



AGENDA OF THE  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
WASHINGTON COUNTY, MINNESOTA  
MAY 8, 2012  
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the April 10, 2012 Regular Meeting (see exhibit)
2. Acceptance of the Financial Report and Approval of Disbursements (see exhibit)
3. Approval of RESOLUTION 2012-13 Accepting a Donation of Sand from Judy Duffy (see exhibit)
4. Approval of RESOLUTION 2012-14 Accepting a Donation of Labor and Materials from Andrew Sorenson (see exhibit)

CITY BUSINESS – REGULAR ORDER

5. 7:15 Music in the Park 2012: Authorization to Consume Beer and Wine at the Concerts (Mitchell – see exhibit)  
Time Budget: 5 minutes
6. 7:20 Sewer and Water Proposed Rate Increases: Review proposed rate increases and set public hearing (Harper/Rueckert – see exhibit)  
Time Budget: 15 minutes
7. 7:35 2012 Sewer Capital Projects (Elfering – see exhibits)
  - a. Review of Quotes for Televising Remaining Sewer Lines
  - b. Wildwood Lift Station Pump Replacement - Update
  - c. Manhole Ring Replacement - UpdateTime Budget: 15 minutes
8. 7:50 Parks Committee Issues (Lund – see exhibits)
  - a. Tree Removal at Tennis Courts - Council Deliberation and Consideration of Approval
  - b. Proposed Park Cleanup Work Plan and Cost EstimateTime Budget: 25 minutes
9. 8:15 RESOLUTION 2012-15 Adopting Ordinance 2012-05 Amending and Codifying the City's Existing Fund Balance Policy as City Code Chapters 801 (Harper – see exhibit)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of AdoptionTime Budget: 5 minutes

10. 8:20 RESOLUTION 2012-16 Adopting Ordinance 2012-06 Renumbering City Code Chapter 611 (PUBLIC WORKS RESERVE FUND) as City Code Chapter 802 and Changing the Text Thereof (Harper - see exhibit)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of AdoptionTime Budget: 5 minutes
11. 8:25 RESOLUTION 2012-17 Adopting Ordinance 2012-07 Renumbering City Code Chapter 611A (CAPITAL PROJECTS FUND) as City Code Chapter 803 and Changing the Text Thereof (Harper - see exhibit)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of AdoptionTime Budget: 5 minutes
12. 8:30 RESOLUTION 2012-18 Adopting Ordinance 2012-08 Establishing City Code Chapter 804 (PARKS SPECIAL REVENUE FUND) (Harper - see exhibit)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of AdoptionTime Budget: 5 minutes
13. 8:35 RESOLUTION 2012-19 Adopting Ordinance 2012-09 Renumbering City Code Chapter 612 (PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE) as City Code Chapter 805 (Harper - see exhibit)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of AdoptionTime Budget: 5 minutes
14. 8:40 City Clerk's Report (Powers)
  - a. City Hall Electrical Work
  - b. Utility Bill Vendor - UpdateTime Budget: 5 minutes
15. 8:45 Council Reports  
Time Budget: 10 minutes
16. 8:55 Next Meeting – June 12, 2012: Topics  
Time Budget: 5 minutes
17. 9:00 ADJOURN



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## **EXECUTIVE SUMMARY – MAY 8, 2012 CITY COUNCIL MEETING**

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

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

1. Approval of the Minutes of the April 10, 2012 Regular Meeting
2. Acceptance of the Financial Report & Approval of Disbursements
3. Approval of Resolution 2012-13 accepting a donation of sand from Judy Duffy. The sand was placed at Kay Beach. Minnesota Statutes § 465.03 requires a resolution for acceptance of the gift; said resolution requires a 2/3<sup>rd</sup>'s vote of the Council.
4. Approval of Resolution 2012-14 accepting a donation of labor and materials from Andrew Sorenson for the work he performed on the City garage across Birchwood Avenue from City Hall. Minnesota Statutes § 465.03 requires a resolution for acceptance of the gift; said resolution requires 2/3<sup>rd</sup>'s vote of the Council.

**CITY BUSINESS – REGULAR ORDER:**

5. **MUSIC IN THE PARK 2012: AUTHORIZATION TO CONSUME BEER AND WINE AT THE CONCERTS:** Mayor Mitchell is bringing this matter to the Council attention due to the requirement in City Code Chapter 607.641 that "no person shall possess or consume any beer, wine, liquor, or other alcoholic or intoxicating beverage in an Open Space site without a special permit." The City Council approved a motion at the May 10, 2011 meeting authorizing the special permit, as follows: "to authorize persons of legal age to possess and consume beer and wine during the Sunday evening concerts during 2011, but only in the park where the concert is held and only during the hours of the concert, and provided further that no person shall offer for sale any intoxicating liquor at such places and at such times."

**QUESTION: Should the City Council authorize the consumption of beer and wine at the Music in the Park concerts in 2012?**

6. **SEWER AND WATER PROPOSED RATE INCREASES> REVIEW PROPOSED RATE INCREASES AND SET PUBLIC HEARING:** The City Council engaged the services of Shelly Rueckert to evaluate the adequacy of the city's sewer and water rates. Shelly met with the Finance Committee to review her analysis and her recommendations. The Finance Committee reviewed the following information: Water Consumption data for 2011-2012; annual revenue and expenditure data for the sewer and water funds from 2004 – 2011; Mahtomedi sewer and water rates; current Birchwood sewer and water fees; and an assessment of the impact of the recommended changes to the sewer and water fees. Shelly will be at the upcoming City Council meeting to present the recommendations (which are included in the agenda packet as an exhibit) and have information on the impact of the rate increases on the typical household. The Finance Committee agrees with the recommendations listed in the exhibit.

**QUESTION: Should the City Council propose these rate increases and set a public hearing during the June 12, 2012 Council meeting?**

7. 2012 SEWER CAPITAL PROJECTS: City Engineer Kristie Elfering has submitted a memo that discusses the status of 4 items. The first item is a quote for televising the remaining sanitary sewer lines. Televising the sewer lines allows the City to ascertain the locations of any cracks or other deficiencies in these lines before they fail. The remaining 3 items are status updates on the City's 5-year capital improvement plan, Wildwood lift station pump replacement, and manhole ring replacement. Elfering's memo is included in the agenda packet as an exhibit.

**QUESTION: Should the City Council approve the quote for televising the City's remaining sanitary sewer lines?**

8. PARKS COMMITTEE ISSUES: At the April 10<sup>th</sup> meeting, the Council reviewed a request by Parks Committee Chair John Lund for tree removal at the tennis court. The roots of these trees were causing damage to the tennis court. The Council expressed a concern about the removal of the trees and tabled consideration of this request until after Council members had the opportunity to review the site. Staff is under the impression that the Council has completed its field review and is prepared to decide this matter at the May meeting.

**QUESTION: Should the City Council approve the removal of the subject trees at the tennis court?**

Lund also is presenting a proposed work plan for cleanup work at the parks. This work plan was not included in the work plan for 2012 that was approved by the City Council last year during the budget process. Consequently, the Parks Committee does not have this expenditure in this year's budget. The proposed work plan is included in the agenda packet as an exhibit.

The proposal assumes that KEJ Enterprises will be performing the work. While staff has no reason to believe that KEJ is not capable and qualified to perform this work, perhaps the Council could direct staff to investigate alternative service providers that could do the work at a lower cost. As well, the Parks Committee could see whether there are any volunteers that could perform all of some of the work detailed in the proposed work plan.

If the Council wants to authorize the performance of the work in the proposal, it would first need to determine whether this expenditure should come out of the current Parks budget or whether the 2012 Parks budget should be increased to include this expenditure. If the Council wants to increase the budget, it would need to determine whether the revenue should come from the Parks Special Levy Fund or the General Fund. Staff recommends amending the Parks budget for these expenditures; however, staff also reiterates its recommendation that alternative, less expensive service providers should be sought out.

**QUESTIONS: Should the City Council authorize the proposed Park cleanup work plan and expenditures? Should this expenditure come out of the 2012 Parks budget or should the parks budget be increased to cover these items? Should the City Council direct staff to investigate less expensive service providers?**

9. RESOLUTION 2012-15 ADOPTING ORDINANCE 2012-05 AMENDING AND CODIFYING THE CITY'S EXISTING FUND BALANCE POLICY AS CITY CODE CHAPTER 801> PUBLIC HEARING, COUNCIL DELIBERATION AND CONSIDERATION OF ADOPTION: This is the first of a series of five resolutions/ordinances proposed by Council Member Harper to establish a separate code series for finance and budget-related ordinances. Council Member Harper has prepared a memo explaining the details of each proposed ordinance. A copy of her memo is included in the agenda packet as an exhibit.

Generally, this ordinance codifies the City's existing Fund Balance Policy, adds a definition of "government fund", and makes other minor changes to the document.

**QUESTION: Should the City Council approve Resolution 2012-15 adopting Ordinance 2012-05?**

10. RESOLUTION 2012-16 ADOPTING ORDINANCE 2012-06 RENUMBERING CITY CODE CHAPTER 611 ( PUBLIC WORKS RESERVE FUND) AS CITY CODE CHAPTER 802 AND CHANGING THE TEXT THEREOF> PUBLIC HEARING, COUNCIL DELIBERATION AND CONSIDERATION OF ADOPTION: Generally, this Ordinance renumbers City Code Chapter 611 as City Code Chapter 802, adds a definition of "separation of monies", and makes other minor changes to the document.

**QUESTION: Should the City Council approve Resolution 2012-16 adopting Ordinance 2012-06?**

11. RESOLUTION 2012-17 ADOPTING ORDINANCE 2012-07 RENUMBERING CITY CODE CHAPTER 611A (CAPITAL PROJECTS FUND) AS CITY CODE CHAPTER 803 AND CHANGING THE TEXT THEREOF> PUBLIC HEARING, COUNCIL DELIBERATION AND CONSIDERATION OF ADOPTION: Generally, this Ordinance renumbers City Code Chapter 611A as City Code Chapter 803, modifies the title of the former 611A.20/803.20 to read "separation of monies", and makes other minor changes to the document.

**QUESTION: Should the City Council approve Resolution 2012-17 adopting Ordinance 2012-07?**

12. RESOLUTION 2012-18 ADOPTING ORDINANCE 2012-08 ESTABLISHING CITY CODE CHAPTER 804 (PARKS SPECIAL REVENUE FUND)>PUBLIC HEARING, COUNCIL DELIBERATION AND CONSIDERATION OF ADOPTION: Generally, this Ordinance establishes City Code Chapter 804, titled "Parks Special Revenue Fund", to regulate the use of City-appropriated money dedicated to non-operating expenditures.

**QUESTION: Should the City Council approve Resolution 2012-18 adopting Ordinance 2012-08?**

13. RESOLUTION 2012-19 ADOPTING ORDINANCE 2012-09 RENUMBERING CITY CODE CHAPTER 612 (PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE) AS CITY CODE CHAPTER 805> PUBLIC HEARING, COUNCIL DELIBERATION AND CONSIDERATION OF ADOPTION: Generally, this Ordinance renumbers City Code Chapter 612 as City Code Chapter 805 for placement of the ordinance along with the other 800-series finance and budget-related ordinances. There are no changes made to the text of the ordinance, other than changing the numbering sequence.

**QUESTION: Should the City Council approve Resolution 2012-19 adopting Ordinance 2012-09?**

14. CLERK'S REPORT: On Tuesday, May 1, Marshall Electric was out at the City Hall installing 1 "EXIT" sign and repairing the other "EXIT" signs; repairing the outside motion-sensor light, repairing one of the electrical outlets that have come out from the wall, and installing a new ballast for one of the fluorescent light standards in the Clerk's office. The City Council budgeted \$3,300.00 for repair and maintenance of City Hall; there are still dollars in that line item to cover this expense (the painting of the upstairs of the hall should also come out of this line item).

The Council appointed Mark Peterson and Barb Carson to work with me to seek out potential vendors for the City's utility billing. Peterson and Carson directed me to seek out and ascertain interest from East Metro cities using Springbrook UB software (which Little Canada uses). There are 3 such cities – Stillwater, Arden Hills, and Roseville – and each declined the opportunity to bid. I reported this back to Carson and Peterson, who directed me to expand my search to non-Springbrook cities. 2 cities have indicated an interest in submitting a bid, and I am hopeful that the Council will be in a position to review those bids at the June 12<sup>th</sup> meeting.

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**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
April 10, 2012**

**MINUTES**

**MEMBERS PRESENT:** Mayor Mitchell; Councilmembers Harper, Peterson, Sampair

**MEMBER ABSENT:** Carson

**STAFF PRESENT:** City Engineer Elfering, City Treasurer Reiter, and City Attorney Sandstrom

**OTHERS PRESENT:** Bryan McGinnis, Sara Nephew, Charles Kaufmann, John Lund, Brian Lauzon

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

**AGENDA APPROVAL:** Mitchell/Harper approve agenda with additions of 4M Fund Memo from Treasurer to be placed at Item 12A and allow a portion of 12A (beaches) in the open forum.

**Motion Passed 4 Ayes/1 Absent (Carson)**

**COMMUNITY EVENTS AND ANNOUNCEMENTS:** Mitchell noted the following.

- Finance Committee would meet April 18, 2012 at 5:30 for utility rate review.
- Dock Association will meet April 14, 2012 – all residents welcome to attend.
- April 12, 2012 Mahtomedi will hold a groundbreaking for Wildwood Elementary.
- April 19, 2012 Isaac Walton meeting for the Browns Creek Trail at the Wildwood Library.
- Birchwood's Tennis Court is open and in use.
- May 5, 2012 Rice Creek Watershed District has rain barrels available.
- May 19, 2012 is the Birchwood Plant Exchange.
- June 2, 2012 Annual Birchwood Garage Sale.
- June 3, 2012 Music in the Park begins with Harmonic Relief, which is John Winters group.
- Washington County is in process of re-districting, Birchwood will be District 1 or 2. Final decision will be April 17, 2012.
- Thanks to the Artists Group for the display of paintings at city hall.
- Spring Newsletter is on the city website.

