



AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
OCTOBER 9, 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 September 11, 2012 Regular Meeting (see exhibit)
2. Acceptance of Financial Report and Approval of Disbursements (see exhibit)

CITY BUSINESS – REGULAR ORDER

3. 7:15 CodeRED Overview (Mitchell/Doug Anschutz – see exhibit)
Time Budget: 15 minutes
4. 7:30 Funding Request by Washington County Historical Society (Brent Peterson - see exhibit)
Time Budget: 5 minutes
5. 7:35 Cain Garage Rental: Consideration of Awarding of Annual Lease (Powers – see exhibit)
Time Budget: 5 minutes
6. 7:40 Review of Complaint at 483 Lake Avenue (Mitchell – see exhibit)
Time Budget: 20 minutes
7. 8:00 RESOLUTION 2012-28/ORDINANCE 2012-11 Adopting City Code Chapter 618 City Administrative Complaint Process (Harper/Sampair & Mitchell – see exhibits)
 - a. Review of Ordinance
 - b. Public Hearing
 - c. Council Deliberation and Consideration of ApprovalTime Budget: 30 minutes
8. 8:30 RESOLUTION 2012-29/ORDINANCE 2012-12 Adopting City Code Chapter 619 Penalties and Enforcement (Harper/Sampair – see exhibits)
 - a. Review of Ordinance
 - b. Public Hearing
 - c. Council Deliberation and Consideration of ApprovalTime Budget: 15 minutes

9. **8:45 Review of Birchwood Dock Association Annual Permit (Lynn Hanson – see exhibit)**
Time Budget: 30 minutes

10. **9:15 Results of Land Survey of Tighe-Schmitz Park and Dellwood & Kay Beach Easements (Elfering -- see exhibits)**
Time Budget: 15 minutes

11. **9:30 Draft Jury Duty Policy: Review and Consideration of Approval (Harper – see exhibit)**
Time Budget: 5 minutes

12. **9:35 Tree Issues (Steve Dean – see exhibit)**
 - a. **Discussion on Best Practices for Trimming the Tree Canopy over the City Streets**
 - b. **Consideration of Approval of Removal of Dead Trees at Tighe-Schmitz & Nordling Parks****Time Budget: 10 minutes**

13. **9:45 Council Reports**
Time Budget: 15 minutes

14. **10:00 Next Meeting – November 13, 2011 – Topics**
 - a. **Setting the Date for the Canvassing Board Meeting****Time Budget: 15 minutes**

15. **10:15 ADJOURN**



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SUMMARY OF AGENDA ITEMS – OCTOBER 9, 2012 CITY COUNCIL MEETING

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

1. Approval of the Minutes of the September 11, 2012 Regular Meeting.
2. Acceptance of the Financial Report & Approval of Disbursements.

CITY BUSINESS – REGULAR ORDER:

3. **CODE RED OVERVIEW:** Mayor Alan Mitchell is bringing this matter to the Council's attention. The City has been using the CodeRED notification system to alert residents when the City's quarterly newsletter is posted on the City's web site. After the last notification, the City received two complaints about the use of CodeRED for nonemergency notifications. The Mayor invited Doug Anschutz of the Washington County Sheriff's Department to address the Council on CodeRED and respond to questions from the Council and/or public. An article from the Pioneer Press is included in the agenda packet as an exhibit. Mayor Mitchell also provided a memo, which is also included in the agenda packet as an exhibit.

QUESTION: This item is not listed on the agenda for action, but the Council could decide whether it wants to establish any guidelines on the use of CodeRED for nonemergency purposes.

4. **FUNDING REQUEST BY WASHINGTON COUNTY HISTORICAL SOCIETY:** Brent Peterson, executive director of the Washington County Historical Society, submitted a funding request for \$1,000.00 to the Council for its review and consideration. His letter detailing this request is included in the agenda packet as an exhibit.

QUESTION: Should the City donate \$1,000 to the Washington County Historical Society?

5. **CAIN GARAGE RENTAL>CONSIDERATION OF AWARDDING OF ANNUAL LEASE:** The City leases the garage across Birchwood Avenue from City Hall to private parties for storage. The lease expires at the end of October 2012. A notice was placed in the City's quarterly newsletter for bids to lease the garage. The only bid received by the City was from the current lessee, John Velin, at the same \$21.00 per month rate.

QUESTIONS: Should the Council renew the Cain Garage lease agreement with John Velin?

6. **REVIEW OF COMPLAINT AT 483 LAKE AVENUE:** The City has received a complaint about a fish house stored at 483 Lake Avenue. The complainant alleges that the fish house is too close to the ordinary high water mark on the lake. Mayor Mitchell has investigated the matter along with the City Clerk and the White Bear Lake Planning Department. Mayor Mitchell concluded that it is less than the 50 feet from the ordinary high water mark that the city code requires. Mayor Mitchell has provided a brief report on his findings, which is included in the agenda packet. The Council will discuss whether a violation exists, and what to do about it if it concludes that the code is being violated.

6. RESOLUTION 2012-28/ORDINANCE 2012-11 ADOPTING CITY CODE CHAPTER 618 CITY ADMINISTRATIVE COMPLAINT PROCESS: Currently, the city's process to address complaints resides in the outdoor storage code. Because not all complaints are related to outdoor storage, the Council desired language specifying a method and procedure for processing all complaints regarding potential violations of the City Code be codified as a separate code.

Mayor Mitchell developed a draft ordinance and presented it to the Council for review at its March 2012 meeting. There was disagreement among Council members regarding the role of the council and staff in acting on formal complaints filed with the city. Council Members Harper and Sampair believe that staff should have the predominant strong role in investigating complaints and reporting findings and recommendations to the Council. The Council directed Council Members Harper and Sampair to develop amendments to these ordinances for review and comment. A copy of the amended ordinances is included in the agenda packet as exhibits.

The revised draft Ordinance 618, includes a section that allows but does not require the city to charge an administrative penalty of up to \$500.00 per occurrence. The Council asked the Planning Commission for its review, comment, and recommendation on this idea. The Planning Commission reviewed the draft ordinance at its May 1, 2012 meeting. The Commission's only comment was that the "violations were spelled out with more specific fines for different violations".

The Council held a public hearing on the proposed ordinance on April 10, 2012. The Council has the authority to adopt this ordinance as revised or adopt a version that is further revised. If the Council decides that any revisions create a substantial change to the original draft of the ordinance the Council could order another public hearing.

QUESTION: Should the City Council adopt an ordinance codifying an administrative complaint process? If so, should the Council adopt Mayor Mitchell's version, Council Members Harper and Sampair's version, a blending of the two, or another version altogether?

7. RESOLUTION 2012-29/ ORDINANCE 2012-13 ESTABLISHING CITY CODE SECTION 619 (PENALTIES AND ENFORCEMENT)> REVIEW OF DRAFT AND CONSIDERATION OF ADOPTION: Please see previous discussion about Resolution 2012-28/Ordinance 2012-11. This draft ordinance establishes a general procedure for responding to code violations, and should be considered in tandem with Ordinance 2010-11. This draft did not generate a level of discussion amongst Council members such that a Planning Commission review was desired.

QUESTION: Should the City Council adopt a new ordinance setting forth penalties and enforcement actions for code enforcement?

8. REVIEW OF BIRCHWOOD DOCK ASSOCIATION ANNUAL PERMIT: Enclosed in the agenda packet is the 2013 application for the Birchwood Dock Association to place docks on the City's 5 lake easements. While the White Bear Lake Conservation District is the granting agency, it places great weight on the City's recommendation. Staff provided a cover memo with the application materials.

QUESTION: Should the City Council recommend approval of the Birchwood Dock Association 2013 permit application to the White Bear Lake Conservation District?

9. RESULTS OF LAND SURVEY OF TIGHE-SCHMITZ PARK & DELLWOOD AND KAY BEACH EASEMENTS: At the August 7, 2012 meeting, the Council approved the survey of Tighe-Schmitz Park and Dellwood and Kay Beach easements as the initial step in the eventual surveying of the public lands of the City. The Council authorized Elfering and Associates to perform the survey work. A report by Elfering and Associates on the results of the survey work is included in the agenda packet as an exhibit.

