500		
CONSERVATION - NATURAL RESOURCE							
Fees	684	861	0	1,719	1,609		Staff
UNALLOCATED EXPENDITURES							
Other Pay	0	0	0	0	0		Staff
Operating Supplies	0	0	0	0	0		Staff
Refunds & Reimbursements	0	0	0	9,596	0		Staff
Sales Tax	5,846	7,138	0	0	0		Staff
Miscellaneous	395	1,477	144	0	681		Staff
Surcharge	215	764	0	0	0		Staff
Gopher State and Locates	348	1,281	1,599	1,015	0		Staff
Purchase of Investment	175,420	220,315	35,000	35,000	0		Staff
Transfer to Capital Projects Fund	21,760	14,000					Staff
Transfer to Sewer Fund	3,138	200,850					Staff
Transfer to Water Fund	124	180					Staff
TOTAL	207,246	446,005	36,743	45,611	681		
CAPITAL PROJECTS							
Catch Basins	15,724	26,102					Jane/Kristie
Manhole Covers	6,308	23,716					Jane
Water Valve	0	4,325					Jane
Hydrant Replacement	886	19,067					Jane
Tennis Court	0	0	443				
TOTAL	22,918	73,210	443	0	0		
TOTAL DISBURSEMENT:	713,852	982,125	336,507	472,572	328,000		
Debt Service	62,476	61,370	120,300	169,583			Staff

SmartZone Communications Center

bwclerk@comcast.net

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RE: Quote #21950

From : Rick Brestrup <rickb@comparinc.com>

Thu Mar 31 2011 3:04:06 PM

Subject : RE: Quote #21950

To : bwclerk@comcast.net

I spoke to my tech and he does not believe it will take 12 hours so yes it's fair to say we will not exceed the \$1,260.00 fee. We will only charge the city the time it takes so if it's 8 hours that is all we will charge.

Richard Brestrup
Compar, Inc.
Direct: 952-945-2282
Mobile: 612-839-9093
Fax: 952-945-2286

Tawnya Bonsante
952-945-2274
tawnyab@comparinc.com

From: bwclerk@comcast.net [mailto:bwclerk@comcast.net]
Sent: Thursday, March 31, 2011 1:24 PM
To: Rick Brestrup
Subject: Re: Quote #21950

In reviewing Quote # 21950, I noted with interest the line at the bottom of the first page of the quote. It states "...Labor time to back up current PCs is NOT included in the 3 hour original estimate." You do not indicate proposed labor time for the back up function. Further, you have stated that "too many variables are included in email to give an accurate answer".

I am attempting to give the City Council a level of cost certainty on this project. I have one vendor that has delivered cost certainty with 12 total labor hours. From what I am able to ascertain from Quote # 21950, it appears that you are quoting 3 hours @ \$135.00 per hour, with extra hours billed at \$95.00/hour.

I am considering using your stated labor rates as indicated in your quote and using the first 3 hours at \$135.00/hour and 9 hours @ \$95.00 an hour stating that the "will not exceed" amount for labor is \$1,260.00. Would you consider that a fair portrayal?

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
City Clerk
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
320-493-8930 cell

----- Original Message -----
From: "Rick Brestrup" <rickb@comparinc.com>
To: bwclerk@comcast.net
Cc: rickb@comparinc.com
Sent: Wednesday, March 30, 2011 1:21:03 PM
Subject: Quote #21950

Thank you for the opportunity to provide a quote for your technology needs. The quote you requested may be viewed by opening the attachment.

SmartZone Communications Center

bwclerk@comcast.net

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RE: Labor estimate**From :** Joe Connor <joe@tctechs4hire.com>

Thu Mar 31 2011 6:48:55 PM

Subject : RE: Labor estimate**To :** bwclerk@comcast.net

Hi Dale

The minimum rate was to show integrity and courtesy on my part, that if the job goes faster than planned, the city wouldn't be on the hook for the whole 6 hours. I am sorry, it is not my intent to be problematic, I'm simply trying to offer the best possible pricing I can (based on experience and best case scenario's), and also protecting myself on things that are outside of my control.

Here are my thoughts on items 2 & 3:

2. I agree the disclaimer is ambiguous, just as the specific equipment the city currently has is, and whether or not we have identified ALL of the specific software the city is using currently and wants to use going forward are, to me. At this point in time the only tasks that I am aware of are: that I am installing is CTAS, Microsoft Office & antivirus/internet security software, migrating files, setting up email and network printers.. For example: If you don't have the CTAS software and registration info ready and waiting for me when I get there, why should I need to stop my time clock from running, for something that is outside of my control, if its absence results in it taking me longer to complete the job? Or if there is another software package that needs to be added that hasn't been disclosed prior to my bid, I don't think it's reasonable to expect me to perform the service for free, if it takes me beyond my bid time amount. If you would prefer it be "any additional tasks and materials provided outside of the quoted amount will be billed at Time & Materials", then I will re-word it as such.

3. I'm confident in my quote. If it will quell the waters, I will affirm that I can perform the specifically defined tasks in my bid in under 8 hours, barring circumstances outside of my control. Example if one of the new computer's hard drives happen to fail midway thru the migration/installation process, and we have to wait for a replacement drive from the vendor and begin the installation/migration process over again, the labor to begin again on the new/replacement hard drive is beyond my original quote or if Comcast's internet goes down.

Would this sit better with the council, I'll provide an alternate bid in the event of any issues with the original...