**OPEN PUBLIC FORUM:** Charles Kaufmann addressed the Council and noted his disgust with the current and former councils concerning the development of village public land and the disregard of comprehensive plan goals for natural environment in the village. Further stating the Tighe-Schmidt Park has now a sports and carnival atmosphere. He believes council should get release of the quitclaim deed from ¼ of homes in Block 5 surrounding the park to develop in the manner they (city) have, although the homes surrounding the park include 26 along the lake that back up to the park that would likely approve of development plans. He feels it is a moral crime to disregard the deed and change the natural park environment and allow destruction of Tighe-Schmidt Park. He noted that although it was stated at the last meeting the Statue of Limitations had run out (on the deed) he believes that reason was to reduce the burden of the court buried in old cases. He closed by saying this is a moral crime not a legal issue and asked that the development be reconsidered.

47 Sara Nephew, Birchwood resident introduced herself and noted interest in being on the Park & Open  
48 Space Committee. It was noted her appointment was on the consent agenda for this meeting.

49

50 Councilmember Harper took this opportunity to remind shoreland property owners of the letter sent  
51 out by the DNR noting dry land regulations for cutting and raking of emergent vegetation. The DNR has  
52 been receiving reports of cutting, raking, disturbing vegetation along the shoreland. Receding lake  
53 levels have exposed vegetation and it is a misdemeanor to remove emergent aquatic plants without a  
54 permit. It was also noted that actions such as grading, blading, raking, dragging, boulder construction,  
55 fill, retaining wall construction, etc. also might require a permit. She reiterated that control of upland  
56 and aquatic emergent vegetation is of importance as property owners should know the difference  
57 between upland vegetation and aquatic emergent vegetation. To minimize impact to lake bed, raking or  
58 dragging for upland vegetation should only be done to a width necessary to access a dock.

59

60 The City Clerk will place the permit application on the city website for those that need to apply to the  
61 DNR.

62

63 The mayor noted that the Ordinary Highwater Mark (OHM) is 924 feet and lake level is now about 920  
64 feet.

65

66 **CONSENT CALENDAR: Sampair/Harper unanimous (4 ayes, 1 absent) to approve the following consent**  
67 **calendar items:**

68

69 ***1. Approval of Minutes – March 13, 2012 Regular Council Meeting.***

70

71 ***2. Acceptance of the Financial Report and Disbursements Register as prepared by the City***  
72 ***Treasurer and presented to the City Council on March 13, 2012 in the amount of \$28,179,***  
73 ***including Check #'s 27018-27021, 27045-27075, and Electronic Funds Transfers FED032012,***  
74 ***MN032012, PERA031512, PERA031512 AND LIFT042012.***

75

76 ***3. Appointment of Sara Nephew and Kelly paradise to the Parks and Natural Resource***

77

78 ***Committee for three year period ending April 2015.***

79

80 ***4. Approval of Revisions to the Personnel Committee By-laws.***

81

## 82 **CITY BUSINESS**

83

84 **Item 5. Resolution 2012- 11 to Amend City Code Chapters 301 and 306 and establish new City Code**

85

86 **Chapter 305, Establishing Interim uses in the City of Birchwood Village and Regulating Their Use**

87

## 88 **PUBLIC HEARING Opened at 7:20 am**

89

90 **Comments;** Bryan McGinnis, 194 Wildwood Ave., commended the city council for identifying the use of  
91 IUP (Interim Use Permit) and CUP (Conditional Use Permit) and offered thanks for consideration of his  
92 suggestions at the last meeting.

93

94 He noted the duplication of 305.110 on page 7 and that of 305.130 for correction. He also stated the old  
95 CUP's would continue on under current ordinance in effect. The City Attorney confirmed this to be the  
96 case and date of adoption of change would be noted in the ordinance book.

97

98 Councilmember Harper commented that staff should not discard any old language for this code.

99

100

95 **PUBLIC HEARING Closed at 7:22 am**

96

97 Harper/Peterson to approve Resolution 2012-11 for Ordinance 2012-12-04 to adopt changes to City  
98 Code 301 and 306 and adopt new Chapter 305 with corrections and to allow for publication of Chapter  
99 305.. MOTION PASSED 4 AYES/1 ABSENT

100

101 **Item 6. Resolution to Adopt Ordinance 2012-02 amending City Code 203 and 205 to adopt MN State**  
102 **Building Code for consistency with White Bear Lake's reference.**

103

104

105 **PUBLIC HEARING Opened at 7:23 am**

106

107 No comments received

108

109 The mayor chose to take motions separately for 203 and 205 as follows.

110

111 **Sampair/Harper to approve Resolution 2012-09 to amend Ordinance 2012-02 for Chapter 203**

112 **MOTION PASSED 4 AYES/1 ABSENT**

113

114 **Item 6. Resolution 2012-10 to Approve Ordinance 2012-03 amending City Code Chapter 205 eliminating**  
115 **Birchwood's requirement of a separate contractors license.**

116

117 **Harper/Peterson to approve Resolution 2012-10 to amend Ordinance 2012-03 for Chapter 205 with**  
118 **publication. MOTION PASSED 4 AYES/1 ABSENT**

119

120 **PUBLIC HEARING Closed**

121

122 **Item 7. New City Code Chapter 618 regarding complaint process and Code 619 regarding penalties.**

123 The Mayor presented that he is hesitant about the proposed changes and believes there should be  
124 further review of the process.

125

126 **PUBLIC HEARING Opened at 7:32 pm New City Code 618 regarding Complaint Process**

127

128 Public Comments: Charles Kaufmann asked for further information on what ordinances were being  
129 considered. It was stated that it is proposed changes to the process regarding complaints of code  
130 violation received and possible penalties.

131

132 **PUBLIC HEARING Closed at 7:34 pm**

133

134 Deliberation of councilmembers provided discussion of:

135

136 Mayor Mitchell presented that, administrative penalties need a separate code from complaints (Code  
137 618). He expressed concern for administrative fines of \$500 per day issued by the City Clerk which may  
138 drive need for extra hours and pay to do so.

139

140 Councilmember Sampair noted language in the ordinance is for the council to determine the fine to be  
141 issued.

142

143 Mayor Mitchell found the language proposed can be read otherwise and more work should be done  
144 before approval.

145  
146 Councilmember Sampair reiterated the language reflects that allowance for complainant response and  
147 council activity before the clerk is directed to issue a fine. That the proposed ordinance provides that a  
148 75 day period is given to resolve a violation with an opportunity for a hearing with the city council.

149  
150 Mayor Mitchell expressed concern that Notice of Violation portion of proposed ordinance spells out  
151 penalties which goes out before the council is aware of the violation. This then occurs before the  
152 hearing to resolve or direction to the clerk to issue a penalty.

153  
154 Councilmember Sampair explained that the purpose is to get a handle on complaints that go unresolved.

155  
156 Councilmember Harper offered that purpose of the ordinance is to place the investigation of a  
157 complaint on staff. She proposed possible change to 618 regarding civil penalties. That it read, "...upon  
158 action of city council determination of violation may possibly incur administrative penalty."

159  
160 City Attorney Sandstrom noted he offered part of the proposed ordinance and it was an arbitrary figure  
161 for the amount of the penalty and used "up to" to provide some leeway in the amount of the penalty.  
162 That if abatement is the goal, there is a cost to do so and is an expense to the city to assess to the  
163 property owner. Thus a fine may be easier than the abatement process. He noted Chapter 619 allows  
164 for remedies for any violation of code but thought administrative process spelled out in this ordinance  
165 would provide for the remedies rather than put them in the general category. He also offered that the  
166 proposed language reads "up to \$500" and that it could also read "may" in lieu of "shall" which may be  
167 to obligatory.

168  
169 Councilmember Peterson stated that he feels this came up too close to this meeting to pass this code  
170 and feels rushed to do so at this meeting.

171  
172 Attorney Sandstrom noted the language has significantly changed from the previous copy of the  
173 ordinance to that of the proposed ordinance (in the packet) and the council may chose to table at this  
174 time.

175  
176 Councilmember Harper offered that she believes this to be of no urgency for this evening but should be  
177 considered as many complaints do go unresolved. She explained there is a wide spectrum of violations  
178 from unlicensed vehicles to a business operation that needs to be considered for penalty. Past practice  
179 has been for a notice to be sent to the violator for a problem to be corrected in a reasonable amount of  
180 time. She noted a breadth of situations that come in and language cannot be specific to each situation.  
181 She is fine with delaying action until next meeting.

182  
183 Councilmember Sampair inquired of the city attorney if a statement could be placed on the notice of  
184 violation noting the administrative fine. Attorney Sandstrom spelled out the issue of a violator choosing  
185 to neither correct the violation nor request a hearing.

186  
187 Councilmember Sampair presented the Mahtomedi ordinance for unlicensed vehicles and noted it has  
188 teeth to require the problem be resolved. He noted the intent of the proposed ordinance is to put teeth  
189 into the ordinance so that problem is resolved.

190

191 Mayor Mitchell noted he would like to see what residents feel about proposed fines and how they feel  
192 about the proposed ordinance and suggested the Planning Commission address this by holding a public  
193 hearing and to gather information from other communities.

194  
195 Councilmember Harper stated her support for a process to be in place for staff to be able to handle  
196 complaints rather than delay for months for council to hear or act upon. She offered that the process be  
197 codified in ordinance and continue to deliberate on the penalty portion.

198  
199 Mayor Mitchell noted that remedy would be to adopt 619 as verbiage resolves some of the issue of who  
200 notifies the violator.

201  
202 Sampair again noted the concern over violations going unresolved and enforcement never occurs.  
203 Mitchell stated he does not hear of that many complaints and would like more information gathered  
204 before a \$500 fine is established.

205  
206 Further discussion expressed the following concerns; what if no hearing is called for and penalties  
207 trigger, whether the proposed ordinance should allow for council ability to address before penalties are  
208 triggered, that language could be crisper, that the Planning Commission have an opportunity to review  
209 the ordinance, that the \$500 fine amount be removed from the language as this language only appeared  
210 in the most recent version of the ordinance and the council should have more time to review.

211  
212 **Harper/Peterson motion to provide the Planning Commission the proposed 618 Ordinance for review**  
213 **and comment.**

214  
215 Further discussion on how and where to and gather more information for review took place.

216  
217 **MOTION PASSED 3 AYES/1 NAY (SAMPAIR) AND 1 ABSENT**

218  
219 **Item 8. PROPOSED NEW CITY CODE Chapter 619 PENALTIES**

220  
221 Mayor Mitchell noted this should be handled at same time as the proposed Code Chapter 618.  
222 Councilmember Sampair noted the same and Councilmember Harper added that Code Chapter 619  
223 references code 618, which is not presently used.

224  
225 **PUBLIC HEARING opened at 8:05**

226  
227 No comments received.

228  
229 **PUBLIC HEARING CLOSED**

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231  
232 **Sampair/Peterson motion to send proposed Code Chapter 619 to Planning Commission in conjunction**  
233 **with proposed Code Chapter 618. Motion Passed All Ayes**

234  
235 City Attorney Sandstrom inquired as to his presence at the Planning Commission meeting. There was  
236 discussion over whether the meeting would address policy or legal language items. It was decided, a  
237 meeting of the Planning Commission would be scheduled by staff (clerk and attorney) for the date  
238 required and for staff to determine if City Attorney should be present.

239

240 **Item 9. REVISIONS TO CITY CODE CHAPTER 611 PUBLIC WORKS RESERVE, 611A CAPITAL**  
241 **IMPROVEMENT FUND AND ESTABLISHMENT OF NEW CITY CODE CHAPTER REGARDING PARK SPECIAL**  
242 **REVENUE FUND AND CONSIDERATION OF PUBLIC HEARING.**

243

244 Councilmember Harper explained that there is a need for change in Code Chapters 611 and 611A  
245 language for clarity and to re-codify them to a new Code Chapter 800 Series for the city's financial  
246 policies. The purpose is to untangle the language and designate the Public Works Fund for Hall/Cedar  
247 construction, to provide for the Capital Projects Fund to be a more general use project fund. A new fund  
248 for Parks Special Revenue Fund in code 830 (staff to determine correct number) which is to govern the  
249 revenue from the dock and boatlift storage fees. Which are (to be) used for park Improvements, rather  
250 than park routine operations. She also noted her memo in the agenda packet material that referenced  
251 Code 612 regarding assessments and public improvement financing is to be re-codified to the Code 800  
252 series without language change, as well as, codification of the Fund Balance Policy into the code 800  
253 series as recently adopted.

254

255 Councilmember Sampair inquired about reference to purchase of equipment in the Park Special Use  
256 Fund, it was provided that it is not meant for small equipment, but agreed that "equipment" may be a  
257 vague term. Councilmember Harper referenced the \$5,000 threshold in the language and noted it is  
258 intended to discourage the funds being used for operations.

259

260 Councilmember Peterson inquired about use of verbiage in 611A.040 in new 810.060 is same or new.  
261 Councilmember Harper noted it is the same language but having been re-organized and formatted for  
262 easier reading into the 800 Series code. (Codes 611A.40 and 611A.45 and restated in 810.060).

263

264 There was discussion on how the use of "fund" and "funds" is used and Councilmember Harper  
265 explained that there is need to use "s" in certain areas. She provided clarification of Hall/Cedar Reserve  
266 Fund is a fund within a fund.

267

268 It was noted that "These projects are medium and large....." needs to be struck form language. Harper  
269 noted length of service or purchase amount be a determinant. The clerk may need to re-number the  
270 800 Series as use of 810 and 820 are in error.

271

272 **Harper/Sampair motion for Public Hearing to be scheduled for May City Council meeting for proposed**  
273 **changes to Code 611 and 611A and to establish code for Park Special Revenue Fund, the re-**  
274 **codification of Code Chapter 612 (Public improvement Financing and Assessment Ordinance) and the**  
275 **Fund Balance Policy.**

276

277 **Amendment** of motion provided that the use of the word "equipment" should be struck from the Parks  
278 Special Revenue Fund language.

279

280 **Motion Passed All Ayes**

281

282 Ms. Reiter inquired about the public hearing to be scheduled as the clerk was out of office until April 23,  
283 2012. Councilmember Harper felt that these types of ordinances did not require formal public hearing  
284 procedures as they were not land use codes.

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286 City Attorney Sandstrom stated that city policy did require a public hearing for code changes.

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331  
332

Mayor Mitchell reading from city rules of procedure the determined that council noted the announcement for a PUBLIC HEARING this evening to be held at the next regular meeting as sufficient notice for the ordinances being heard this evening and to be continued at the next meeting. The ordinance language should also be noticed on the city's posting board in summary with full draft on file at city hall. Clerk to be able to do this upon return. Attorney Sandstrom confirmed.