10. DRAFT JURY DUTY POLICY> REVIEW AND CONSIDERATION OF APPROVAL: Prior to the September 11, 2012 Council meeting, the Council was informed that the city clerk was called to jury duty for the first 2 weeks of October. It was determined that the City did not have a policy to address employee leave for jury duty, whether

the staff person would be paid the regular salary during time away from jury duty. At the September Council meeting, the Council discussed the situation and directed Member Harper to draft a policy for review at tonight's meeting. A copy of the draft policy is included in the agenda packet as an exhibit.

QUESTION: Should the City Council adopt a policy on whether staff will be paid their regular salary during jury duty?

11. TREE ISSUES: At the last Council meeting, staff was directed to contact Steve Dean to obtain a cost estimate for trimming the tree canopy over the City streets. City ordinances require a minimum clearance of 12 feet above the surface of any street. Dean requested a discussion with the Council over "best practices" for this task, as it will impact the cost of the project. *Dean will be at Tuesday's meeting.*

At the September 11th meeting, the Council tabled a request to spend \$857.00 to remove a dead willow tree that had fallen down in Tighe-Schmitz Park and also to spend \$1,071.25 to remove a dead ash tree that had fallen at Nordling Park. The Council tabled that decision pending the determination of the cost of trimming the tree canopy. Staff put it back on for Council discussion in order to give the Council flexibility to make a decision at Tuesday's meeting.

QUESTION: Should the Council authorize the use of "best practices" in determining a method of trimming the tree canopy over the city streets, from which Steve Dean can provide a cost estimate? Should any decision on spending the funds to remove the dead trees at Tighe-Schmitz and Nordling Parks be delayed pending the receipt of Dean's cost estimate? Or should the Council authorize the removal of the dead trees ahead of Dean's cost estimate?

14a. SETTING THE DATE OF THE CANVASSING BOARD MEETING: Minnesota Statutes Chapter 205.185, subd. 3 (a) states that "between the third and tenth days after an election, the governing body of a city conducting any election including a special municipal election...shall act as the canvassing board, canvass the returns, and declare the results of the election..." In 2010, the canvassing board met on the Thursday after Election Day. The Council has the option of meeting as the Canvassing Board on November 13th, just before its regular Council meeting.

QUESTION: Should the Council meet as the Canvassing Board on November 13th, just before its regular Council meeting? Or should the Council meet as the Canvassing Board at another date and time within statutory guidelines?

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
September 11, 2012

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Council Members Barb Carson, Jane Harper, Bill Hullsiek, and Tony Sampair

STAFF PRESENT: City Engineer Kristie Elfering, City Clerk Dale Powers, City Treasurer Cindie Reiter, and City Attorney Kevin Sandstrom

OTHERS PRESENT: Suzanne Donnell, Mike Evangelist, Dick Galena, Jim Greeley, Dyan Hanson, Lynn Hanson, John Lund, and Mary Sue Simmons

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

AGENDA APPROVAL: *Sampair/Harper unanimous to approve the agenda for the September 11, 2012 Regular Meeting, amended as follows:*

- *Move Item # 9 (Scheduling a Date/Time for Dock Association Permit Review Meeting) to immediately after Item # 6.*
- *Harper requested discussion regarding additional hours for the clerk to account for election responsibilities, and also discussion on the clerk's jury duty responsibilities. Mitchell recommended adding those items to Item # 10 (Council Reports)*

Powers advised the Council that he is required by Article 3.02 of the Rules of Procedure to report all requested agenda items that were not placed on the agenda, and noted that a member of the Council requested 2 agenda items pertaining to complaints at 479 Lake Avenue and 483 Lake Avenue be placed on the agenda for this meeting and they were not. **Powers** noted that the reason the requested items were not placed on the agenda for this meeting was that there were several items on the agenda that the clerk considered to be time-consuming, the information pertaining to these items is still being developed, and that one of the complainants requested in writing that their complaint not be heard by the Council, and that their complaint against the other property owner not be heard by the Council. **Mitchell** requested that these items be placed on the October agenda, and quoted from City Code § 615.040 that he believes the matter needs to be discussed at "the next Council meeting." **Harper** said she wasn't sure what the issue is about; **Mitchell** responded that is the reason for the Council discussion. **Sampair** asked the clerk whether the complaints were investigated last year; **Powers** responded that the complaint on the 483 property was investigated last year and it was determined that there was not a violation of the code. **Mitchell** noted that the clerk made legal determinations without consulting the city attorney and the Council was not notified of the complaint. **Sampair** asked Powers whether he made the "no violation" determination on his own; **Powers** responded that, based on his close to 20 years' experience with these matters, he did make that determination on his own.

COMMUNITY EVENTS AND ANNOUNCEMENTS: **Mitchell** noted the following: (1) the Little Free Library is up next to the outdoor bulletin board; (2) Washington County is providing a free document shredding event on Friday, September 21 from 9am-2pm at the County Environmental Center in Woodbury; and

48 (3) Washington County also is sponsoring the collection of unwanted prescription drugs from 10am-2pm
49 on Saturday, September 29th at the Court House in Stillwater. **Sampair** wants to point out that when
50 residents rake leaves to get rid of them right way, and noted that it is so dry that the leaves can provide
51 fuel for fires.

52

53 **OPEN PUBLIC FORUM:** **Lund**, chair of the Parks Committee, wanted to see a line item in the Parks
54 budget for a new warming house, and also there are 2 large trees that are down – one at Tighe-Schmitz
55 Park and one at Nordling Park – that need to be removed. **Lund** stated that he was in contact with Steve
56 Dean and was quoted \$1,071.00 to remove the tree at Nordling Park and \$857.00 to remove the tree at
57 Tighe-Schmitz Park. **Lund** recommends removing both downed trees at this time, as Dean can move his
58 equipment right up to the trees given the dry soil conditions. **Mitchell** asked Reiter how much is in the
59 budget for tree removal; **Harper** responded that there is \$1,817.00 available; she also noted that later
60 tonight the Council will be discussing trimming the tree canopy and recommends discussing this issue at
61 that time.

62

63 **Greeley** asked for clarification on the land surveying being done in the Dellwood Beach area and
64 wondered if those surveys will end up in a different result than surveys done on behalf of private
65 property owners. **Mitchell** responded that the Council budgeted for the surveys and felt it was
66 necessary for the City to know where the property lines are located, citing the warming house variance.
67 **Carson** said that she thought the Council was under the impression that none of the easements was
68 surveyed; **Elfering** responded that Dellwood Beach was surveyed in 1989 and that the City had not
69 surveyed the other easements, and said that residents have been quite helpful in showing where the
70 survey markers are located. **Sampair** asked when the surveys will be completed; **Elfering** said that the
71 surveys will be ready for review at the next Council meeting.

72

73 **CONSENT CALENDAR:** *Harper/Hullsiek unanimous to approve the following consent calendar items:*

74

- 75 1. *Approval of the Minutes of the August 7, 2012 Regular Meeting*
- 76 2. *Approval of the Minutes of the August 23, 2012 Special Meeting*
- 77 3. *Acceptance of the Financial Report and Disbursements Register as prepared by the City*
78 *Treasurer and presented to the City Council on September 11, 2012 in the amount of*
79 *\$38,222.06, including Check #'s 27377-27390, Check #'s 27394-27423, and Electronic Funds*
80 *Transfers LIFT082012, PERA081512, FED082012, MN082012, and PERA083112.*

81

82 **Mitchell** requested that item numbers, corresponding to the agenda item numbers, be inserted into the
83 minutes.