I would submit a labor bid for 12 hours (\$1,200) with the understanding that 'typically' this shouldn't take more than 8 hours (4 hours each computer) and any unused full hours of time, beyond those 8 quoted for THIS project, would be banked and could be used towards any additional I.T. support labor the city might need over the six (6) months following the installation date? This way if the city pays for 12 hours, then they will get 12 hours within a reasonable period of time. *Note ordinarily my support calls are billed in 15 min increments for phone/remote and a 1 hour minimum per site visit.

I'm surprised I didn't think to bid it this way in the first place, I just wasn't thinking outside the box.

Thanks for your attention to the details and not simply dismissing me.

Best Regards!

Joe

ps If the city would like references from me, I will gladly provide them names and contact info.

From: bwclerk@comcast.net [mailto:bwclerk@comcast.net]

Sent: Thursday, March 31, 2011 1:39 PM

To: Joe Connor

Subject: Labor estimate

Joe, I am trying to establish some level of cost certainty into each of the three bids. One of the vendors has given me that by using 12 hours of labor. Also, your quote is the only one with a minimum labor rate. Finally, your quote is the only one with a 15% "overage" factor.

I have the following questions:

1. Can it be assumed that the maximum number of billable labor hours for your estimate is 6 x 1.15, or 6.9 hours?
2. The disclaimer is a bit ambiguous. I am taking it that the 15% overage "does not include time waiting on client to locate missing software, keys, licenses or Connor IT Solutions having to source them at the time of installation, or additional services provided outside of this quote". Is that correct?
3. In order to establish a "stop loss" "maximum labor charge", would you object if I quoted 12 hours of labor for you as a maximum labor rate you would charge the City?

Please advise. Thanks!

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
City Clerk
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
320-493-8930 cell

Quote for services for **Birchwood Village** provided by **Connor I.T. Solutions, Inc.** **March 28, 2011**

Prices good for 30 days from date of quote.

Set up 2 new computers and lcd monitors. Remove any trial software pre-installed on new computers.

Migrate files from old computers. *(If client wants data migrated via external hard drive from old hard drive, for extra archival purposes, **allow additional \$125 for external hard drive*** and allow additional labor time of up to 2 hours as this process is the most time consuming method of migration, as the data is being copied twice; from old pc to external hard drive and from external hard drive to new computer).*

Install client provided software (CTAS, Microsoft Office, **Comcast provided antivirus/malware/spyware software** and any other Windows 7 compatible software that client has appropriate installation media and licenses for.)

Install printer drivers and test printer.

Setup e-mail.

Configure network shares.

Recycle/dispose of old hardware (At client's request the old hard drive's can either be wiped clean and then destroyed or client can retain them for archival/backup sake).

Based upon prior experience a typical migration and install takes 4 hours per computer. (As the desks are in close proximity it will be easier to multitask and migrate the files simultaneously and am bidding with that in mind).

Total Quote 6 hours labor @ \$100hr for a total of \$600.00(with a \$400 minimum).**

Labor guaranteed for a week after installation. Connor I.T. Solutions, Inc. is not responsible for mis or non-communicated information, user/client unfamiliarity with Windows 7, Office 2007 or any other newly installed software, problems caused by user/client provided software, user actions, viruses/spyware/malware or hardware malfunctions/failure.

Additional equipment as requested or needed:

Network patch cables - \$5.00 each

External hard drive to store migrated files on to keep for archival purposes - \$125.00 (plus extra time if results in going over quoted amount)

Battery backup - \$60 and up each, please inquire if interested.

Please direct any questions or comments to:

Connor I.T. Solutions, Inc.

651 755 4790

joe@tctechs4hire.com

**All quotes are bid with the understanding of allowing for an overage of %15 for unforeseen circumstances outside of the control of Connor I.T. Solutions, Inc. This does not include time spent waiting on client to locate missing software, keys, licenses or Connor I.T. Solutions, Inc. having to source them at the time of installation, or additional services provided outside of this quote.

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CONNECTING & INNOVATING
SINCE 1913

October 4, 2010

To: LMCIT Property/Casualty members and LMCIT Agents
From: Dan Greensweig, LMCIT Assistant Administrator
Re: Property/Casualty Program Incentives

Incentives are one way the League of Minnesota Cities Insurance Trust's Board of Trustees seeks to fairly allocate risks and losses among members.

LMCIT's two new incentive programs – one related to land use and one for sanitary sewers – reward members who take a positive, deliberate role in reducing claims and losses through their decision-making. *Both programs go into effect Nov. 15.*

Please call your LMCIT Underwriter for specific information about your city. Underwriters can be reached at (651) 281-1200 or (800) 925-1122.

LMCIT's Land Use Incentive

The Land Use Incentive program rewards Property/Casualty members that successfully complete online training about land-use decision making.

Cities that meet the training requirements will earn a savings of as much as \$3,750 per land use claim. Cities that do not meet the training requirements will pay a higher rate of land use costs.

The website-based training, which will be available during early October through the League's City Learning Point, is designed to make land use decisions less confusing. Officials also will learn about the sometimes tense and charged discussions that occur when trying to balance the goals of the community against individual rights.

The training will help cities avoid expensive land use claims and lawsuits, currently the largest area of loss for members. These claims cost LMCIT members about \$3 million per year, and more than 85 percent of those costs are for legal defense.

The incentive is available on an ongoing basis to all member cities that certify at their renewal that the following city officials successfully completed the training:

- A quorum of the city council;
- The chair and another planning commission member;
- The city planner or another staff person with lead responsibility for planning activities.

Cities can qualify for the incentive at any time by meeting the training requirement, at which point the city will receive an endorsement. Any land use claims made against the city after receiving the endorsement will qualify for the savings.

The cost for the online training is \$30 per person, with group discounts available. More details are available in the E-Learning area of the Training and Conferences section of the League website at www.lmc.org.