**Item 10. Parks Maintenance Costs – John Lund**

Parks Committee Chair, John Lund presented a quote for tree removal at the tennis courts as trees are up heaving the court surface and also a quote for trimming two willows at Tighe-Schmidt Park.

Councilmember Harper expressed displeasure at not receiving the quote prior to the meeting, which would allow councilmembers to actually view the issue. She asks that the tennis court tree item be reviewed next month and that the tree be tagged for identification.

It was noted that the willow branches near the swing set could be trimmed, as the cost was minimal and the parks budget does include tree trimming and is OK to do at this time.

Mr. Lund presented that Andrew Sorenson donated labor and materials for the garage to be trimmed out. It was noted a Resolution to accept this donation should be presented next month. Mr. Lund to get he value for clerk to draft resolution.

It was presented by Mr. Lund that the Grotto steps would be re-done this year and that the funds needed for this will come out of the Parks Special Revenue Fund and that he also obtained getting a quote from Brian Lauzon to edge, disk, remove debris and refresh the path at Tighe-Schmidt Park for \$2,082. He stated that the Park's Committee decided to leave it be but he is seeking council direction on what should be done for the path.

Council advised Mr. Lund that this was not included in the 2012 parks budget and he may present it for consideration in the 2013 budget when the Parks Committee drafts their budget for 2013. Resident Kaufman offered that this should not be done and it should be restored to its natural state.

Councilmember Peterson requested that a plan for this be presented to council at some point in the future for consideration as a possible 2013 park project and expense.

Mr. Lund stated he contacted KEJ concerning his contract with the city for easement cleanup including rain gardens, as Mr. Lund stated he wanted a hard cost for the work. KEJ provided that rain gardens would be an added service item to his contract. There was varied discussion on the items included in the KEJ contract and if add-on items were needed it could be re-bid. Councilmember Harper stated a Request for Proposal (RFP) was done for the services desired and if more services are needed they should be identified when the contract is up for bid. Mr. Lund expressed concern that the KEJ costs were more than the past Brian Lauzon costs. He further noted the Parks Committee is drafting a list of park maintenance items to be used. Councilmember Peterson commented that this would be very helpful to have when service contracts are bid for city work.

333 Council reminded Park Chair Lund that items (including supporting documentation) presented to council  
334 for discussion or consideration should first be provided to the city staff for review and possible inclusion  
335 in the council packet prior to the meeting.

336  
337 Mr. Lund continued on to the DNR Permit application for milfoil removal and how to get a city check for  
338 the permit fee. Councilmember Harper noted it was the White Bear Lake Conservation District (WBLCD)  
339 that coordinates the lake shoreline milfoil removal and obtains the applicator to do so. Private  
340 landowners may tag along at that time at their own expense for the applicator. If the city chooses to  
341 remove shoreline milfoil it would be at its own expense and would work with the WBLCD to coordinate  
342 treatment with them. However WBLCD may or may not chose to retain and applicator to remove milfoil  
343 this year in the (Birchwood) area.

344  
345 Mr. Lund noted the permit fee is \$35, the cost to treat is unknown at this time, but city council needs to  
346 approve expense to treat at least Kay Beach at this time. Councilmember Peterson stated it would be  
347 hard to approve this request if the expense is unknown. Councilmember Harper asked that Mr. Lund  
348 work with the city clerk to coordinate with WBLCD on which beaches need to be treated.

349  
350 Mayor Mitchell noted that there are two appointments up this year in Parks and Natural Resource  
351 Committee both John Lund and Debbie Harrod terms expire this year in June.

352  
353 Mr. Lund stated he received a quote from KEJ to clean up all five easements for vegetation for \$570  
354 each if DNR permit is received (OMH to shore) for vegetation removal. It was stated that this should  
355 come to the council for the May meeting. Councilmember Harper noted that the city (Parks and Council)  
356 should determine how they want the easements to look, either full width cleaned or just a path to the  
357 dock (DNR recomendation).

358  
359 Councilmember Harper requested Mr. Lund make sure the minutes of the park's meeting are provided  
360 to council via email and to staff for inclusion on the city's website. Mr. Lund thought this was being  
361 done and will follow up.

362  
363 Mr. Lund said that 20 yards of sand was donated to Kay Beach but a bobcat is needed to spread. It was  
364 noted a resolution would be needed at the May meeting for acceptance of the donation. Mr. Lund to  
365 provide the value and resident that donated the sand.

366  
367 *Councilmember Sampair left the meeting prior to the engineer's report.*

368  
369 **Item 11. ENGINEER REPORT**

370  
371 **A. 2012 Sanitary Sewer System Maintenance**

372  
373 City Engineer Kristi Elfering presented that the city identified 2012 budget projects for sanitary sewer  
374 lines to be televised, manhole rings repaired and lift station pump replacement and she would like to  
375 seek council input to move forward. She also noted the sewer maintenance plan requirements in the  
376 city's insurance policy for sewer back up coverage require the city televise the remaining sanitary lines  
377 that have not been re-habilitated. In regard to the replacement of pumps at the Birchwood Lift Station  
378 as proposed in the city's Capital Improvement Plan (CIP) based on years of service, she would like to  
379 have the City of White Bear Lake pull those pumps to ascertain if they need to be replaced this year.

380

381 Ms. Elfering proposed to do the televising first, that she will bring a quote for televising to the next  
382 meeting and that the City of White Bear Lake may charge a small fee to pull the pump itself. She offered  
383 that Met Council has noted there is observation of a small amount of gravel in the system, that there is a  
384 summer spike in Infiltration and Inflow (I&I) of groundwater.

385

386 Councilmember Harper stated that the expense would come from the Sewer Fund but it needs to be  
387 determined where the revenue comes from as the city may need to impose surcharge to maintain the  
388 required reserve of \$115,000. If all projects are done the city will be below the minimum balance. It  
389 may be that council will need to direct the city engineer to draft a funding plan. At this time the fund is  
390 at approximately \$170,000. The city engineer and city treasurer will work together to draft a funding  
391 report for need for the reserve to be maintained at all times or a point in time along with getting the  
392 bids and review requirements.

393

#### 394 B. Pothole Patch

395

396 City Engineer Elfering presented KEJ bid for pothole repair is an hourly rate, last year council approved  
397 \$400 for repairs and she inquired if direction could be provided to set the repairs in motion. She also  
398 stated the Cedar water main break area of pavement is sinking. She is asking for approval to get quotes  
399 to patch this. She offered for reference, that last year it was \$3,300 for two areas to be patched.

400

401 **Harper/Peterson motion to approve authorization of City Engineer Elfering to get bids and allow for**  
402 **her direction of patch repairs up to cost of \$2,000 and to also include direction for pothole filling of up**  
403 **to \$600. Motion Passed – All Ayes (Sampair, Carson absent)**

404

#### 405 Item 11 COUNCIL REPORTS

406

407 Councilmember Harper requested the city council provide authorization for City Engineer Elfering to  
408 work on CIP items (updating list for water system, sewer, stormwater, roads, parks, city hall facilities)  
409 noting the 2014 plan for Hall/Cedar road re-construction. Overlays are scheduled for 2015 and she  
410 expressed concern that Wildwood Avenue is in poor shape and might not wait until that time.

411 Councilmember Peterson was asked to review this, as his responsibility is streets. She encouraged the  
412 councilmembers to work with Ms. Elfering to provide updates and reviews of their area of  
413 responsibilities so that items can be worked into the CIP. Councilmember Peterson inquired of the  
414 engineering cost. Ms Elfering stated she would estimate approximately \$200 to bring forward and  
415 consolidate into a reasonable schedule to present to council for review. A consensus noted it would be  
416 Ok to work with Ms. Elfering at that estimated cost.

417

418 Councilmember Harper presented that the WBLCD approved dock permit without issue. Although there  
419 was discussion of what happens when a permit is charged for but lake level determines it is unusable.  
420 She also commented that an article in the WB Press reported that a USGS grant is being sought for a 2<sup>nd</sup>  
421 lake study on leaks, development of pumping strategy, and to look for lake water in municipal wells. The  
422 low lake level in the northeast quadrant of the region it seems is most likely caused by human  
423 consumption of the aquifer. As of now, no noted financial contribution from cities was discussed,  
424 waiting to see if grant is received. Councilmember Peterson noted grant would not be decided for  
425 about a year from now and LCMR grant come through legislature with no match from the local (city).

426

427 It was noted that a link to the study should be placed on the city website and staff should follow up with  
428 WBLCD to see if contribution for the recent study is needed. City Treasurer confirmed the \$4,000 has  
429 not been paid nor invoice received as of this time.

430  
431 Councilmember Peterson noted a Boy Scout Troup 434 approached him for an Eagle Scout Project  
432 inquiring about any possible large project. Councilmember Peterson asked for suggestions to be  
433 directed to him if anyone has an idea.

434  
435 4M Fund Roll (Harper) – agenda item added.

436  
437 Mayor Mitchell asked that City Treasurer Reiter present information about the city's current banking  
438 practices. She noted there is a potential for cost savings by use of the 4M Fund (Minnesota Municipal  
439 Money Market), which is a product of the League of MN Cities. Banking fees would still be incurred  
440 however them Fund provides free checks for use. There is flexibility in a user friendly online banking  
441 system and potential for more interest earned, albeit a small amount. It was noted that the US Bank is  
442 still the depository for the city and a local relationship will remain. Councilmember Harper commented  
443 on the city's several bank accounts that used to be used for payment of the various fund payment for  
444 expenses, which is no longer needed with today's computer programs.

445  
446 **Harper/Peterson motion to approve Resolution 2012-12 to change to 4M Fund with Section II**  
447 **designation of officials for mayor, deputy mayor, city clerk and city treasurer as signatories.**  
448 **Motion Passed All Ayes (3 and 2 absent)**

449  
450 Mayor Mitchell presented items for the May City Council meeting; codes for complaints, penalties,  
451 enforcements, the 800 series for city funds, resolutions for donation of sand, for Sorenson donation of  
452 garage materials, and noted he will seek city approval of beer/wine for Music In the Park events, park  
453 committee items, engineer quotes to be presented. It was noted that the budgeted mayor wage will  
454 need to be moved to the Music In The Park budget via council action as it was last year.

455  
456 He would like to have council revisit the policies in place for councilmember use of the city attorney and  
457 city engineer time. He feels councilmembers should be able to work with attorney and engineer as  
458 needed.

459  
460 City Engineer Elfering noted that Insurance Service Office (ISO) would be coming out May 8<sup>th</sup> and 9<sup>th</sup>,  
461 2012 for review and provide and insurance rate for the community. She noted she will be working with  
462 them on the water portion and will incur engineer expense to this city.

463  
464 **Mitchell/Peterson motion to adjourn at 9:35pm. ALL AYES**

465  
466  
467 Attest:

468  
469  
470 \_\_\_\_\_  
471 Cindie J Reiter, MCMC  
472 City Treasurer (for City Clerk)

**Birchwood Village Treasurer's Report**  
**5-3-12**

To: City Council  
From: Cindie J Reiter, Treasurer

**Financial Report**

*Attached are the CTAS reports:*

The **DISBURSEMENTS REGISTER** is for those claims presented for approval and/or payment this eve. Disbursement Register includes check numbers or EFT identifier. May 2012 checks #27076 – 27119 and EFTs for Xcel Sewer LIFT, U S Bank Service Charge (SC), PERA.

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

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

**Current Items of Interest-**

- **Dividend Earned \$246 – LMCIT Workers Comp** The program allows for the trust to return a dividend to its member cities when the program loss ratio to premium paid is low.
- **RWSCC Redistribution payment** – this represents that portion of the cable franchise fees in excess of the RW Cable Commission budget being returned to member municipalities in good standing. This amount is calculated by the RSCC's audit firm fo Clifton, Larson, Allen. A copy fo the audit is on file at city hall.
- **Special assessment interest refunds\*** - Refunds checks process has begun and will continue through May. I would *ask that council move to allow checks to be signed as processed* and mailed to recipient.
- **Water main break January 2012** – City of St. Paul RWS invoice for \$4,944, total to date for this break is \$5,411.

Please call/email with any questions.

*Cindie J Reiter,*

Birchwood City Treasurer

**Note:** **\*\*Special Assessment – Pay 2011 REFUND IN 2012**

Resolution of over calculation of interest for Pay 2011 is to refund all PAID debt service special assessment for Pay 2011. This refund will be sent to property owners after the county provides report of those properties paid for 2011.