84

85 **4. RECOMMENDATIONS FROM EACH MEMBER OF THE PERSONNEL COMMITTEE**

86 **4a. Consideration of Pay Increases For City Staff and**

87 **4b. Approval of Revised Employment Agreement For City Staff:** **Mitchell** said that Powers has not
88 performed up to his expectations for a city clerk, that he has been actively looking for another job, and
89 that if he has not found another job by the end of the year, the Council should terminate his
90 employment. **Sampair** indicated the Personnel Committee is not in unison on that matter, and believes
91 that Powers has obtained a lot of his goals and has performed his job in a professional manner. **Sampair**
92 continued by saying that he believes the Mayor and the clerk do not get along personally. **Carson** said
93 that Powers does a good job with the minutes and agenda; that there are personality differences but
94 overall believes Powers is doing a good job. **Harper** commented that she agrees with Sampair and
95 Carson that the goals set for Powers, generally, have been attained; that Powers and Reiter have

96 stabilized the office –there isn't the chaos that was present before Reiter arrived; and that the Council
97 should set interim goals for the clerk and evaluated his performance after 6 months instead of a year.
98 **Sampair** agreed and said that would be a good direction to take going forward. **Sampair** further noted
99 that the Council has asked Powers to provide guidance and direction to the Parks Committee and the
100 Planning Commission, but doesn't allow him the extra hours to attend those meetings. **Sampair**
101 recommends giving Powers additional hours to attend those meetings. **Harper** responded that Powers
102 should organize a joint meeting with the Council and Parks Committee to make sure the Committee
103 knows the expectations of the Council, but doesn't believe additional hours are required for that – hours
104 can be juggled to accommodate the extra hours. **Sampair** said that perhaps the Council can keep
105 Powers' hours at 30 and see what gets done and what doesn't get done and evaluate it in three months;
106 **Harper** agreed with that recommendation.

107
108 Moving on to recommendations for pay increases, **Sampair** noted that he agrees that Reiter should
109 receive a 6% increase and Powers, having already received a 4% increase last year, should receive a 2%
110 pay increase.

111
112 ***Sampair/Harper unanimous to approve the City Treasurer's Employment Agreement as submitted in***
113 ***the agenda packet, subject to adding a goals addendum and also to increase the pay of the City***
114 ***Treasurer 6% to \$20.14 per hour, retroactive to July 1, 2012, and also as amended to change the***
115 ***provision in Item # 10 of the Employment Agreement calling for a fixed dollar amount for professional***
116 ***development to be consistent with similar language in the City Clerk Employment Agreement calling***
117 ***for an amount in accordance with the adopted budget for that year.***

118
119 ***Sampair/Harper 4-1 (Mitchell opposed) to amend the City Clerk's Employment Agreement to provide***
120 ***for a 2% pay increase, retroactive to July 1, 2012, subject to adding a goals addendum to the***
121 ***Agreement and maintaining language under "Professional Development" calling for a dollar amount***
122 ***for that item to be in accordance with the adopted budget for that year.***

123
124 **4c. Approval of Work Goals For City Staff:** **Sampair** opened the discussion on goals for the City
125 Clerk and mentioned that Powers would act as an administrator overseeing the Parks Committee and
126 attend their meetings, assisting with directing the agenda and minutes, making sure the Committee
127 stays on task and budget and providing and communicating short and long range goals. **Harper**
128 reiterated that she would like the clerk to schedule a workshop with the Council and Committee to
129 discuss future goals, work plan, capital improvements over the next 3-5 years, and other Parks activities.
130 **Sampair** said that this would be a 3-month trial and that Powers would report back to the Council on the
131 results of his attendance at Parks meetings. **Sampair** also recommends the clerk develop a handbook for
132 incoming Council members; history of ordinances when being amended should be provided to the
133 Council; continue to build effective working relationships with others; continue to develop a list of
134 possible volunteer services to the City; as a stretch goal, fully develop a filing system and a standardized
135 application form. **Harper** would like the Clerk to work with the City Engineer on developing a multi-year
136 capital improvement plan for road improvements, although the bulk of the work will be done by the
137 Engineer. **Harper** noted that she is uncomfortable with approving this at this meeting; she would like to
138 see a list for review and decision at the October meeting.

139

140 **5. FISCAL YEAR 2013 PRELIMINARY LEVY AND PROPOSED BUDGET**

141 **5a. RESOLUTION 2012-25 Establishing the Preliminary 2013 Levy Certification for the City's**
142 **General Fund and**

143 **5b. RESOLUTION 2012-26 Adopting the City's Proposed Preliminary 2013 Budget:** Reiter noted that
144 she provided the Council with a revised spreadsheet that corrected an Excel formula error on Line 192 of
145 the document, resulting in a \$10,000 reduction in the levy and budget. Reiter stated that the proposed
146 levy of \$369,872 represents a 13.8% increase from 2012; the budget of \$388,110 represents an 11.9%
147 increase from 2012. Harper suggested the following reductions:

- 148
- 149 • Line 117 (Professional Services – Engineering): reduce from \$15,000 to \$5,000 (later increased
150 from \$5,000 to \$8,000 by Harper); this seemed to be high for what is expected for 2013; if
151 engineering work is needed in association with a capital project, it should be included in the
152 capital budget.
- 153 • Line 133 (Telephone): eliminate cell phone reimbursement of \$550, lowering this item to
154 \$1,450; the Council discussed having a cell phone for the city clerk for city business and, at this
155 time, did not see the need.
- 156 • Line 167 (Survey Public Spaces): reduce from \$1,000 to \$0, since the City surveyed 3 spaces this
157 year, the City can pass on this for 2013.
- 158 • Line 172 (Seal Coat): reduce from \$25,000 to \$12,500, and
- 159 • Line 173 (Crack Sealing): reduce from \$10,000 to \$5,000; to be reduced in half, with the other
160 half coming from special assessment.
- 161 • Line 244 (Miscellaneous): reduce from \$9,750 to \$6,500, which is 2% of the levy that allows for
162 unpaid taxes.
- 163 • Line 219 (Parks General Fund Subtotal): reduce from \$17,000 to \$14,000; and
- 164 • Line 218 (Parks Project): increase from \$8,000 to \$11,000 (later reduced from \$11,000 to \$9,900
165 by Harper); the total amount is the same, and the Parks Committee would be bringing forth
166 their work plan; Harper noted that Parks planned for 4 applications for weed control, which she
167 believes is too many, and recommends reducing the line item for weed control from \$3,100 to
168 \$2,000. Harper said that the \$9,900 comes from the Special Revenue Fund (dock permit fees,
169 storage fees, etc.) and \$14,000 from the levy.
- 170

171 Harper asked about the difference between Weed Control in Public Works (Line 191) and Weed Control
172 in Sanitation (Line 233); Carson explained that Line 233 is the milfoil. Harper requested that Line 233
173 should clarify that expense is for milfoil removal.

174

175 Carson asked if the hours are split between supervisors and Levels I/II for rink attendants can the
176 amount of salaries (Line 199) be reduced from \$9,400 to \$5,500. Sampair recommends a smaller
177 reduction to \$7,500. Mitchell said that, in either case, it means there isn't going to be a supervisor.

178

179 Mitchell expressed a concern about the lack of a line item for a warming house; Sampair said that the
180 people raising money for the warming house can approach the Council with this information and ask
181 that the Council establish a line item for the warming house. Harper stated that this is one more reason
182 to have a workshop with the Parks Committee, and is comfortable with conducting that meeting in
183 November. Carson thinks that \$35,000 is too much to spend on a warming house that gets used for a
184 small part of the year. Hullsiek stated that the workshop should discuss a capital improvement plan for
185 parks.

186

187 Harper shared with the Council the amended preliminary levy number as \$336,013.00, which represents
188 a 3.4% increase, and the amended preliminary budget number as \$373,310.00.

189

190 *Harper/Sampair unanimous to approve Resolution 2012-25 Establishing the Preliminary Levy*
191 *Certification for the City's General Fund at \$336,013.00.*

192
193 Hullsiek left the meeting @ 9:14pm.