Fund Name: All Funds  
Date Range: 04/11/2012 to 05/08/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
04/13/2012	Payroll Period Ending 03/31/2012		27076	\$355.37	100-41400-100	\$355.37
04/26/2012	Qwest/CenturyLink	Phone/Fax lines Apr 2012	27079	\$110.34	100-41940-321	\$110.34
04/26/2012	Xcel Energy	Park - Apr 2012	27080	\$10.17	100-45200-380	\$10.17
04/26/2012	Xcel Energy	Street Lights- Apr 2012	27081	\$1,258.75	100-43160-380	\$1,258.75
04/26/2012	Xcel Energy	City hall - Gas/Elecs- Apr 2012	27082	\$157.44	100-41940-380	\$157.44
04/26/2012	City of White Bear Lake	Water Purchase Qtr1 2012	27083	\$5,814.00	601-43180-215	\$5,814.00
04/30/2012	Payroll Period Ending 04/15/2012		27077	\$1,047.94	100-41400-100	\$1,047.94
04/30/2012	Payroll Period Ending 04/15/2012		27078	\$561.83	100-41400-100	\$561.83
05/02/2012	Xcel Energy	Lift Stns- Apr 2012	LIFT052012	\$495.25	605-43190-380	\$495.25
05/02/2012	U S Bank	Service Charge - Apr 2012	SCHG042012	\$27.95	100-41500-430	\$27.95
05/03/2012	Washington County	Snow & Ice - sand 3/14./12	27084	\$630.21	100-43125-305	\$630.21
05/03/2012	WBL Conservation District	Community portion 2012	27085	\$1,697.34	100-45100-433	\$1,697.34
05/03/2012	On-Site Sanitation Inc	Rental Unit - Tighe Schmidt Apr 2012	27086	\$97.64	100-45200-305	\$97.64
05/03/2012	TA Schifsky & Sons, INC	Street Mntnc - added asphalt for break	27087	\$94.96	601-43185-220	\$94.96
05/03/2012	S&T Office Supplies	Cartridges	27088	\$48.79	100-41420-200	\$48.79
05/03/2012	S&T Office Supplies	pen/bands/postit/cartridge	27089	\$216.79	100-41420-200	\$216.79
05/03/2012	Waste Management of WI-MN	Recycle - Mar 2012	27090	\$936.90	100-44100-305	\$936.90
05/03/2012	Eckberg, Lammers, Briggs, Wolff	Legal Service -mar 2012	27091	\$1,892.05	100-41600-300	\$856.75
					100-45200-300	\$590.25
					601-41600-300	\$445.05
05/03/2012	White Bear Lake Fireworks Fund	Annual Contribution - 2012	27092	\$200.00	100-41905-435	\$200.00
05/03/2012	TSE, INC	City Hall EXTRA Cleaning 4/10/12	27093	\$19.00	100-41940-305	\$19.00
05/03/2012	Elfering & Associates	Eng Svc-Apr 2012	27094	\$409.50	100-41650-300	\$409.50
05/03/2012	City of St. Paul	Watermain Break Jan 2012	27095	\$4,944.32	601-43185-305	\$4,944.32
05/03/2012	U S Bank	Petty Cash - Reimb	27096	\$91.08	100-41420-200	\$42.60

**City of Birchwood Village**

**Disbursements Register**

**05/02/2012**

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
					100-41430-200	\$48.48
05/03/2012	J.M. Services	Grotto Steps replacement project	27097	\$4,030.00	210-45200-305	\$4,030.00
05/03/2012	WBL Conservation District	USGS Groundwater/Surface Water Study contribution	27098	\$4,000.00	100-45100-433	\$4,000.00
05/03/2012	Washington County	Special Assessment Billing 2012	27099	\$489.00	605-41500-305	\$489.00
05/03/2012	City of White Bear Lake Public Work	Lift Str ck/Mo records fee	27100	\$826.75	605-43190-305	\$826.75
05/03/2012	City of White Bear Lake Bldg Inspec	Bldg Inspections -Jan - mar 2012	27101	\$3,616.00	100-42401-305	\$3,616.00
05/03/2012	Menards - Maplewood	Padlocks & Laminated Steel	27102	\$37.59	100-45200-210	\$37.59
05/03/2012	TSE, INC	City Hall EXTRA Cleaning 3/27/12	27103	\$19.00	100-41940-305	\$19.00
05/03/2012	MN Dept of Labor and Industry	Mn Bldg Permit Surcharge 1st Qtr 2012	27104	\$91.88	100-42401-430	\$91.88
05/03/2012	Gopher State One Call	Annual Fee/FEb 2012 Locates	27105	\$102.90	601-42805-305	\$1.45
					601-42805-430	\$100.00
					605-42805-305	\$1.45
05/03/2012	City of White Bear Lake Police	Law Enforcement - may 2012	27106	\$7,481.33	100-42100-305	\$7,481.33
05/03/2012	City of White Bear Lake Fire	Fire Srvc -May 2012	27107	\$1,776.42	100-42200-305	\$1,776.42
05/03/2012	Press Publications	Publish Plan Comm Ntc	27108	\$63.68	100-41130-351	\$63.68
05/03/2012	Gopher State One Call	April 2012 Locates (30)	27109	\$43.50	601-42805-305	\$21.75
					605-42805-305	\$21.75
05/03/2012	Nicholson, Cynthia	Interest Refund - Spec Assesment 2011	27110	\$28.81	303-49000-810	\$28.81
05/03/2012	Rick, Gregory	Interst Refund - Spec Assessment 2011	27111	\$28.81	303-49000-810	\$28.81
05/03/2012	Roeller, Gerald & Carol	Interest refund - Spec Assessment Pay 2011	27112	\$28.81	303-49000-810	\$28.81
05/03/2012	Krey, Michael & Carol	Interst REfund - Spec Assessment Pay 2011	27113	\$28.81	305-49000-810	\$28.81
05/03/2012	O'loughlin, Mary K	Interst REfund - Spec Assessmnet Pay 2011	27114	\$28.81	303-49000-810	\$28.81
05/03/2012	Winter, Philip	Interest Refund - Spec Assessment pay 2011	27115	\$45.45	305-49000-810	\$45.45
05/03/2012	Gilbertson, Janice	Interest Refund - Spec Assessment Pay 2011	27116	\$45.45	305-49200-810	\$45.45

City of Birchwood Village

Disbursements Register

05/02/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/03/2012	Dupey, Dwight	Interest Refund - Spec Assessment Pay 2011	27117	\$45.45	305-49200-810	\$45.45
05/03/2012	Sutherland, Philip & Jean	Interest Refund - Spec Assessment Pay 2011	27118	\$45.45	305-49200-810	\$45.45
05/03/2012	Mayer, Faith	Interest Refund - Spec Assessment Pay 2011 2 lots	27119	\$90.90	305-49200-810	\$45.45
					305-49200-810	\$45.45
05/03/2012	PERA	Staff Retirement PE4/15/12	PERA041512	\$293.16	100-41400-120	\$157.44
					100-41400-121	\$135.72
05/03/2012	PERA	Staff Retirement PE03/31/12	PERA043012	\$255.33	100-41400-120	\$137.12
					100-41400-121	\$118.21
<b>Total For Period</b>				<b>\$44,660.91</b>		
<b>Total Year To Date</b>				<b>\$159,039.45</b>		

Fund Name: All Funds  
Date Range: 04/11/2012 to 05/08/2012

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/02/2012	John Velin	Garage Rental	713	\$21.00	100-34101	\$21.00
05/02/2012	Johnson, Carter	Birchwood Dock User Fee	714	\$35.00	210-32260	\$35.00
05/02/2012	Ebbott, Michael 3/31	Birch Dock Slip fee	715	\$200.00	210-32260	\$200.00
05/02/2012	Malles, Ron 3/31	Boat slip Fee 2012	716	\$200.00	210-32260	\$200.00
05/02/2012	Hanson, Lynn 4/2	Boat Slip Fee 2012	717	\$200.00	210-32260	\$200.00
05/02/2012	DEAL Mntnc & Mech	Bldg Permit #WB054510	718	\$20.15	100-32210	\$20.15
05/02/2012	Creation Builders	Bldg Permit #WB054574	719	\$157.25	100-32210	\$157.25
05/02/2012	North Central Blders	Bldg Permit #WB054667	720	\$316.75	100-32210	\$316.75
05/02/2012	LMCIT	WC Dividend 2011	721	\$246.00	100-36240	\$246.00
05/02/2012	RWS Cable Commission	Cable Redistribution Payment 2012	722	\$5,946.29	100-33625	\$5,946.29
<b>Total For Period</b>				<b>\$7,342.44</b>		
<b>Total Year To Date</b>				<b>\$42,031.30</b>		

As of 12/31/2012

**General Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
General Property Taxes	\$325,000.00	\$409.80	(\$324,590.20)
Total Acct 310	\$325,000.00	\$409.80	(\$324,590.20)
Building Permits	\$8,500.00	\$3,303.04	(\$5,196.96)
Dog Licenses	\$1,000.00	\$555.00	(\$445.00)
Total Acct 322	\$9,500.00	\$3,858.04	(\$5,641.96)
State Grants and Aids	\$238.00	\$0.00	(\$238.00)
Total Acct 334	\$238.00	\$0.00	(\$238.00)
Recycle Grant	\$1,650.00	\$0.00	(\$1,650.00)
Cable Comm. Grant	\$7,000.00	\$6,152.79	(\$847.21)
Total Acct 336	\$8,650.00	\$6,152.79	(\$2,497.21)
City Hall and Garage Rent	\$500.00	\$144.50	(\$355.50)
Total Acct 341	\$500.00	\$144.50	(\$355.50)
Fines	\$1,000.00	\$289.98	(\$710.02)
Total Acct 351	\$1,000.00	\$289.98	(\$710.02)
Interest Earnings	\$1,000.00	\$3.09	(\$996.91)
Contrib. and Donations-Private	\$400.00	\$670.00	\$270.00
Refunds and Reimbursements	\$0.00	\$246.00	\$246.00
Total Acct 362	\$1,400.00	\$919.09	(\$480.91)
<b>Total Revenues</b>	<b>\$346,288.00</b>	<b>\$11,774.20</b>	<b>(\$334,513.80)</b>
<b>Other Financing Sources:</b>			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
<b>Disbursements:</b>			
Publishing	\$2,175.00	\$722.53	\$1,452.47
Total Acct 411	\$2,175.00	\$722.53	\$1,452.47
City Council	\$4,200.00	\$319.20	\$3,880.80
Total Acct 413	\$4,200.00	\$319.20	\$3,880.80
Clerk - Treasurer	\$56,000.00	\$18,975.33	\$37,024.67
Elections	\$4,400.00	\$470.00	\$3,930.00
Office Operations/Supplies	\$4,275.00	\$784.67	\$3,490.33
Postage/Postal Permits	\$800.00	\$180.48	\$619.52
Total Acct 414	\$65,475.00	\$20,410.48	\$45,064.52
Financial Administration	\$0.00	\$111.80	(\$111.80)
Assessing	\$5,325.00	\$0.00	\$5,325.00
Total Acct 415	\$5,325.00	\$111.80	\$5,213.20
Legal Services	\$8,000.00	\$2,726.28	\$5,273.72
Engineer Service	\$6,000.00	\$1,090.43	\$4,909.57
Total Acct 416	\$14,000.00	\$3,816.71	\$10,183.29



<b>Beginning Cash Balance</b>	<b>\$513,015.66</b>
<b>Cash Balance as of 12/31/2012</b>	<b>\$420,191.18</b>

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

**05/02/2012**

**As of 12/31/2012**

**Special Rev Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$835.00	\$835.00
Total Acct 322	\$0.00	\$835.00	\$835.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$835.00</b>	<b>\$835.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$5,000.00	\$4,030.00	\$970.00
Total Acct 452	\$5,000.00	\$4,030.00	\$970.00
<b>Total Disbursements</b>	<b>\$5,000.00</b>	<b>\$4,030.00</b>	<b>\$970.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$11,481.67</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$8,286.67</b>	

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

**05/02/2012**

**As of 12/31/2012**

**Sewer 2004 Bonds**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$1,884.00	(\$1,884.00)
Total Acct 471	\$0.00	\$1,884.00	(\$1,884.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$1,884.00</b>	<b>(\$1,884.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>(\$1,884.00)</b>	

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

05/02/2012

As of 12/31/2012

Birchwood In Re-hab Bond

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
MISCELLANEOUS	\$0.00	\$115.24	(\$115.24)
Total Acct 490	\$0.00	\$115.24	(\$115.24)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$115.24</b>	<b>(\$115.24)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>(\$115.24)</b>	

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

05/02/2012

As of 12/31/2012

Sewer Re-hab 2008 Debt

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$241.82	\$241.82
Total Acct 361	\$0.00	\$241.82	\$241.82
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$241.82</b>	<b>\$241.82</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
MISCELLANEOUS	\$0.00	\$74.26	(\$74.26)
Total Acct 490	\$0.00	\$74.26	(\$74.26)
Unallocated Expenditures	\$0.00	\$227.25	(\$227.25)
Total Acct 492	\$0.00	\$227.25	(\$227.25)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$301.51</b>	<b>(\$301.51)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>(\$59.69)</b>	

As of 12/31/2012

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$41,571.00</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$41,571.00</b>	

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

**05/02/2012**

As of 12/31/2012

**Capital Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
City Hall-Gov't Buildings	\$15,000.00	\$940.00	\$14,060.00
Total Acct 419	\$15,000.00	\$940.00	\$14,060.00
<b>Total Disbursements</b>	<b>\$15,000.00</b>	<b>\$940.00</b>	<b>\$14,060.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$59,527.99</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$58,587.99</b>	

As of 12/31/2012

Cap Proj - Catchbasin

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$0.00</b>	

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

05/02/2012

As of 12/31/2012

**Water Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$9,177.89	\$9,177.89
Penalty - Late Water/Sewer	\$0.00	\$439.71	\$439.71
State and Misc fees	\$0.00	\$497.74	\$497.74
Total Acct 341	\$0.00	\$10,115.34	\$10,115.34
DELQ - Water-Sewer fees	\$0.00	\$199.50	\$199.50
Total Acct 361	\$0.00	\$199.50	\$199.50
Interest Earnings	\$0.00	\$0.27	\$0.27
Total Acct 362	\$0.00	\$0.27	\$0.27
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$10,315.11</b>	<b>\$10,315.11</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Legal Services	\$0.00	\$693.95	(\$693.95)
Engineer Service	\$0.00	\$1,039.50	(\$1,039.50)
Total Acct 416	\$0.00	\$1,733.45	(\$1,733.45)
Utility Locates	\$0.00	\$147.33	(\$147.33)
Total Acct 428	\$0.00	\$147.33	(\$147.33)
Water Utility	\$27,000.00	\$18,515.71	\$8,484.29
Wtr/Swr Emergency	\$0.00	\$6,271.10	(\$6,271.10)
Total Acct 431	\$27,000.00	\$24,786.81	\$2,213.19
<b>Total Disbursements</b>	<b>\$27,000.00</b>	<b>\$26,667.59</b>	<b>\$332.41</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$35,730.61</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$19,378.13</b>	

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

05/02/2012

As of 12/31/2012

Sewer Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$18,664.81	\$18,664.81
Total Acct 341	\$0.00	\$18,664.81	\$18,664.81
DELQ - Water-Sewer fees	\$0.00	\$199.50	\$199.50
Total Acct 361	\$0.00	\$199.50	\$199.50
Interest Earnings	\$0.00	\$0.86	\$0.86
Total Acct 362	\$0.00	\$0.86	\$0.86
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$18,865.17</b>	<b>\$18,865.17</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Financial Administration	\$0.00	\$489.00	(\$489.00)
Total Acct 415	\$0.00	\$489.00	(\$489.00)
Utility Locates	\$0.00	\$47.32	(\$47.32)
Total Acct 428	\$0.00	\$47.32	(\$47.32)
Drainage - Structure Care	\$58,200.00	\$0.00	\$58,200.00
Wtr/Swr Emergency	\$0.00	\$177.00	(\$177.00)
Sewer Utility	\$0.00	\$19,789.11	(\$19,789.11)
Total Acct 431	\$58,200.00	\$19,966.11	\$38,233.89
<b>Total Disbursements</b>	<b>\$58,200.00</b>	<b>\$20,502.43</b>	<b>\$37,697.57</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$174,704.05</b>	
<b>Cash Balance as of 12/31/2012</b>		<b>\$173,066.79</b>	

As of 05/02/2012  
Fiscal Year:2012

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$513,015.66	\$11,774.20	\$104,598.68	\$420,191.18
Special Rev Projects	\$11,481.67	\$835.00	\$4,030.00	\$8,286.67
Sewer 2004 Bonds	\$0.00	\$0.00	\$1,884.00	(\$1,884.00)
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$115.24	(\$115.24)
Sewer Re-hab 2008 Debt	\$0.00	\$241.82	\$301.51	(\$59.69)
Cap Project - PW	\$41,571.00	\$0.00	\$0.00	\$41,571.00
Capital Projects	\$59,527.99	\$0.00	\$940.00	\$58,587.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00
Water Enterprise Fund	\$35,730.61	\$10,315.11	\$26,667.59	\$19,378.13
Sewer Enterprise Fund	\$174,704.05	\$18,865.17	\$20,502.43	\$173,066.79
<b>Total</b>	<b>\$836,030.98</b>	<b>\$42,031.30</b>	<b>\$159,039.45</b>	<b>\$719,022.83</b>

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

**RESOLUTION 2012-13**

A RESOLUTION ACCEPTING A DONATION OF SAND FROM JUDY DUFFY

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

A donation of sand, valued at \$500.00 and placed at Kay Beach, is accepted by the City Council from Judy Duffy.