194
195 *Harper/Sampair 4-0 (Hullsiek absent) to approve Resolution 2012-26 Adopting the City's Proposed*
196 *Preliminary Budget at \$373,310, amended as follows: (1) in the title of the resolution and in the*
197 *second recital, replace "general fund" with "operating"; (2) in the second recital, delete the phrase*
198 *"which must be certified to the Washington County Auditor/Treasurer by September 17, 2012.*
199

200 **6. ORDINANCE 2012-10/RESOLUTION 2012-27: Revision of City Code Section 617.360 (Public Lake**
201 **Tracts – Neighborhood Meeting) Clarifying the Requirement of a Separate Neighborhood Meeting**

202
203 **6a. Public Hearing:** Sampair noted that this matter has been brought to the Council's attention,
204 saying that there has been a level of confusion about whether the Birchwood Dock Association's
205 meeting with the neighbors of the lake tracts where docks are to be placed is to be a separate meeting,
206 or could be incorporated into the Association's membership meeting to review dock placement for the
207 upcoming year. Sampair believed that the spirit and intent of the ordinance was for the neighbor
208 meeting to be separate, and stated he confirmed this belief with former Council Member Nino
209 Nardecchia, the author of the ordinance. Sampair further stated that the first year of the requirement
210 of a neighbor meeting, the process worked fine; the second year it did not, and noted that the neighbors
211 believed there would be a separate meeting like the first year and were concerned when the separate
212 meeting did not occur. Sampair said he offers the amendment to clarify that the neighborhood meeting
213 is separate and distinct and to be conducted before the Association's membership meeting to review
214 dock placement for the upcoming year.

215
216 **L. Hanson**, president of the Dock Association, disputed Sampair's account and stated that the neighbor
217 meetings occurred each year and, when this matter was brought to the Council's attention at this time
218 last year, the Council confirmed that the manner in which the Association conducted the neighbor
219 meetings was proper. **L. Hanson** shared with the Council a document showing the notices sent to the
220 neighbors, stating that the neighbor meeting was included in the agenda for the Association's dock
221 placement meeting; **L. Hanson** said that he doesn't see where the confusion is, since the notification
222 was sent out the same way each year. **L. Hanson** shared with the Council a proposed revision of the
223 Ordinance [NOTE: The recording secretary was not given a copy of this document.] **Carson** asked how
224 the meeting went this year; **L. Hanson** said the meeting went well.

225
226 **Greeley** said that one of the issues last year was that the neighbors were not notified of the meeting.
227 **Greeley** explained that the neighbors want input into the process and he supports the clarifying
228 language.

229
230 **Simmons**, secretary of the Dock Association, addressed the Council and underscored what **L. Hanson**
231 said; **Simmons** supports the existing language and advised Sampair and Greeley that the Association is
232 trying to keep with the spirit and intent of the ordinance.

233
234 **Galena** stated that the Dock Association seems to be getting better each year, and the proposed change
235 clarifies the original intent and eliminates ambiguity.

236

237 **6b. Consideration of Approval:** Mitchell shared with the Council his proposed revisions to the
238 ordinance, and noted that the revisions allow the Association to request of the neighbors their plans for
239 dock placement; Mitchell said this information may be important to the Association because it may
240 impact where the Association places their docks for the upcoming season. Mitchell continued by stating
241 his revisions remove the requirement for a measurement from the ordinary high water mark, and also
242 removes the language restricting the Council from reviewing dock applications without the minutes of
243 the neighborhood meeting.

244 Sampair responded by saying that the proposed changes will allow for the neighbor meeting to be
245 incorporated into the Association's member meeting and the minutes of both meetings will be included
246 in the application package, so that the restrictive language in the second paragraph is not needed;
247 Sampair also supports removal of the ordinary high water level mark language. Sampair stated that the
248 reason his proposed language called for notifying all neighbors within 200 feet of a lake tract's
249 boundaries is that the Council had heard from nearby property owners whose property doesn't abut on
250 the lake tracts themselves that they want to be noticed and heard on the issue.

251
252 There was general agreement amongst the Council, after reviewing the version of Resolution 2012-
253 27/Ordinance 2012-20 drafted by Mitchell, to work off of Mitchell's versions of the document.

254
255 *Sampair/Harper 4-0 (Hullsiek absent) to approve the version of Resolution 2012-27/Ordinance 2012-
256 10 as drafted by Mitchell, amended to delete the word "special" wherever it appears in the
257 documents, and also to delete all of the language about the neighbors advising the dock association
258 about their dock plans for next summer.*

259
260 **9. SCHEDULING A DATE/TIME FOR DOCK ASSOCIATION PERMIT REVIEW MEETING:** Mitchell
261 asked the Council whether this meeting could be scheduled for the regular October 9th Council meeting.
262 L. Hanson advised the Council that the dock permit application package needs to be sent to the White
263 Bear Lake Conservation District (WBLCD) before October 15 and said that the City may need to get an
264 extension from WBLCD. Mitchell reminded L. Hanson that the dock application needs to be submitted to
265 the City 10 days before the meeting.

266
267 **7. SNOW PLOWING CONTRACT> REVIEW OF BIDS:** Powers related to the Council that the City
268 received 2 proposals; the KEJ proposal came in relatively quickly, and White Bear Township volunteered
269 a bid later on. Sampair asked whether Brian Lauzon submitted a bid; Powers responded by saying that
270 Lauzon was sent the bid specs individually and was encouraged to submit a proposal, yet none was
271 received. The Council discussed that it made sense to enter into a two-year contract to take advantage
272 of a 10% discount offered by KEJ.

273
274 *Sampair/Carson 4-0 (Hullsiek absent) to award the snow plowing contract for 2 years to KEJ
275 Enterprises, subject to KEJ providing contact information when Ken Johnson is absent, and subject to
276 the City entering a formal written agreement with KEJ and authorizing the Mayor to execute the
277 contract.*

278
279 **8. TRIMMING THE TREE CANOPY ABOVE CITY STREETS>DISCUSSION AND REQUEST TO SOLICIT
280 BIDS FOR SERVICE:** Powers received a complaint about the trees in the Oakridge area being too low and
281 scratching their vehicle; driving around the City, it is obvious that there are locations that are below the
282 12-foot minimum height. Mitchell recommends putting a notice in the newsletter about this project.
283 Harper noted that she is uncomfortable about writing a blank check for this project, and would like to
284 know how much the project will cost to give the Council the option of breaking up the project - doing

285 some this year and some next year. The Council directed staff to contact Steve Dean to provide the
286 Council with the scope of the project and proposed costs.

287

288 **Harper** reminded the Council that it needs to address the issue raised by Lund earlier in the meeting
289 about removal of the dead trees at Nordling and Tighe-Schmitz Parks. The consensus of the Council was
290 to defer this matter until the October meeting.

291

292 **10. COUNCIL REPORTS:** **Mitchell** reported the following: (a) he met with the mayors and council
293 people around the lake to discuss the Lake Level study, and noted that the group was going to request
294 that the WBLCD create a task force or committee to pull in some technical and financial people to talk
295 about the feasibility of pursuing various proposals for addressing the low lake level; (b) he received a
296 letter from the Centers For Disease Control stating that the City was selected to participate in a pilot
297 study called the Community Based Healthy Eating Active Living Policy Supports Pilot Study, a 60-minute
298 computer survey that looks at government policies addressing obesity; (c) the Met Council is involved in
299 Thrive Minnesota 2040 hearings in Stillwater on September 27th and in Vadnais Heights on September
300 19th; (c) Don Hankins submitted his resignation from the Planning Commission effective at the end of the
301 year; the clerk will put a notice in the newsletter soliciting interest; (d) the White Bear Lake Area School
302 District Community Services and Recreation Department is soliciting interest in serving on an advisory
303 council; let the clerk know if you are interested; (e) there is still room on the WBLCD boat tour if any
304 Council members are interested; **Harper** said she would attend.

305

306 **Harper** asked the clerk to look at his calendar to see if there is a need for additional paid hours to cover
307 elections during that pay period; and that with the clerk on-call for jury duty, it reminds her that the City
308 has no policy to address paying employees for jury duty. **Sandstrom** stated there are no provisions in
309 statute to pay employees while on jury duty, saying it is up to each employer to pay. **Harper** stated that
310 Washington County's policy is that employees can take the per diem paid by the County for jury duty or
311 they can take the pay from their employer, but they can't take both; if the employee takes the pay for
312 jury duty, the employee must turn the jury duty pay over to the employer. **Mitchell** recommends
313 bringing a draft policy to the Council for review at the October meeting.

314

315 **11. NEXT MEETING – OCTOBER 9, 2012> TOPICS:** **Mitchell** noted the following topics for the
316 October 9th meeting: Dock Association Permit review; results of land survey of Tighe-Schmitz, Dellwood,
317 and Kay; goals for the clerk and treasurer; extra election hours; jury duty policy; the two complaints that
318 were removed from tonight's agenda; the complaint and enforcement draft ordinances from Council
319 Members Sampair and Harper (**Mitchell** said he would have his own version of the complaint
320 ordinance); **Harper** noted that in November the Council will have the Parks Committee work plan, and
321 the Committee needs to be advised that the Council adjusted the Committee's budget and to tell the
322 Committee that the Council desires to have a joint workshop in January 2013 to communicate with each
323 other.

324

325 Carson left the meeting @10:05pm.

326

327 **ADJOURN:** *Sampair/Harper 3-0 (Carson and Hullsiek absent) to adjourn the meeting @ 10:07pm.*

328

329

330

331 _____
Dale Powers
332 City Clerk

**Birchwood Village
Treasurer's Report
10-4-12
Council Meeting 10/9/2012**

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. For the September 2012 Council meeting checks presented are #27424 – 27461 and EFTs for Xcel Sewer LIFT, US Bank Service Charge (SC), PERA, FED and MN payroll taxes. (Check 27442 – 27443 Direct Deposit payroll date 10/15/2012)

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-

- UB Receipts Report to be entered into CTAS when received from St. Anthony for September billings.
- Retro pay increase for staff has been issued & received via direct deposit.
- METCO – Wastewater Fee increased for 2013 to \$3,659 (budgetary item)
- Thul Specialty – Manhole 41,92& 93 deterioration coded as **emergency** sewer item \$6,945.75
- Engineer Invoice received after reports printed - \$2,224 (\$1,734 Park Easement Survey, \$292 Sewer Manhole Inspection, \$198 Water meter coordination & Mahtomedi connection info) check #27462 issued, 10/10/12

Please call/email with any questions.

Cindie J. Reiter

Birchwood City Treasurer

Fund Name: All Funds
Date Range: 09/12/2012 to 10/09/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
09/12/2012	Meissner, Pam	Head Election Judge Wages - 2012	27426	\$330.00	100-41410-100	\$330.00
09/12/2012	Eiferer & Associates	Eng Srvc-July 2012 (Park Survey/General)	27427	\$946.50	100-41650-300	\$649.50
					100-41650-300	\$297.00
09/12/2012	Metropolitan Council Env. Service	Wastewater Service Oct 2012	27428	\$3,313.35	605-43190-217	\$3,313.35
09/12/2012	St. Anthony Village	City Water UB Qtr 3 2012	27429	\$49.89	100-41940-380	\$49.89
09/12/2012	Xcel Energy	Street Lights - Aug 2012	27430	\$1,207.75	100-43160-380	\$1,207.75
09/12/2012	Waste Management of WI-MN	Recycle - Aug 2012	27431	\$957.72	100-44100-305	\$957.72
09/12/2012	Gopher State One Call	Aug 2012 Locates (16)	27432	\$23.20	601-42805-305	\$11.60
					605-42805-305	\$11.60
09/12/2012	Qwest/CenturyLink	Phone/Fax lines Sept 2012	27433	\$134.79	100-41940-321	\$134.79
09/12/2012	Ken Johnson	Parks mow/Mowing/Trim Trees @ St Signs/Spray ballfield	27434	\$1,010.00	100-43100-305	\$210.00
					100-45010-305	\$700.00
					100-45200-305	\$100.00
09/14/2012	Payroll Period Ending 08/31/2012		27424	\$1,047.94	100-41400-100	\$1,047.94
09/14/2012	Payroll Period Ending 08/31/2012		27425	\$519.83	100-41400-100	\$519.83
09/18/2012	Payroll Period Ending 08/31/2012		27435	\$100.63	100-41400-100	\$100.63
09/18/2012	Payroll Period Ending 08/31/2012		27436	\$117.26	100-41400-100	\$117.26
09/18/2012	Xcel Energy	Lift Stn electric - Sept 2012	LIFT092012	\$501.83	605-43190-380	\$501.83
09/20/2012	Xcel Energy	City hall Gas/electric - Sept 2012	27437	\$140.27	100-41940-380	\$140.27
09/20/2012	Xcel Energy	Park electric - Sept 2012	27438	\$10.07	100-45200-380	\$10.07
09/20/2012	City of White Bear Lake Public Work	Lift Stn ck/REcords/Sewer Call Outs	27439	\$999.85	605-43185-305	\$173.10
					605-43190-305	\$546.75
					605-43190-305	\$280.00
09/21/2012	PERA	Staff Retirement PEO 8/31/12	PERA91512	\$285.46	100-41400-120	\$132.16
					100-41400-121	\$153.30

City of Birchwood Village

Disbursements Register

10/04/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
09/27/2012	PERA	Staff Retirement PE 7/1-8/31/12 Retro	PERA2012	\$33.89	100-41400-120	\$18.20
					100-41400-121	\$15.69
09/28/2012	Payroll Period Ending 09/15/2012		27440	\$1,067.78	100-41400-100	\$1,067.78
09/28/2012	Payroll Period Ending 09/15/2012		27441	\$474.00	100-41400-100	\$474.00
10/02/2012	IRS - US Treasury	FEDTaxes Sept 2012	FED092012	\$995.90	100-41400-110 100-41400-160 100-41400-162 100-41400-164 100-41400-166	\$404.39 \$64.49 \$275.74 \$64.49 \$186.79
10/02/2012	MN Department of Revenue	State W/H Sept 2012	MN092012	\$186.32	100-41400-115	\$186.32
10/02/2012	PERA	Staff Retirement PE 9/15/2012	PERA093012	\$281.06	100-41400-120 100-41400-121	\$150.94 \$130.12
10/08/2012	Steve Dean	Annual Tree Inspection - 2012	27444	\$390.00	100-43130-305	\$390.00
10/08/2012	Steve Dean	Removal of broken Ash tree limb	27445	\$321.28	100-43130-305	\$321.28
10/08/2012	Schwaab, Inc.	Council name plate & holder	27446	\$25.16	100-41420-200	\$25.16
10/08/2012	Northland Business Systems	Postage Meter sealant	27447	\$31.97	100-41430-230	\$31.97
10/08/2012	Mid Northern Services	Pole Fixture Lamp - Bucket Truck use	27448	\$340.00	100-45200-400	\$340.00
10/08/2012	TSE, INC	City Hall Cleaning 9/4/12	27449	\$19.00	100-41940-305	\$19.00
10/08/2012	Eckberg, Lammers, Briggs, Wolff	Legal Service - August 2012	27450	\$339.25	100-41600-300	\$339.25
10/08/2012	TA Schifsky & Sons, INC	Asphalt Sand gravel mix	27451	\$78.93	100-43100-305	\$78.93
10/08/2012	S&T Office Supplies	Ink Cartridges	27452	\$184.60	100-41420-200	\$184.60
10/08/2012	Thul Specialty Contracting, Inc	Manhole #41,92,93 lined as deteriorated	27453	\$6,945.75	605-43185-305	\$6,945.75
10/08/2012	On-Site Sanitation Inc	Rental Unit -Tennis Crt/TS Pk Sept 2012	27454	\$173.90	100-45200-305 100-45200-305	\$86.95 \$86.95
10/08/2012	City of White Bear Lake Bldg Inspec	Bldg Inspections -Aug 2012	27455	\$698.00	100-42401-305	\$698.00
10/08/2012	City of White Bear Lake Fire	Fire Srvc -Oct 2012	27456	\$1,776.42	100-42200-305	\$1,776.42
10/08/2012	City of White Bear Lake Police	Law Enforcement - Sept 2012	27457	\$7,481.33	100-42100-305	\$7,481.33
10/08/2012	Hilltop Center, Inc.	Ballfield - Grade Infield (2x - Sept) Weed Spray	27458	\$482.06	100-45200-305 100-45200-305	\$107.25 \$374.81