I certify that the City of Birchwood Village adopted the above Resolution on this 8<sup>th</sup> day of May, 2012.

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

ATTEST:

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

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

**RESOLUTION 2012-14**

A RESOLUTION ACCEPTING A DONATION OF LABOR AND MATERIALS  
FROM ANDREW SORENSON

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

A donation of labor and materials, valued at \$500.00, for improving the city  
garage (commonly known as the Cain garage), is accepted by the City Council from  
Andrew Sorenson.

I certify that the City of Birchwood Village adopted the above Resolution on this  
8<sup>th</sup> day of May, 2012.

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

ATTEST:

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

TO: Dale Powers, City Clerk/Coordinator  
FROM: Alan Mitchell, Mayor  
SUBJECT: Music in the Park  
DATE: April 30, 2012

Beginning on June 3, 2012, Birchwood will once again begin its Music in the Park summer concert series. The concerts will be held on Sunday evenings from 6:00 to 7:30 p.m. They will be held either on Dellwood Beach or at Tighe-Schmitz Park, same as last year. A separate memo listing all the scheduled concerts is included with this memo.

The Council is being asked to approve the use of beer and wine at the concerts, as the Council did last year. Section 607.641 allows the Council to authorize the use and consumption of beer and wine on public park spaces in designated times. The same restrictions would apply as last year – only beer and wine would be allowed, only during the concert, only at the concert site, and no person would be authorized to sell any intoxicating liquor.

The concerts were well received last year and people attending the concerts appreciated being allowed to enjoy a beer or a glass of wine along with their picnic lunch or snack. There were no abuses of the policy during any of the concerts last year and no complaints were registered with the city.

The same motion that was adopted last year would suffice:

So moved: to authorize persons of legal age to possess and consume beer and wine during the Sunday evening concerts during 2012, but only in the park where the concert is being held and only during the hours of the concert, and provided further that no person shall offer for sale any intoxicating liquor at such places and at such times.

**MUSIC IN THE PARK**  
**BIRCHWOOD SUMMER CONCERT SERIES**  
**JUNE – AUGUST 2012**

DATE	MUSICIANS	MUSIC
June 3	Harmonic Relief <a href="http://www.razoo.com/story/Harmonic-Relief">http://www.razoo.com/story/Harmonic-Relief</a>	Adult Show Choir – eclectic mix of music, choreography and staging.
June 10	Any Day Now <a href="http://www.reverbNation.com/anydaynowband">http://www.reverbNation.com/anydaynowband</a>	Six member band Classic rock n’ roll/country – your favorite songs from the sixties to today.
June 17	Kenwood Symphony Orchestra <a href="http://www.kenwoodsymphonyorchestra.org/index.cfm?pageID=1">http://www.kenwoodsymphonyorchestra.org/index.cfm?pageID=1</a>	KSO’s 40 <sup>th</sup> Season. Classical Music.
June 24	Joe and Roxy Cruz <a href="http://joecruzmusic.com/">http://joecruzmusic.com/</a>	Guitar/vocal duo – jazz, blues, Latin.
July 1	Optimum Trajectory <a href="http://www.optimum-trajectory-jazz.com/">http://www.optimum-trajectory-jazz.com/</a>	Jazz Quintet.
July 8	Amy and Adams <a href="http://www.amyandadams.com/">http://www.amyandadams.com/</a>	Folk, love ballads, rock, bluegrass. Original songs.
July 15	Men In Black	Five member a capella group. Folk, country, gospel.
July 22	Blue Wolf Bluegrass Band <a href="http://www.bluewolfbluegrass.com/">http://www.bluewolfbluegrass.com/</a>	Four member group – guitar, banjo, bass Pure bluegrass
July 29	Dixie Hicks Band <a href="http://www.dixiehicksband.com/index1.htm">http://www.dixiehicksband.com/index1.htm</a>	Authentic Country Great Line Dancing
August 5	To Be Announced	
August 12	Wayne Hamilton & Friends <a href="http://waynehamilton.com/">http://waynehamilton.com/</a>	Originals and long-time favorites. Classic folk, blues, R&B and Pop.
August 19	Dirty Shorts Brass Band <a href="http://www.facebook.com/pages/Dirty-Shorts-Brass-Band/179647652062456">http://www.facebook.com/pages/Dirty-Shorts-Brass-Band/179647652062456</a>	7-Member New Orleans style brass band. Rock n’ Roll to Swing.
August 26	Phil Nusbaum and Steve Howard <a href="http://www.myspace.com/TheBlueDriftersDuet">http://www.myspace.com/TheBlueDriftersDuet</a>	Acoustic, bluegrass, jazz.

**Date:** May 3, 2012

**To:** City Council

**From:** Jane Harper, City Council Member and Finance Committee Chair

**RE:** Proposed Water and Sewer Fee Increase

Purpose of Agenda Item: The City Council is being asked to set a public hearing for the June City Council meeting to take public comment on proposed water and sewer rate increases.

Background: The City Council engaged the services of Shelly Rueckert to evaluate the adequacy of the city's sewer and water rates. Shelly will be at the upcoming City Council meeting to present the recommendations and answer questions. She will have information on the impact of the rate increases on the typical household. Shelly met with the Finance Committee to review her analysis and her recommendations. The Finance Committee reviewed the following information: Water Consumption data for 2011-2012; annual revenue and expenditure data for the sewer and water funds from 2004 – 2011; Mahtomedi sewer and water rates; current Birchwood sewer and water fees; and an assessment of the impact of the recommended changes to the sewer and water fees. The Finance Committee agrees with the recommendations listed below.

#### **Water Fund**

##### Findings:

- The Water Fund has suffered operating losses in 5 of the last 8 years and just broke even in one of those years.
- Most recently, the Water Fund suffered losses in both 2010 and 2011 due to wet summers (resulting in lower than normal water use and revenue collections) and significant water main breaks.
- The losses have decreased the Water Fund cash balance to a very low level.
- Operating losses are not viewed favorably when bonding for capital projects; the city will likely need to bond for a water main improvement project along Hall/Cedar in the next few years.
- WBL increased water rates in 9/1/2011 (charged to the city); the city did not pass those increases along to the consumer.
- Water loss (unaccounted water use) has averaged 10% since 2010. Water loss in quarters not experiencing a water main break has been in the acceptable range. An allowance for water loss needs to be built into future rates.

##### Conclusion:

Without a rate adjustment the Water Fund is proposed to continue to run a deficit. With the proposed rate adjustments the operating income for 2012 is projected to be close to breakeven (collection for only 2 quarters). In future years the operating income should exceed the operating expenditures and will begin to build the fund balance. Note: The revenue/expenditure analysis included an expenditure for only one water main break. Additional water main breaks would be funded out of the fund balance (i.e. cash reserves).

**Recommended Rate Adjustment:**

1. Increase water rate per 100 cubic feet on the tiered basis effective 3<sup>rd</sup> quarter 2012.

Cubic Ft	2011	2012
0-800	1.65	2.00
801-2000	1.65	2.00
2001-4000	1.65	2.20
4001-10000	1.65	2.42
10,000+	1.65	2.66

2. Consider adopting a water capital replacement fee to build up monies to pay for capital improvements to the water infrastructure. Determine the desired fund balance goal and the appropriate amount of this fee after adoption of the 2013 – 2018 Capital Improvement Plan.

**Sewer Fund**

**Findings:**

- Sewer fees are based on 1<sup>st</sup> quarter water usage.
- The 2012 1<sup>st</sup> quarter water usage was down 5.66% so sewer revenue collected in 2012 will be down.
- 2012 MCES charge to the city decreased by \$3,997 due to decreased flows.
- 2012 MCES rate increased by 0.5%
- The 2011 sewer operating income was \$13,827. With the proposed rate adjustments, the operating income for 2012 is projected to be \$20,063.
- The Sewer Fund's year-end cash balance has steadily decreased from about \$299,000 in 2005 to about \$181,000 in 2011.
- The Sewer Fund must retain a minimum cash balance at all times of \$115,000 until the bonds are paid off in 2018.
- The sewer projects budgeted for completion in 2012 will reduce the Sewer Fund cash balance to the required minimum level in 2012.

**Conclusion:**

Without increasing the sewer fees, the Sewer Fund is projected to run a deficit in 2012 and all future years until the bonds are paid off (2014 for 2004 bond, 2018 for 2008 bond).

**Recommended Rate Adjustments:**

1. Increase sewer usage rates per 100 cubic feet from to \$3.50 to \$3.75 effective 3<sup>rd</sup> quarter 2012.
2. Consider adopting a sewer capital replacement fee to build up monies to pay for capital improvements to the sewer infrastructure. Determine the desired fund balance goal and the appropriate amount of this fee after adoption of the 2013 – 2018 Capital Improvement Plan.

Birchwood Village CIP 2012 - 2017

ID	Infrastructure Type	2012	2013	2014	2015	2016	2017	Total	Funding Source	2017+
	<b>Sanitary System</b>									
S1	Televise Remaining System	4,200					4,200	8,400	SF	
S2	Wildwood LS Pump	7,000						7,000	SF	
S3	Manhole Ring Rehabilitation	30,000						30,000	SF	
S4	Remove LS Monitoring Equipment			7,000				7,000	SF	
S5	Birchwood Lane LS Pumps				15,000			15,000	SF	
S6	Sanitary Main Jetting	1,500		1,500		1,500		4,500	SF	
S7	Sanitary Main Rehabilitation								CP/A	120,000
	<b>Sanitary System Total</b>							<b>71,900</b>		

Funding Source:

- A - Assessments
- CP - Capital Project Fund
- PF - Park Special Revenue Fund
- SF - Sewer Fund
- WF - Water Fund

# KEJ ENTERPRISES

611 Florence Ave  
Mahtomedi, Minn 55115

## City of Birchwood John Lund

Park cleanup

### Tighe Schmitz Park

- Leaf clean up around trees and hockey rink
- 3 hrs fall clean-up
- 1 hr spring spruce-up

### Kay Beach

- Leaf clean-up along sides
- 2 hrs fall clean-up
- 1 hr spring spruce-up

### Dellwood Beach

- Leaf clean up along sides
- 2 hrs fall clean-up
- 1 hr spring spruce-up
- Sand beach area mowed 1/2 hr per month x 5 months

### Elm Beach

- Leaf cleanup along sides and in drainage ditch
- 2.5 hrs fall clean-up
- 1 hr spring spruce-up
- Sand beach area mowed 1/2 hr per month x 5 months

### Birch Beach

- Leaf clean-up along sides and clean rain garden area
- 2.5 hrs fall clean-up
- 1.5 hrs spring spruce-up
- Sand beach area mowed 1/2 hr per month x 5 months

### Ash Beach

- Leaf clean-up in garden area and steps
- 2 hrs fall clean-up
- 1 hr spring spruce-up
- Sand beach area weed whipped 1 hr per month x 5 months

Wildwood Park

- Leaf clean-up
- 2 Hrs fall clean-up
- 1 hr spring spruce-up

Tennis Court Area

- Leaf clean-up around outside of tennis court
- 2.5 hrs fall clean-up
- 1.5 hrs spring spruce-up

$$27.5 @ 45.00 = 1237.5$$

Inside tennis court to be determined by how often you want the courts blown off.

Rates are at \$45.00 per hr  
 Disposal fee is approx \$25.00 per park

$$\begin{array}{r}
 1237.50 \\
 4900 \\
 \hline
 6137.50
 \end{array}$$

$$\begin{array}{r}
 4900 \\
 1808 \\
 \hline
 6708.00
 \end{array}$$

total  
 1808.00

Boaches - 570.<sup>50</sup> Season 5 months

**COMMENTS AND EXPLANATION OF PART 800 ORDINANCES**

The following provides information on the proposed ordinances chapters 801 (Fund Balance Policy), 802 (former 611), 803 (former 611A), 804 (new Park Special Revenue Fund), and 805 (former 612). These codes will be a new Chapter 800 proposed to include all the codes related to finances of the city. The city council scheduled these for public hearing at its May 8 meeting. The following explains any major changes that have been made from the version approved by the city council at its April meeting. Generally, the changes are formatting and grammatical in nature to bring clarity of meaning and parallel structure among the chapters. For example, in each chapter a title has been added to each main section for ease in scanning the chapter and finding content.

**CHAPTER 801 FUND BALANCE**

Chapter 801 is essentially the existing Fund Balance Policy that the Council adopted in February 2012. The term policy was deleted since this now will be an ordinance.

801.20. DEFINITIONS. A short introductory sentence has been added to explain that certain terms are being defined. The sentence doesn't say the definitions apply for purposes of this ordinance only since these definitions may have application outside the language of chapter 801. For example, in various financial reports the City prepares, these words are likely to be used, and will have the same meanings there.