City of Birchwood Village

Disbursements Register

10/04/2012

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
10/08/2012	Gopher State One Call	Sept 2012 Locates (22)	27459	\$31.90	601-42805-305	\$15.95
					605-42805-305	\$15.95
10/08/2012	TSE, INC	City Hall Janitorial 9/18/2012	27460	\$19.00	100-41940-305	\$19.00
10/08/2012	SL - serco	Meter Readings - Qtr 3 2012	27461	\$310.00	601-43180-305	\$155.00
					605-43190-305	\$155.00
Total For Period				\$34,383.84		
Total Year To Date				\$422,856.12		

As of 10/04/2012
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	\$181,332.93	\$236,690.02	\$457,658.57
Special Rev Projects	\$11,481.67	\$4,135.00	\$4,170.09	\$11,446.58
Sewer 2004 Bonds	\$0.00	\$4,990.87	\$30,952.96	(\$25,962.09)
Birchwood In Re-hab Bond	\$0.00	\$327.80	\$165.21	\$162.59
Sewer Re-hab 2008 Debt	\$0.00	\$8,671.65	\$7,344.26	\$1,327.39
Cap Project - PW	\$41,571.00	\$0.00	\$0.00	\$41,571.00
Capital Projects	\$59,527.99	\$0.00	\$27,658.75	\$31,869.24
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00
Water Enterprise Fund	\$35,730.61	\$26,561.23	\$51,090.91	\$11,200.93
Sewer Enterprise Fund	\$174,704.05	\$46,487.11	\$66,262.66	\$154,928.50
Total	\$836,030.98	\$272,506.59	\$424,334.86	\$684,202.71

Fund Name: All Funds
Date Range: 09/12/2012 to 10/08/2012

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
09/21/2012	Webber, Daniel	Hall Rental	788	\$25.00	100-34101	\$25.00
09/21/2012	Velin, John	Garage Rental	789	\$21.00	100-34101	\$21.00
09/21/2012	Stoezinger Construction	CUP 12-16-SB - Zoning Fee	790	\$206.00	100-32280	\$206.00
09/21/2012	Doyle Contruction, Inc	Bldg Permit #055552	791	\$599.38	100-32210	\$599.38
09/21/2012	Ruehle, Eugene	Bldg Permit #WB055666	792	\$128.05	100-32210	\$128.05
09/21/2012	Tacheny Exteriors	Bldg Permit #WB055665	793	\$244.01	100-32210	\$244.01
Total For Period				\$1,223.44		
Total Year To Date				\$272,506.59		

As of 12/31/2012

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$325,000.00	\$165,870.19	(\$159,129.81)
Total Acct 310	\$325,000.00	\$165,870.19	(\$159,129.81)
Business Licenses and Permits	\$100.00	\$0.00	(\$100.00)
Total Acct 321	\$100.00	\$0.00	(\$100.00)
Building Permits	\$8,500.00	\$6,490.93	(\$2,009.07)
Dog Licenses	\$1,000.00	\$617.00	(\$383.00)
Zoning App Fee	\$0.00	\$206.00	\$206.00
Total Acct 322	\$9,500.00	\$7,313.93	(\$2,186.07)
State Grants and Aids	\$238.00	\$119.00	(\$119.00)
Total Acct 334	\$238.00	\$119.00	(\$119.00)
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	\$282.50	(\$217.50)
Total Acct 341	\$500.00	\$282.50	(\$217.50)
Fines	\$1,000.00	\$329.98	(\$670.02)
Total Acct 351	\$1,000.00	\$329.98	(\$670.02)
Delinquent Utilities - Garb/CEC	\$0.00	\$248.05	\$248.05
Miscellaneous	\$500.00	\$33.30	(\$466.70)
Total Acct 361	\$500.00	\$281.35	(\$218.65)
Interest Earnings	\$1,000.00	\$3.09	(\$996.91)
Contrib. and Donations-Private	\$400.00	\$670.00	\$270.00
Refunds and Reimbursements	\$0.00	\$310.10	\$310.10
Total Acct 362	\$1,400.00	\$983.19	(\$416.81)
Total Revenues	\$346,888.00	\$181,332.93	(\$165,555.07)
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,175.00	\$3,354.44	(\$1,179.44)
Total Acct 411	\$2,175.00	\$3,354.44	(\$1,179.44)
City Council	\$2,700.00	\$649.43	\$2,050.57
Total Acct 413	\$2,700.00	\$649.43	\$2,050.57
Clerk - Treasurer	\$56,000.00	\$45,126.80	\$10,873.20
Elections	\$4,400.00	\$1,185.76	\$3,214.24
Office Operations/Supplies	\$4,275.00	\$2,291.53	\$1,983.47
Postage/Postal Permits	\$800.00	\$793.49	\$6.51
Total Acct 414	\$65,475.00	\$49,397.58	\$16,077.42

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

10/04/2012

Financial Administration	\$400.00	\$226.64	\$173.36
Assessing	\$5,325.00	\$5,436.23	(\$111.23)
Total Acct 415	\$5,725.00	\$5,662.87	\$62.13
Legal Services	\$8,000.00	\$4,960.03	\$3,039.97
Engineer Service	\$6,000.00	\$3,274.43	\$2,725.57
Total Acct 416	\$14,000.00	\$8,234.46	\$5,765.54
Per Diem	\$1,560.00	\$0.00	\$1,560.00
Total Acct 418	\$1,560.00	\$0.00	\$1,560.00
City Training and Development	\$5,000.00	\$2,246.00	\$2,754.00
City Hall-Gov't Buildings	\$9,300.00	\$5,712.28	\$3,587.72
City Insurance	\$10,524.00	\$9,103.00	\$1,421.00
Cable Eqpmt and Service	\$1,200.00	\$434.00	\$766.00
Newsletter	\$400.00	\$228.45	\$171.55
Total Acct 419	\$26,424.00	\$17,723.73	\$8,700.27
Police	\$90,935.00	\$74,813.30	\$16,121.70
Total Acct 421	\$90,935.00	\$74,813.30	\$16,121.70
Fire	\$20,500.00	\$17,764.20	\$2,735.80
Total Acct 422	\$20,500.00	\$17,764.20	\$2,735.80
Building Inspection	\$9,400.00	\$7,356.61	\$2,043.39
Total Acct 424	\$9,400.00	\$7,356.61	\$2,043.39
Other Protection	\$68.00	\$93.88	(\$25.88)
Animal Control	\$925.00	\$882.00	\$43.00
Total Acct 428	\$993.00	\$975.88	\$17.12
Streets and Road Mntnc	\$7,000.00	\$2,868.72	\$4,131.28
Street Sweeping	\$4,000.00	\$1,935.00	\$2,065.00
Ice and Snow Removal	\$15,300.00	\$5,092.29	\$10,207.71
Tree Care/Inspection	\$800.00	\$711.28	\$88.72
Tree Removal	\$2,550.00	\$732.75	\$1,817.25
Weed Control	\$1,700.00	\$0.00	\$1,700.00
Drainage - Structure Care	\$1,400.00	\$0.00	\$1,400.00
Street Signs	\$3,000.00	\$0.00	\$3,000.00
Street Lights	\$15,000.00	\$11,010.11	\$3,989.89
Wtr/Swr Emergency	\$1,000.00	\$0.00	\$1,000.00
Survey - Public Property	\$2,500.00	\$0.00	\$2,500.00
Total Acct 431	\$54,250.00	\$22,350.15	\$31,899.85
Sanitation - Recycling	\$12,700.00	\$8,515.38	\$4,184.62
Total Acct 441	\$12,700.00	\$8,515.38	\$4,184.62
Lawn Care/Mntnc	\$6,000.00	\$2,800.00	\$3,200.00
Total Acct 450	\$6,000.00	\$2,800.00	\$3,200.00
Recreation	\$2,000.00	\$1,850.00	\$150.00
Total Acct 451	\$2,000.00	\$1,850.00	\$150.00
Parks	\$13,000.00	\$9,544.65	\$3,455.35
Total Acct 452	\$13,000.00	\$9,544.65	\$3,455.35
CONSERVATION - NATURAL RESOURC	\$5,700.00	\$5,697.34	\$2.66
Total Acct 461	\$5,700.00	\$5,697.34	\$2.66
Unallocated Expenditures	\$8,351.00	\$0.00	\$8,351.00