801.22. A definition of "Government Fund" has been added to the ordinance. Such a definition is not included in the existing policy but it is a term that should be defined. The five types of "Government Funds" that are identified are not actually used in the ordinance but it seems appropriate to recognize that five types exist.

801.30. A title and introductory sentence have been added.

801.40. Similarly, a title and introductory sentence have been added.

Finally, the provision at the end of the existing Policy saying that the Policy will be reviewed every three years did not seem appropriate for an ordinance. The Council can certainly still do that but it doesn't have to be an ordinance requirement to do so.

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**CHAPTER 802 PUBLIC WORKS RESERVE FUND**

802.20. SEPARATION OF MONIES. This provision has been separated from the first section and given its own section and title simply for clarity. Also, the word "monies" is used rather than "funds" simply because "Fund" designated an account and "funds" designating

money can get confusing. A sentence was added to state that designated monies shall be held in the Public Works Reserve Fund, to distinguish non-designated monies that go into the Capital Projects Fund.

802.40. MONIES IN THE PUBLIC WORKS RESERVE FUND. A change just to keep Fund and monies separate.

802.50. CAPITAL IMPROVEMENT DEFINED. Simply a rewording to clarify that none of the monies in this Fund can be used for operating expenses.

802.60. INVESTMENT OF MONIES. Title added. The reference to statute 475.66 is out-of-date since that statute was repealed in 1996. The language recognizes that the council can investment in any obligation authorized by law and approved by the city council

802.70. HALL/CEDAR AVENUE RESERVE FUND. Added introductory language to clarify that this Fund is created. It is better to refer to it as a Fund rather than an "account."

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### **CHAPTER 803. CAPITAL PROJECTS FUND**

The order of the various sections has been reordered to parallel the order of sections in Chapter 802.

803.20. SEPARATION OF MONIES. This parallels Section 802.20 in Chapter 802.

803.60 INVESTMENT. It seems appropriate to include an Investment provision here since any monies in this Fund will have to be invested. The language is the same as in Chapter 802 and 804.

CONSTITUTIONALITY AND EFFECTIVE DATE. This is not needed; other ordinances do not include this section.

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### **CHAPTER 804 PARKS SPECIAL REVENUE FUND**

The order of the various sections has been reordered to parallel the order of sections in Chapter 802.

804.10. PURPOSE. This section has been retitled to Creation of Fund, to parallel the other chapters. The reference to state statute has been deleted as it is not referenced in the other chapters. It is helpful to clarify the difference between the City Park System and the facilities within the System.

804.20. CITY PARK SYSTEM. The reference to public beaches was changed to public lake tracts as they are referenced in section 617.111.

(4) Birchwood City Hall. This is listed separately as a public space rather than calling it an undeveloped open space.

804.80. INVESTMENT OF MONIES. The language in this section is similar to that in the other chapters.

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## **CHAPTER 805: PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE**

This chapter simply includes renumbering of the sections to fit into Chapter 800.

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-15

**A Resolution Approving Ordinance 2012-05 Amending and Codifying the City's Existing Fund Balance Policy as City Code Chapter 801**

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 adopted a Fund Balance Policy; and

WHEREAS, the City Council desires to codify said Policy; and

WHEREAS, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

WHEREAS, the City Council held a public hearing on May 8, 2012, and no person testified in opposition to the proposed amendments; and

WHEREAS, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

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

1. That Chapter 801 of the City Code, entitled FUND BALANCE, is hereby established, consisting of the previous Fund Balance Policy approved by the City Council on May 10, 2011 and subsequently amended by the City Council on February 14, 2012.
2. That the text of the new Chapter 801 is as indicated on the attached exhibit, and supersedes and replaces the previous document titled "Fund Balance Policy".
3. The effective date of these Ordinance amendments shall be upon publication as required by law.

Adopted by the City Council on this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

**STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE  
ORDINANCE 2012-05**

**AN ORDINANCE REPLACING THE CITY'S EXISTING FUND BALANCE POLICY  
AND CODIFYING IT AS CITY CODE CHAPTER 801**

**WHEREAS**, the City of Birchwood Village adopted a Fund Balance Policy; and

**WHEREAS**, the City Council desires to replace said Policy with an Ordinance to provide an added degree of legal force.

**NOW, THEREFORE**, the City Council of the City of Birchwood Village ordains the establishment of City Code Chapter 801, titled "FUND BALANCE", to replace the City's Fund Balance Policy, to read as follows:

**801 FUND BALANCES**

801.10 GENERAL STATEMENT. The city shall maintain adequate financial reserves to: meet cash flow needs; fund short-term capital improvements and special one-time projects; meet emergencies; and mitigate the effects of unexpected fluctuations in revenues or expenditure needs. The city shall maintain the Spendable-Unassigned portions of the fund balance at a minimum amount of between 40 and 50 percent of the budgeted operating expenditures or six months of operating revenue whichever is greater and as measured on December 31st of each year.

801.20 DEFINITIONS. The following terms shall have the meanings prescribed herein.

801.21. Fund Balance. The term "Fund Balance" means the difference between assets and liabilities in a governmental fund.

801.22. Governmental Fund. The term "Governmental Fund" means an account maintained by the City of Birchwood Village. There are five types of governmental funds: general fund, special revenue funds, debt service funds, capital projects funds and enterprise funds.

801.23. Non-spendable Fund Balance. The term "Non-spendable Fund Balance" means the amount of a fund balance that cannot be spent because it is either not in spendable form or there is a legal or contractual requirement for the funds to remain intact.

801.24. Spendable Fund Balance. The term "Spendable Fund Balance" means the amount of fund balance that is available for appropriation based on the constraints that control how specific amounts can be spent. The following categories define the revenue source and the

level of force of the constraint on spending. Categories should be supported by actual plans approved by the governing body, an appropriate officer, or grant provider or enabling legislation.

801.25. **Restricted Fund Balance.** The term “Restricted Fund Balance” means that portion of the Spendable Fund Balance that reflects constraints on spending because of legal restrictions stipulated by outside parties such as encumbrances for goods or services, grantors outstanding at the end of the year, and any legal restrictions based on state statutes or grant requirements placed on the use for specific purposes.

801.26. **Committed Fund Balance.** The term “Committed Fund Balance” means that portion of the Spendable Fund Balance that reflects constraints that the city has imposed upon itself by a formal action of the city council (e.g., an ordinance or resolution). This constraint must be imposed prior to year end but the amount can be determined at a later date.

801.27. **Assigned Fund Balance.** The term “Assigned Fund Balance” means that portion of the Spendable Fund Balance that reflects funds intended to be used by the city for specific purposes assigned by more informal operational plans such as capital goods replacement; the constraint is not imposed by external parties or by formal council action. In governmental funds other than the General Fund the Assigned Fund Balance represents the amount that is not restricted or limited.

801.28. **Unassigned Fund Balance.** The term “Unassigned Fund Balance” means all those funds that are not contained in one of the other funds. It is the residual classification for the city’s General Fund. It includes all spendable amounts not contained in the other classifications and, therefore, not subject to any constraints. Unassigned amounts are available for any purpose. These are the current resources available for which there are no government self-imposed limitations or set spending plan. Unassigned funds are commonly used for emergency expenditures and to cover expenditures for revenues not yet received.

801.30 GUIDELINES FOR MAINTAINING THE SPENDABLE – UNASSIGNED FUND BALANCE. The City shall follow the guidance below in preserving an adequate balance in the spendable – unassigned portion of the general fund.

801.31. The city will maintain the Spendable – Unassigned Fund Balance at an appropriate level by:

- (1) Designating an amount of financial resources that are to be available for times of an emergency. An emergency may occur when budget deficits arise from significant revenue losses or expenditure increases; when there is a temporary revenue shortfall or when the city incurs an unpredicted expenditure.
- (2) Developing a specific plan for increasing or decreasing the level of Spendable – Unassigned Fund Balance to bring it to compliance with the policy when the Spendable – Unassigned Fund Balance doesn’t match the policy.

(3) Designating a portion of any year-end budget surplus for major projects such as street improvements or water treatment system upgrades. The city shall hold these financial resources in a designated account for a specified purpose.

(4) Designating a portion of any year-end budget surplus to increase the Spendable – Unassigned Fund Balance.

801.32. The Spendable – Unassigned Fund Balance may be above the range when saving for a major project or purchase and in anticipation of taking on an expensive capital project.

801.33. For any planned use of the Spendable – Unassigned Fund Balance below the minimum level, the city shall adopt a plan to restore the fund balance to the targeted level.

801.40. REPORTING. The city shall prepare the following reports regarding the status of the balances in the various funds maintained by the city.

801.41. At the end of each fiscal year, the city will report in its annual financial statements that portion of the fund balance that is not in spendable form as Non-spendable Fund Balance.

801.42. At the end of each fiscal year, the city will report in its annual financial statements the Restricted Fund Balance.

801.43. At the end of each fiscal year, the city will report in its annual financial statements the Committed Fund Balance for any long-term loan receivables such as advances to other funds and similar accounts.

801.44. At the end of each fiscal year, the city will report in its annual financial statements the Assigned Fund Balance for equipment replacement according to the city's capital improvement plan.

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

Adopted by the City of Birchwood Village City Council this 8<sup>th</sup> day of May, 2012.

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Alan Mitchell, Mayor

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Attest:

Dale Powers, City Clerk

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-16

**A Resolution Approving Ordinance 2012-06 Renumbering City Code Chapter 611 (PUBLIC WORKS RESERVE FUND) as City Code Chapter 802 and Changing the Text Thereof**

**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 adopted City Code Chapter 611 (PUBLIC WORKS RESERVE FUND); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 611 to the 800 series as City Code Chapter 802; and

**WHEREAS**, the City Council desires to expand the text of said City Code 611 to provide an increased level of specificity to it; and

**WHEREAS**, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

**WHEREAS**, the City Council held a public hearing on May 8, 2012, and no person testified in opposition to the proposed amendments; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

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

1. That Chapter 611 of the City Code, entitled PUBLIC WORKS RESERVE FUND, is hereby renumbered as Chapter 802.
2. That the text of the new Chapter 802 is as indicated on the attached exhibit, and supersedes and replaces the previous City Code Chapter 611.
3. The effective date of these Ordinance amendments shall be upon publication as required by law.

Adopted by the City Council on this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

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

**ORDINANCE 2012-06**

**AN ORDINANCE RENUMBERING CITY CODE CHAPTER 611 (PUBLIC WORKS  
RESERVE FUND) AS CITY CODE CHAPTER 802 AND CHANGING THE TEXT  
THEREOF**

**WHEREAS**, the City Council has adopted City Code Chapter 611 (PUBLIC WORKS RESERVE FUND); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 611 to the 800 series as City Code Chapter 802; and

**WHEREAS**, the City Council desires to expand the text of said City Code 611 to provide an increased level of specificity to it; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

**NOW, THEREFORE**, the City Council of the City of Birchwood Village ordains as follows:

1. That Chapter 611 of the City Code, entitled PUBLIC WORKS RESERVE FUND, is hereby renumbered as Chapter 802.
2. That the text of the new Chapter 802 is as follows below, and supersedes and replaces the text of the previous City Code Chapter 611.

**802. PUBLIC WORKS RESERVE FUND**

**802.10. CREATION OF FUND.** The city of Birchwood Village authorizes the establishment of the "Public Works Reserve Fund for the purpose of holding designated funds to be used for capital improvements in the city.

**802.20. SEPARATION OF MONIES.** It is the desire of the City Council to segregate designated monies and non-designated monies into their respective proper accounts. Designated monies shall be held in the Public Works Reserve Fund and the non-designated monies shall be held in the Capital Projects Fund created under chapter 803.

802.30. FUNDING OF PUBLIC WORKS RESERVE FUND. There shall be accumulated in the Public Works Reserve Fund the following monies:

- (1). The proceeds of any taxes levied for its support.
- (2). Fund earnings.
- (3) Such other revenues as may be directed by the City Council to be placed in the Fund and are not required by statute to be paid into some other fund or used for purposes other than those provided in section 802.40.
- (4) Any funds that are required to be legally restricted for specific purposes.

802.40. USES OF THE FUND. Monies in the Public Works Reserve Fund shall be used only for the following capital improvements:

- (1) Specific capital improvements or type of capital improvement designated by the ordinance establishing the fund.
- (2) If not so designated, the Public Works Reserve Fund shall be used only for capital improvements of a type for which the City of Birchwood Village is authorized to issue bonds.
- (3) The City Council may, at the time it places any current revenue in the Public Works Reserve Fund, designate such current revenue or any portion thereof for use on a specific project or type of improvement and such designation shall have the same effect as the establishment of a separate public works reserve fund for such purpose.
- (4) The City Council may submit to the voters the question of using all or part of any designated monies for some other purpose than for which the monies were designated. If a majority of votes cast on the question is in favor of such diversion, the stipulated portion of the fund may be used for the newly approved purpose.

802.50. CAPITAL IMPROVEMENT DEFINED. A capital improvement is any purchase, repair, maintenance, or replacement of equipment, land, or facilities having a value of five thousand dollars (\$5,000) or more and a projected useful life of five years or more. Operating expenses shall not be considered a capital improvement.

802.60. INVESTMENT OF MONIES. The City Council shall provide for the temporary investment of all monies in the Public Works Reserve Fund in obligations in which investment of municipal funds is authorized by law and approved by the City Council.

802.70. HALL/CEDAR AVENUE RESERVE FUND. There is hereby created the Hall/Cedar Avenue Reserve Fund that shall be part of the Public Works Reserve Fund. The following provisions apply to the Hall/Cedar Avenue Reserve Fund.

802.71. In 1996 the City Council deposited into the Public Works Reserve Fund the sum of thirty one thousand eight hundred dollars (\$31,800) for the purpose of funding the first major repairs to Hall/Cedar Avenue (then known as County State Aid Highway 29). These monies were received from Washington County after the turn-back of the jurisdiction of County State Aid Highway 29 to the City.

802.72. As the City has in place a Public Improvement Financing and Assessment Ordinance (chapter 805, formerly 612), the City could finance all or a part of the costs of the Hall/Cedar Avenue improvements through an assessment. The City may use the money within the Public Works Reserve Fund to finance the cost of those improvements until the assessments have been paid off.

802.73. It is the intention of the City that money paid back to the City by way of assessments or other means are no longer considered designated funds and may either be re-designated and placed back into the Public Works Reserve Fund, or may be left non-designated and placed into the Capital Projects Fund or such other fund as the City Council deems necessary and proper.