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

10/04/2012

Total Acct 492	\$8,351.00	\$0.00	\$8,351.00
Total Disbursements	\$341,888.00	\$236,690.02	\$105,197.98
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$513,015.66	
Cash Balance as of 12/31/2012		\$457,658.57	

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

10/04/2012

As of 12/31/2012

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$4,135.00	\$4,135.00
Total Acct 322	\$0.00	\$4,135.00	\$4,135.00
Total Revenues	\$0.00	\$4,135.00	\$4,135.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$5,000.00	\$4,170.09	\$829.91
Total Acct 452	\$5,000.00	\$4,170.09	\$829.91
Total Disbursements	\$5,000.00	\$4,170.09	\$829.91
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$11,481.67	
Cash Balance as of 12/31/2012		\$11,446.58	

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

10/04/2012

As of 12/31/2012

Sewer 2004 Bonds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$4,990.87	\$4,990.87
Total Acct 361	\$0.00	\$4,990.87	\$4,990.87
Total Revenues	\$0.00	\$4,990.87	\$4,990.87
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$29,768.00	(\$29,768.00)
Total Acct 471	\$0.00	\$29,768.00	(\$29,768.00)
Unallocated Expenditures	\$0.00	\$1,184.96	(\$1,184.96)
Total Acct 492	\$0.00	\$1,184.96	(\$1,184.96)
Total Disbursements	\$0.00	\$30,952.96	(\$30,952.96)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2012		(\$25,962.09)	

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

10/04/2012

As of 12/31/2012

Birchwood In Re-hab Bond

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$327.80	\$327.80
Total Acct 361	\$0.00	\$327.80	\$327.80
Total Revenues	\$0.00	\$327.80	\$327.80
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Unallocated Expenditures	\$0.00	\$165.21	(\$165.21)
Total Acct 492	\$0.00	\$165.21	(\$165.21)
Total Disbursements	\$0.00	\$165.21	(\$165.21)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2012		\$162.59	

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

10/04/2012

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	\$8,671.65	\$8,671.65
Total Acct 361	\$0.00	\$8,671.65	\$8,671.65
Total Revenues	\$0.00	\$8,671.65	\$8,671.65
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$3,571.91	(\$3,571.91)
Total Acct 471	\$0.00	\$3,571.91	(\$3,571.91)
Unallocated Expenditures	\$0.00	\$3,772.35	(\$3,772.35)
Total Acct 492	\$0.00	\$3,772.35	(\$3,772.35)
Total Disbursements	\$0.00	\$7,344.26	(\$7,344.26)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2012		\$1,327.39	

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

10/04/2012

As of 12/31/2012

Cap Project - PW

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

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

10/04/2012

As of 12/31/2012

Capital Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
City Hall-Gov't Buildings	\$15,000.00	\$940.00	\$14,060.00
Total Acct 419	\$15,000.00	\$940.00	\$14,060.00
Sewer Utility	\$0.00	\$26,718.75	(\$26,718.75)
Total Acct 431	\$0.00	\$26,718.75	(\$26,718.75)
Total Disbursements	\$15,000.00	\$27,658.75	(\$12,658.75)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$59,527.99	
Cash Balance as of 12/31/2012		\$31,869.24	

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

10/04/2012

As of 12/31/2012

Cap Proj - Catchbasin

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

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

10/04/2012

As of 12/31/2012

Water Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$22,270.37	\$22,270.37
Penalty - Late Water/Sewer	\$0.00	\$803.99	\$803.99
State and Misc fees	\$0.00	\$1,206.80	\$1,206.80
Total Acct 341	\$0.00	\$24,281.16	\$24,281.16
DELQ - Water-Sewer fees	\$0.00	\$2,279.80	\$2,279.80
Total Acct 361	\$0.00	\$2,279.80	\$2,279.80
Interest Earnings	\$0.00	\$0.27	\$0.27
Total Acct 362	\$0.00	\$0.27	\$0.27
Total Revenues	\$0.00	\$26,561.23	\$26,561.23
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$100.00	(\$100.00)
Total Acct 414	\$0.00	\$100.00	(\$100.00)
Legal Services	\$0.00	\$981.45	(\$981.45)
Engineer Service	\$0.00	\$1,375.50	(\$1,375.50)
Total Acct 416	\$0.00	\$2,356.95	(\$2,356.95)
Utility Locates	\$0.00	\$227.09	(\$227.09)
Total Acct 428	\$0.00	\$227.09	(\$227.09)
Water Utility	\$27,000.00	\$40,728.77	(\$13,728.77)
Wtr/Swr Emergency	\$0.00	\$7,678.10	(\$7,678.10)
Total Acct 431	\$27,000.00	\$48,406.87	(\$21,406.87)
Total Disbursements	\$27,000.00	\$51,090.91	(\$24,090.91)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$35,730.61	
Cash Balance as of 12/31/2012		\$11,200.93	

As of 12/31/2012

Sewer Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$44,947.42	\$44,947.42
Total Acct 341	\$0.00	\$44,947.42	\$44,947.42
 DELQ - Water-Sewer fees	 \$0.00	 \$1,538.83	 \$1,538.83
Total Acct 361	\$0.00	\$1,538.83	\$1,538.83
 Interest Earnings	 \$0.00	 \$0.86	 \$0.86
Total Acct 362	\$0.00	\$0.86	\$0.86
 Total Revenues	 \$0.00	 \$46,487.11	 \$46,487.11
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$100.00	(\$100.00)
Total Acct 414	\$0.00	\$100.00	(\$100.00)
 Financial Administration	 \$0.00	 \$489.00	 (\$489.00)
Total Acct 415	\$0.00	\$489.00	(\$489.00)
 Engineer Service	 \$0.00	 \$1,322.50	 (\$1,322.50)
Total Acct 416	\$0.00	\$1,322.50	(\$1,322.50)
 Utility Locates	 \$0.00	 \$127.06	 (\$127.06)
Total Acct 428	\$0.00	\$127.06	(\$127.06)
 Drainage - Structure Care	 \$58,200.00	 \$0.00	 \$58,200.00
Wtr/Swr Emergency	\$0.00	\$15,154.79	(\$15,154.79)
Sewer Utility	\$0.00	\$49,069.31	(\$49,069.31)
Total Acct 431	\$58,200.00	\$64,224.10	(\$6,024.10)
 Total Disbursements	 \$58,200.00	 \$66,262.66	 (\$8,062.66)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
 Beginning Cash Balance		 \$174,704.05	
 Cash Balance as of 12/31/2012		 \$154,928.50	

Washington County: Code Red call system touted for alerts

By Bob Shaw bshaw@pioneerpress.com *TwinCities.com-Pioneer Press*

Posted:

TwinCities.com

Sirens are loud, but they can't say much.

That's why public safety officials in Washington County are so enthusiastic about Code Red, a neighborhood emergency phone-calling system. They are discovering that the system, which can call small clusters of homes, is remarkably versatile - even in preventing crime.