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

Adopted by the City of Birchwood Village City Council this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

## 802. PUBLIC WORKS RESERVE FUND

802.10. CREATION OF FUND. Pursuant to Minnesota Statutes section 471.57, ~~the~~ city of Birchwood Village authorizes the establishment of a fund to be known as the "Public Works Reserve Fund" for the purpose of ~~accounting holding for~~ designated funds to be used for capital improvements in the city.

802.20. SEPARATION OF MONIES. It is the desire of the City Council to segregate designated monies and non-designated monies into their respective proper accounts. Designated monies shall be held in the Public Works Reserve Fund and the non-designated monies shall be held in the Capital Projects Fund created under chapter 803.

802.30. FUNDING OF PUBLIC WORKS RESERVE FUND. There shall be accumulated in the Public Works Reserve Fund the following monies:

- (1). The proceeds of any taxes levied for its support.
- (2). Fund earnings.
- (3) Such other revenues as may be directed by the City Council to be placed in the Fund and are not required by statute to be paid into some other fund or used for purposes other than those provided in section 802.40.
- (4) Any funds that are required to be legally restricted for specific purposes.

802.40. USES OF THE FUND. Monies in the Public Works Reserve Fund shall be used only for the following capital improvements:

- (1) Specific capital improvements or type of capital improvement designated by the ordinance establishing the fund.
- (2) If not so designated, the Public Works Reserve Fund shall be used only for capital improvements of a type for which the City of Birchwood Village is authorized to issue bonds.
- (3) The City Council may, at the time it places any current revenue in the Public Works Reserve Fund, designate such current revenue or any portion thereof for use on a specific project or type of improvement and such designation shall have the same effect as the establishment of a separate public works reserve fund for such purpose.
- (4) The City Council may submit to the voters the question of using all or part of any designated monies for some other purpose than for which the monies were designated. If a majority of votes cast on the question is in favor of such

diversion, the stipulated portion of the fund may be used for the newly approved purpose.

802.50. CAPITAL IMPROVEMENT DEFINED. A capital improvement is any purchase, repair, maintenance, or replacement of equipment, land, or facilities having a value of five thousand dollars (\$5,000) or more and a projected useful life of five years or more. Operating expenses shall not be considered a capital improvement.

802.60. INVESTMENT OF MONIES. The City Council shall provide for the temporary investment of all monies in the Public Works Reserve Fund in obligations in which investment of municipal funds is authorized by law and approved by the City Council.

802.70. HALL/CEDAR AVENUE RESERVE FUND. There is hereby created the Hall/Cedar Avenue Reserve Fund that shall be part of the Public Works Reserve Fund. The following provisions apply to the Hall/Cedar Avenue Reserve Fund.

802.71. In 1996 the City Council deposited into the Public Works Reserve Fund the sum of thirty one thousand eight hundred dollars (\$31,800) for the purpose of funding the first major repairs to Hall/Cedar Avenue (then known as County State Aid Highway 29). These monies were received from Washington County after the turn-back of the jurisdiction of County State Aid Highway 29 to the City.

802.72. As the City has in place a Public Improvement Financing and Assessment Ordinance (chapter 805, formerly 612), the City could finance all or a part of the costs of the Hall/Cedar Avenue improvements through an assessment. The City may use the money within the Public Works Reserve Fund to finance the cost of those improvements until the assessments have been paid off.

802.73. It is the intention of the City that money paid back to the City by way of assessments or other means are no longer considered designated funds and may either be re-designated and placed back into the Public Works Reserve Fund, or may be left non-designated and placed into the Capital Projects Fund or such other fund as the City Council deems necessary and proper.

Adopted:

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-17

**A Resolution Approving Ordinance 2012-07 Renumbering City Code Chapter 611A (CAPITAL PROJECTS FUND) as City Code Chapter 803 and Changing the Text Thereof**

**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 adopted City Code Chapter 611A (CAPITAL PROJECTS FUND); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 611A to the 800 series as City Code Chapter 803; and

**WHEREAS**, the City Council desires to amend the text of said City Code 611A to provide an increased level of specificity to it; and

**WHEREAS**, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

**WHEREAS**, the City Council held a public hearing on May 8, 2012, and no person testified in opposition to the proposed amendments; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

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

1. That Chapter 611A of the City Code, entitled CAPITAL PROJECTS FUND, is hereby renumbered as Chapter 803.
2. That the text of the new Chapter 803 is as indicated on the attached exhibit, and supersedes and replaces the previous City Code Chapter 611A.
3. The effective date of these Ordinance amendments shall be upon publication as required by law.

Adopted by the City Council on this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

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

**ORDINANCE 2012-07**

**AN ORDINANCE RENUMBERING CITY CODE CHAPTER 611A (CAPITAL  
PROJECTS FUND) AS CITY CODE CHAPTER 803 AND CHANGING THE TEXT  
THEREOF**

**WHEREAS**, the City Council has adopted City Code Chapter 611A (CAPITAL PROJECTS FUND); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 611A to the 800 series as City Code Chapter 803; and

**WHEREAS**, the City Council desires to expand the text of said City Code 611A to provide an increased level of specificity to it; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

**NOW, THEREFORE**, the City Council of the City of Birchwood Village ordains as follows:

1. That Chapter 611A of the City Code, entitled CAPITAL PROJECTS FUND, is hereby renumbered as Chapter 803.
2. That the text of the new Chapter 803 is as follows below, and supersedes and replaces the text of the previous City Code Chapter 611A.

**CHAPTER 803 CAPITAL PROJECTS FUND**

**803.10. CREATION OF FUND.** The City of Birchwood Village establishes a Capital Projects Fund for the purpose of holding undesignated monies to funds capital improvements in the city.

**803.20. SEPARATION OF MONIES.** It is the desire of the City Council to segregate designated monies and non-designated monies into their respective proper accounts. The non-designated monies shall be held in the Capital Projects Fund created under this chapter. The designated monies shall be held in the Public Works Reserve Fund.

803.30. FUNDING OF CAPITAL PROJECTS FUND. There shall be accumulated in the Capital Projects Fund the following monies:

- (1) The proceeds of any taxes levied for its support.
- (2) Fund earnings.
- (3) Such other revenues as may be directed by the City Council to be placed in the Fund and are not required by statute to be paid into some other fund or used for purposes other than those provided in section 803.40.

803.40. USES OF THE FUND. Monies in the Capital Projects Fund shall be used at the discretion of the City Council only for capital improvements. The City Council shall also in its discretion be authorized to transfer monies out of the Capital Projects Fund to such other city fund or funds that the City Council deems necessary and proper.

803.50. CAPITAL IMPROVEMENT DEFINED. A capital improvement is any purchase, repair, maintenance, or replacement of equipment, land, or facilities having a value of five thousand dollars (\$5,000) or more and a projected useful life of five years or more. Operating expenses shall not be considered a capital improvement.

803.60. INVESTMENT OF MONIES. The City Council shall provide for the temporary investment of all monies in the Capital Projects Fund in obligations in which investment of municipal funds is authorized by law and approved by the City Council.

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

Adopted by the City of Birchwood Village City Council this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

## CHAPTER 803 CAPITAL PROJECTS FUND

803.10. CREATION OF FUND. The City of Birchwood Village establishes a Capital Projects Fund for the purpose of holding undesignated monies to fund capital improvements in the city.

803.20. SEPARATION OF MONIES. It is the desire of the City Council to segregate designated monies and non-designated monies into their respective proper accounts. The non-designated monies shall be held in the Capital Projects Fund created under this chapter. The designated monies shall be held in the Public Works Reserve Fund.

803.30. FUNDING OF CAPITAL PROJECTS FUND. There shall be accumulated in the Capital Projects Fund the following monies:

- (1) The proceeds of any taxes levied for its support.
- (2) Fund earnings.
- (3) Such other revenues as may be directed by the City Council to be placed in the Fund and are not required by statute to be paid into some other fund or used for purposes other than those provided in section 803.40.

803.40. USES OF THE FUND. Monies in the Capital Projects Fund shall be used at the discretion of the City Council only for capital improvements. The City Council shall also in its discretion be authorized to transfer monies out of the Capital Projects Fund to such other city fund or funds that the City Council deems necessary and proper.

803.50. CAPITAL IMPROVEMENT DEFINED. A capital improvement is any purchase, repair, maintenance, or replacement of equipment, land, or facilities having a value of five thousand dollars (\$5,000) or more and a projected useful life of five years or more. Operating expenses shall not be considered a capital improvement.

803.60. INVESTMENT OF MONIES. The City Council shall provide for the temporary investment of all monies in the Capital Projects Fund in obligations in which investment of municipal funds is authorized by law and approved by the City Council.

Adopted:

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-18

A Resolution Approving Ordinance 2012-08 Establishing City Code Chapter 804 (PARKS SPECIAL REVENUE FUND)

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 desires to adopt an ordinance establishing a Parks Special Revenue Fund for the purpose of funding improvements to the land and facilities within the City's park system; and

WHEREAS, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

WHEREAS, the City Council held a public hearing on May 8, 2012, and no person testified in opposition to the proposed amendments; and

WHEREAS, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

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

1. That Chapter 804 of the City Code, entitled PARKS SPECIAL REVENUE FUND, is hereby established.
2. That the text of the new Chapter 804 is as indicated on the attached exhibit.
3. The effective date of this Ordinance shall be upon publication as required by law.

Adopted by the City Council on this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

**STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE  
ORDINANCE 2012-08**

**AN ORDINANCE ESTABLISHING CITY CODE CHAPTER 804 (PARKS SPECIAL REVENUE FUND)**

**WHEREAS**, the City of Birchwood Village desires to adopt an ordinance establishing a Parks Special Revenue Fund for the purpose of funding improvements to the land and facilities within the City's park system; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

**NOW, THEREFORE**, the City Council of the City of Birchwood Village ordains as follows:

1. That Chapter 804 of the City Code, entitled PARKS SPECIAL REVENUE FUND, is hereby established.
2. That the text of the new Chapter 804 is as follows below.

**CHAPTER 804 PARKS SPECIAL REVENUE FUND**

804.10. CREATION OF FUND. City of Birchwood Village establishes a Parks Special Revenue Fund for the purpose of funding improvements to the land and facilities within the City Park System.

804.20. CITY PARK SYSTEM. The City Park System includes the following:

- (1) Four dedicated municipal parks known as Tighe-Schmidt, Bloomquist Field, Wildwood Avenue Boulevard, and Nordling Park.
- (2) Six public lake tracts owned by the City known as Kurt Feistner Beach, Ash Beach, Birch Beach, Elm Beach, Dellwood Beach, and Kay Beach.
- (3) Several undeveloped areas of open space known as Lakewood Rearrangement, Out Lot A, and Hall's Marsh.
- (4) Birchwood City Hall
- (5) Existing trails known as the Ash and Grotto Street walkways.
- (6) Unimproved street rights-of-way that offer potential pedestrian trails known as Birch, Ash, Grotto, and Highwood rights-of-way.

804.30. IMPROVEMENT DEFINED. An improvement includes the acquisition, development, maintenance, and enhancement of city park lands and facilities. Operating expenses shall not be considered a capital improvement.

804.40. FUNDING OF PARKS SPECIAL REVENUE FUND. There shall be accumulated in the Parks Special Revenue Fund the following monies:

- (1) The dock fees paid by the dock association.
- (2) The boat slip permit fees paid by residents.
- (3) All boat slip storage permit fees paid by residents.
- (4) Such other revenues as may be directed by the City Council to be placed in the Fund.

804.50. USES OF THE FUND. Monies in the Parks Special Revenue Fund shall be used, at the discretion of the City Council, only for improvement projects for the following purposes:

- (1) Acquisition of land or physical structures to be included in the Park System.
- (2) Development of facilities within the Park System including recreational facilities, access roads, parking lots, boundary fencing, signage, utilities, restrooms, and other similar permanent facilities.
- (3) Maintenance of existing facilities including preventing the deterioration of existing structures, removal of structure not useful to park function, dangerous land forms or attractive nuisances, stabilizing or rehabilitating natural resources, and other similar long term enhancements.
- (4) Enhancement of existing facilities including capital expenditures that increase the value, improve the usability, or extend the useful life of a facility.

804.60. PAYMENT OF OPERATIONAL COSTS PROHIBITED. The monies in the Parks Special Revenue Fund shall not be used for or pay the general operating costs of any land or facilities within the Park System. General operating costs include utility bills, routine grounds maintenance such as lawn mowing, snow removal, or wages or benefits of city employees, and other similar ongoing expenses.

804.70. SPECIFIC DESIGNATION. The City Council may designate the fund proceeds or any portion thereof for use on a specific project or type of improvement and such designation shall have the same effect as the establishment of a separate fund for such purpose.

804.80. TRANSFER OF MONIES. The City Council may, at its discretion, transfer monies out of the Parks Special Revenue Fund to such other City fund or funds as it deems necessary and proper.

804.90. INVESTMENT OF MONIES. The City Council shall provide for the temporary investment of all monies in the Parks Special Revenue Fund in obligations in which investment of municipal funds is authorized by law and approved by the City Council

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

Adopted by the City of Birchwood Village City Council this 8<sup>th</sup> day of May, 2012.

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Alan Mitchell, Mayor

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Attest:  
Dale Powers, City Clerk

STATE OF MINNESOTA  
COUNTY OF WASHINGTON  
CITY OF BIRCHWOOD VILLAGE

RESOLUTION 2012-19

**A Resolution Approving Ordinance 2012-09 Renumbering City Code Chapter 612 (PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE) as City Code Chapter 805**

**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 adopted City Code Chapter 612 (PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 612 to the 800 series as City Code Chapter 805; and

**WHEREAS**, the City Council desires no other amendments to the text of the aforementioned City Code other than to change the subsection numbers to conform to the new City Code number; and

**WHEREAS**, the City Council reviewed the draft Ordinance and approved its language for review by the public at a public hearing, as required by the City Council's Rules of Procedure; and

**WHEREAS**, the City Council held a public hearing on May 8, 2012, and no person testified in opposition to the proposed amendments; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

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

1. That Chapter 612 of the City Code, entitled PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE, is hereby renumbered as Chapter 805.
2. That the text of the new Chapter 805 is as indicated on the attached exhibit, and carries no changes from the previous City Code Chapter 611A other than subsection numerical changes to conform to the new City Code number.
3. The effective date of these Ordinance amendments shall be upon publication as required by law.

Adopted by the City Council on this 8<sup>th</sup> day of May, 2012.

Approved:

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

Attest:

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

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

**ORDINANCE 2012-09**

**AN ORDINANCE RENUMBERING CITY CODE CHAPTER 612 (PUBLIC  
IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE) AS CITY CODE  
CHAPTER 805**

**WHEREAS**, the City Council has adopted City Code Chapter 612 (PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE); and

**WHEREAS**, the City Council desires to renumber the aforementioned City Code 612 to the 800 series as City Code Chapter 805; and

**WHEREAS**, the City Council desires to not disturb the text of the aforementioned City Code except to change the subsection numbers to conform with the new Section number; and

**WHEREAS**, the proposed Ordinance is deemed by the City Council to be reasonable and appropriate.

**NOW, THEREFORE**, the City Council of the City of Birchwood Village ordains as follows:

1. That Chapter 612 of the City Code, entitled PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE, is hereby renumbered as Chapter 805.
2. That the text of the new Chapter 805 is as follows below, and supersedes and replaces the text of the previous City Code Chapter 612.

**805. PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE**

805.010. PURPOSE. The purpose of this ordinance is to establish procedures to guide the City of Birchwood Village in employing its authority under Minnesota State law, Chapter 429.010 to 429.111 which provides that a municipality shall have the power to make public improvements such as sanitary sewer, storm sewers, water supply and storage, and water distribution facilities, street improvements including grading curb and gutter, surfacing, sidewalks, street lighting, and recreational facilities.

The statute further defines that the cost of any improvement may be assessed upon property benefited by the improvement based upon the benefits received whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is

paid from other funding sources. The law is not specific on how these benefits are to be measured or how the costs are to be apportioned, but rather makes it incumbent upon the municipality to determine with assistance of the City Engineer, City Attorney, appraisers or other qualified personnel, a fair and equitable method of cost sharing among the properties benefited along with assuring that the financial risk to the community is minimized.

805.020. DEFINITIONS. For the purpose of this ordinance the words below shall have the meanings given to them in this section.

1. Improvements. Improvement shall mean a public improvement such as, but not limited to, the construction or reconstruction of streets, including curbs and gutters, the construction or reconstruction of storm sewers, installation and maintenance of street lighting systems and other similar projects described herein.

2. Mean. Mean refers to the total improved street footage divided by the number of properties assessed.

3. Residential Streets. All streets in Birchwood are classified residential streets.

805.030. IMPROVEMENT AND ASSESSMENT PROCESS. Public improvements and assessments as envisioned within this ordinance shall be governed by the provisions of Minnesota Statutes Chapter 429.

805.040. RESERVED FOR FUTURE USE.

805.050. RESERVED FOR FUTURE USE.

805.060. CLASSIFICATION OF LOCAL IMPROVEMENT PROJECTS.

1. In General. Improvements are divided into the two classes specified in the following subdivisions according to their respective benefits to the City as a whole and to property specially served by the improvement:

Class A. Class A improvements are those which are of general benefit to the City at large, and include but are not limited to:

- a. public buildings
- b. public parks, playgrounds or recreational facilities
- c. street lighting systems
- d. off-street parking facilities
- e. bicycle and recreational trails

Class B. Class B improvements are those which are primarily, if not exclusively, of benefit to property abutting or in the area of the improvement, and include but are not limited to:

- a. construction and reconstruction of sidewalks
- b. construction and reconstruction of storm sewers
- c. construction and reconstruction of residential streets, including curbs and gutters
- d. construction and reconstruction of city water
- e. construction and reconstruction of city sewer

805.065. FINANCING CLASS A IMPROVEMENTS. It is the policy of the City of Birchwood Village to finance Class A improvements from general City funds and not from special assessments.

805.070. FINANCING CLASS B IMPROVEMENTS. It is the policy of the City of Birchwood Village to finance Class B improvements by the methods prescribed in 612.090 - 612.100 below. Any improvement authorized, or allowed by Minnesota Statutes, Chapter 429 and not placed in Class A, or B, by 612.030 above, shall be financed as the Council determines to be most feasible and equitable in each case.

805.090. ASSESSMENT RULES FOR CLASS B IMPROVEMENTS.

1. Storm Sewers. One hundred percent (100%) of the cost of constructing and reconstructing storm sewers shall be assessed against the property in the area served by the sewer as determined by the City Engineer on the basis of the square footage of the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed.
2. Residential Street Construction and Reconstruction. One hundred percent (100%) of the cost of construction or reconstruction of residential streets shall be assessed to abutting property on the basis of front footage. See 612.095 for calculation of assessments.
3. Water Main/Service - Construction. One hundred percent (100%) of the cost of constructing water lines shall be assessed against the benefited property served by the water as determined by the City Engineer. See 612.095 for calculation of assessments.

4. Water Main - Reconstruction. Fifty percent (50%) of the cost of reconstructing the water main shall be assessed against the property in the area served by the water main as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See 612.100 for calculation of assessments.

5. Sanitary Sewer Main/Service - Construction. One hundred percent (100%) of the cost of constructing sewer lines shall be assessed against the benefited property served by the sewer as determined by the City Engineer. See 612.095 for calculation of assessments.

6. Sanitary Sewer Main – Reconstruction. Fifty percent (50%) of the cost of reconstructing sewers shall be assessed against the property in the area served by the sewer as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See 612.100 for calculation of assessments.

7. Sidewalks. One hundred percent (100%) of the cost of construction or reconstruction of sidewalks shall be assessed to abutting property. See 612.095 for calculation of assessments.

805.095. CALCULATION OF ASSESSMENT ON THE BASIS OF FRONT FOOTAGE. The assessment for abutting property shall be determined by dividing the total cost for each project by the assessable front feet. The cost per front foot is then multiplied by the number of lineal feet of each lot to determine the assessment.

805.100. CALCULATION OF ASSESSMENT – PER CONNECTION. The assessment for benefited property shall be determined by dividing the total cost for each project by the number of connections that will benefit from the project.

805.110. SPECIAL RULES.

1. Adjusted frontage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment. Where a lot falls into more than 1 category below, the method used to calculate front footage will be decided by the City Council upon consideration of all relevant evidence, including the recommendation of the City Engineer.

- a. front footage shall be measured at the property building setback line on cul de sacs and irregular shaped lots.
- b. for corner lots or multiple frontage lots - lots with more than one side of abutting frontage, the front footage shall be the long side plus one-half (1/2) the short side.
- c. on corner lots and multiple frontage lots where one or more frontage is not improved, only the improved frontage shall be assessed. Similar projects being done in subsequent years on the unimproved sides, will be assessed an amount to be determined by the Council with consideration given to previous improvements on other frontages and all other relevant factors bearing upon the current proposed assessment.
- d. equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the sub-division for pie-shaped lots and irregular shaped lots where other rules do not apply.
- e. where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.
- f. City property frontage is assessed on the same basis as all other parcels. The City will redistribute the City's share to all properties. (Wildwood Park and Hall's Marsh not included).
- g. Parcels gaining access via easements across other parcels will be charged the mean front footage of those included in the project but in no case a greater amount than their front footage.
- h. Parcels with no direct access except via unimproved street right-of-way will be charged the mean front footage of those included in the project.

805.120. FEDERAL, STATE AND COUNTY AID USE. If the City receives financial assistance from the federal, state or county governments to defray a portion of the cost of a street improvement project, such aid may be used to reduce the project costs.

805.130. EFFECTIVE DATE. This ordinance shall be effective from and after its passage and publication according to law.

Adopted by the City of Birchwood Village City Council this 8<sup>th</sup> day of May, 2012.

Approved:

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Alan Mitchell, Mayor

Attest:

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Dale Powers, City Clerk/Coordinator

805.612. PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE

805.010612.010. PURPOSE. The purpose of this ordinance is to establish procedures to guide the City of Birchwood Village in employing its authority under Minnesota State law, Chapter 429.010 to 429.111 which provides that a municipality shall have the power to make public improvements such as sanitary sewer, storm sewers, water supply and storage, and water distribution facilities, street improvements including grading curb and gutter, surfacing, sidewalks, street lighting, and recreational facilities.

The statute further defines that the cost of any improvement may be assessed upon property benefited by the improvement based upon the benefits received whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is paid from other funding sources. The law is not specific on how these benefits are to be measured or how the costs are to be apportioned, but rather makes it incumbent upon the municipality to determine with assistance of the City Engineer, City Attorney, appraisers or other qualified personnel, a fair and equitable method of cost sharing among the properties benefited along with assuring that the financial risk to the community is minimized.

805.020612.020. DEFINITIONS. For the purpose of this ordinance the words below shall have the meanings given to them in this section.

1. Improvements. Improvement shall mean a public improvement such as, but not limited to, the construction or reconstruction of streets, including curbs and gutters, the construction or reconstruction of storm sewers, installation and maintenance of street lighting systems and other similar projects described herein.

2. Mean. Mean refers to the total improved street footage divided by the number of properties assessed.

3. Residential Streets. All streets in Birchwood are classified residential streets.

805.030612.030. IMPROVEMENT AND ASSESSMENT PROCESS. Public improvements and assessments as envisioned within this ordinance shall be governed by the provisions of Minnesota Statutes Chapter 429.

805.040612.040. RESERVED FOR FUTURE USE.

805.050612.050. RESERVED FOR FUTURE USE.

805.060612.060. CLASSIFICATION OF LOCAL IMPROVEMENT PROJECTS.

1. In General. Improvements are divided into the two classes specified in the following subdivisions according to their respective benefits to the City as a whole and to property specially served by the improvement:

Class A. Class A improvements are those which are of general benefit to the City at large, and include but are not limited to:

- a. public buildings
- b. public parks, playgrounds or recreational facilities
- c. street lighting systems
- d. off-street parking facilities
- e. bicycle and recreational trails

Class B. Class B improvements are those which are primarily, if not exclusively, of benefit to property abutting or in the area of the improvement, and include but are not limited to:

- a. construction and reconstruction of sidewalks
- b. construction and reconstruction of storm sewers
- c. construction and reconstruction of residential streets, including curbs and gutters
- d. construction and reconstruction of city water
- e. construction and reconstruction of city sewer

805.065~~612.065~~. FINANCING CLASS A IMPROVEMENTS. It is the policy of the City of Birchwood Village to finance Class A improvements from general City funds and not from special assessments.

805.070~~612.070~~. FINANCING CLASS B IMPROVEMENTS. It is the policy of the City of Birchwood Village to finance Class B improvements by the methods prescribed in 612.090 - 612.100 below. Any improvement authorized, or allowed by Minnesota Statutes, Chapter 429 and not placed in Class A, or B, by 612.030 above, shall be financed as the Council determines to be most feasible and equitable in each case.

805.090~~612.090~~. ASSESSMENT RULES FOR CLASS B IMPROVEMENTS.

1. Storm Sewers. One hundred percent (100%) of the cost of constructing and reconstructing storm sewers shall be assessed against the property in the area served by the sewer as determined by the City Engineer on the basis of the square footage of the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed.

2. Residential Street Construction and Reconstruction. One hundred percent (100%) of the cost of construction or reconstruction of residential streets shall be assessed to abutting property on the basis of front footage. See 612.095 for calculation of assessments.

3. Water Main/Service - Construction. One hundred percent (100%) of the cost of constructing water lines shall be assessed against the benefited property served by the

water as determined by the City Engineer. See 612.095 for calculation of assessments.

4. Water Main - Reconstruction. Fifty percent (50%) of the cost of reconstructing the water main shall be assessed against the property in the area served by the water main as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See 612.100 for calculation of assessments.
5. Sanitary Sewer Main/Service - Construction. One hundred percent (100%) of the cost of constructing sewer lines shall be assessed against the benefited property served by the sewer as determined by the City Engineer. See 612.095 for calculation of assessments.
6. Sanitary Sewer Main – Reconstruction. Fifty percent (50%) of the cost of reconstructing sewers shall be assessed against the property in the area served by the sewer as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographical maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See 612.100 for calculation of assessments.
7. Sidewalks. One hundred percent (100%) of the cost of construction or reconstruction of sidewalks shall be assessed to abutting property. See 612.095 for calculation of assessments.

805.095~~612.095~~. CALCULATION OF ASSESSMENT ON THE BASIS OF FRONT FOOTAGE. The assessment for abutting property shall be determined by dividing the total cost for each project by the assessable front feet. The cost per front foot is then multiplied by the number of lineal feet of each lot to determine the assessment.

805.100~~612.100~~. CALCULATION OF ASSESSMENT – PER CONNECTION. The assessment for benefited property shall be determined by dividing the total cost for each project by the number of connections that will benefit from the project.

805.110~~612.110~~. SPECIAL RULES.

1. Adjusted frontage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment. Where a lot falls into more than 1 category below, the method used to calculate front footage will be decided by the City Council upon consideration of all relevant evidence, including the recommendation of the City Engineer.

a. front footage shall be measured at the property building setback line on cul de sacs and irregular shaped lots.

b. for corner lots or multiple frontage lots - lots with more than one side of abutting frontage, the front footage shall be the long side plus one-half (1/2) the short side.

c. on corner lots and multiple frontage lots where one or more frontage is not improved, only the improved frontage shall be assessed. Similar projects being done in subsequent years on the unimproved sides, will be assessed an amount to be determined by the Council with consideration given to previous improvements on other frontages and all other relevant factors bearing upon the current proposed assessment.

d. equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the sub-division for pie-shaped lots and irregular shaped lots where other rules do not apply.

e. where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.

f. City property frontage is assessed on the same basis as all other parcels. The City will redistribute the City's share to all properties. (Wildwood Park and Hall's Marsh not included).

g. Parcels gaining access via easements across other parcels will be charged the mean front footage of those included in the project but in no case a greater amount than their front footage.

h. Parcels with no direct access except via unimproved street right-of-way will be charged the mean front footage of those included in the project.

805.120~~612.120~~. FEDERAL, STATE AND COUNTY AID USE. If the City receives financial assistance from the federal, state or county governments to defray a portion of the cost of a street improvement project, such aid may be used to reduce the project costs.

805.130~~612.130~~. EFFECTIVE DATE. This ordinance shall be effective from and after its passage and publication according to law.

**“AMENDED BY ORDINANCE 2004-3 AND 2004-4; MARCH 9, 2004.”**