The system is designed to notify the public in nonweather emergencies. That could include anything from a toxic spill to a missing child to a water main break.

"When we have an event, we can't create a flier and go door to door," said Mike Richardson, emergency services commander for the Woodbury Public Safety Department. "For notifying the public, this is like another tool in our tool box."

Woodbury began using the Code Red system in May, following many cities in Washington County and the county itself. The system also is used in cities in Dakota County and much of the metro area.

It automatically records the land-line numbers listed in phone books, but it can't track cellphone numbers. That's why Woodbury officials last month announced a new effort to get cellphone users to sign up for the system.

Richardson said old-fashioned sirens still will be used for weather emergencies. The message of a siren is loud and clear: run for cover.

But sirens are a blunt instrument, alerting a broad area but giving no information about what's happening. Worse, they can be missed by people indoors or listening to music in cars.

And sirens are no help in most nonweather emergencies. When there is a local emergency, police have few ways to notify a neighborhood.

The usual options, such as TV, social media and newspapers, are unreliable for fast notification. Richardson said that even if people were watching TV, they would have to be watching the right channels to get an emergency message. Likewise, he said, at any moment few people could be using social media such as Facebook or Twitter.

But Code Red uses phones and can call any cluster of homes.

For example, if there were a suicidal hostage-taker in a house, sirens would be useless. But Code Red could warn immediate neighbors while it avoided calling the house and warning the criminal.

"It's easy. You can just circle a couple of blocks on a map," said Dar Pankonie, communications center manager for the Washington County sheriff's department.

Since Code Red was established in the county in March 2011, it has proved itself many times over.

On Feb. 22, Pankonie said, deputies recovered a suspicious vehicle and wanted to know if anyone had seen the driver. So they used Code Red to call 120 neighbors.

Last year, Richardson said, the system was used to warn neighbors in St. Paul Park about an "active shooter situation" in an apartment building. Oak Park Heights used it to tell people about a water main break.

Richardson said there is one problem with Code Red. The system automatically calls any phone in the phone book's white pages and phones registered with the county's 911 system.

But a growing number of homeowners rely on cellphones.

That's why Woodbury's participation rate is only about 60 percent, Richardson said. He is encouraging cellphone users to register with the system.

"This system is only as strong as the contact points people have," Richardson said.

He said those signing up will not be swamped with calls. The system is used only in local emergencies.

But residents also can sign up to receive non-emergency calls. For example, Forest Lake and Marine on St. Croix have used Code Red to remind residents about meetings.

August 28, 2012

Dale Powers, Administrator
City of Birchwood Village
207 Birchwood Avenue
Birchwood, Minnesota 55110

Dear Mr. Powers:

The Washington County Historical Society [WCHS] has reached a purchase agreement with the owners of the building located at 1862 South Greeley Street in Stillwater. The WCHS has a year to fundraise for the purchase price of \$795,000 plus renovations cost which bring the total to \$1.5 million. We have embarked on a capital campaign to reach our goal.

The WCHS is going to convert this building into the Washington County Heritage Center, a center that will have exhibits, a research facility, and climate controlled for the important artifacts that tell the story of the history of Birchwood Village and Washington County. There will also be a traveling exhibit gallery that will showcase travelling exhibits from the Smithsonian, Library of Congress, the Minnesota Historical Society, and other places from around the county. This will provide our local citizens and visitors with a variety of different stories of history several times every year.

In this early stage we have received a pledge for \$250,000 from the Margaret Rivers Foundation as well as WCHS pledging \$80,000. The WCHS recently requested a contribution of \$50,000 from the Washington County Board of Commissioners and have recently received a commitment from the City of Stillwater for \$10,000.

The Historical Society is writing to the city of Birchwood Village to ask for a \$1,000 commitment to this Heritage Center.

The WCHS will be requesting donations from all the communities in Washington County.

If you have any questions please let us know. We know how much our heritage is valued in Birchwood Village and we look forward to working with you in the future on this project.

Most sincerely,

Brent T. Peterson
Executive Director
Washington County Historical Society

5

XFINITY Connect

bwclerk@comcast.net

± Font Size ±

city garage rental sealed bid

From : john velin <johnrvelin@comcast.net>

Sun, Sep 23, 2012 06:57 PM

Subject : city garage rental sealed bid

To : bwclerk@comcast.net

For Nov 1 2012 through Oct 31 2013 , I bid \$21 per month for renting the city garage. Please simply reply so I know you received this bid. Thank you

john velin
146 wildwood ave
white bear lake
MN 55110-1633
651 426 0136

TO: Dale Powers, City Clerk/Coordinator

FROM: Alan Mitchell, Mayor

DATE: October 2, 2012

SUBJECT: Complaint about Storage of Fish House at 483 Lake Avenue

The Complaint

Late in August I received an oral complaint about the storage of a fish house at 483 Lake Avenue, property owned by Jim and Debbie Harrod. The complaint was that the fish house was stored too close to the high water level on White Bear Lake.

The Complainant

As a reminder, the names of persons filing a complaint about property are confidential and are not to be disclosed to the person complained about or to the public. Minnesota Statutes section 13.44, subd. 1, provides:

The identities of individuals who register complaints with government entities concerning violations of state laws or local ordinances concerning the use of real property are classified as confidential data, pursuant to section 13.02, subdivision 3.

History

I brought this complaint to the attention of the City Clerk and learned that Dale had received the same complaint a year ago, in August 2011, and that he had determined that he did not see a violation of the city code. Dale did not bring the complaint to the attention of the City Council nor request any assistance from the city attorney in interpreting the code requirements. Dale concluded that since a fish house is not considered to be real property, it is not a structure and therefore there is no setback requirement for the fish house. He also concluded that a fish house is not "materials and equipment" under the City's exterior storage ordinance, chapter 615.

Applicable Ordinances

Chapter 615 of the City Code is entitled Exterior Storage. It provides generally in section 615.010 that "All materials and equipment shall be stored within buildings or in the rear yard in a screened area." The term "materials and equipment" is not defined in the ordinance, but the ordinance does apply to motor vehicles and boats and snowmobiles and boat lifts, for example. Importantly, section 615.030 provides that normal storage items subject to the screening requirements may be stored anywhere on the property for lots abutting White Bear Lake, except they must be no closer than existing buildings from the street or 40 feet, whichever is less.

The City Zoning Code, section 302.020 (Structure Location Requirements) provides that all structures must be 50 feet from the Ordinary High Water Level of White Bear Lake and at least ten feet from other lot lines. (Section 302.030 sets the high water mark at 926.7 feet above sea level.) The City Clerk concluded that a fish house is not a “structure,” but section 300.020, subpart 51, defines “Structure” broadly as “That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.” A fish house can be a “structure” under chapter 3 of the City Code establishing land use regulations and not be a “structure” under other parts of the City Code, such as chapter 2 establishing building regulations and adopting the State Building Code. Interestingly, a statute regulating fish houses, Minnesota Statutes section 97C.355, subd. 5, provides that it is illegal to burn a structure (i.e., a fish house) on a lake without the approval of the Department of Natural Resources.

Another provision of the City Code that applies here is section 615.040, which sets forth a procedure for responding to complaints. It provides that when the Mayor or a councilmember has personal knowledge or receives a complaint of a potential violation of the ordinance, the Mayor or another councilmember designated by the Mayor shall make a personal examination of the property and summarize the results of the examination in writing and bring the matter to the next City Council meeting for discussion. Even though I have not found a violation of chapter 615 regarding exterior storage, I have attempted to follow the process set forth in that chapter.

The Investigation

I brought the matter to the attention of the Harrods on August 30 by email and by phone. I went down to Kay Beach and observed the fish house on the Harrods property. I advised the Harrods that I intended to bring this matter to the attention of the full Council at the next meeting on September 11.

On September 4 Dale Powers and Samantha Crosby, from the White Bear Lake Planning Department, visited the Harrod property and conducted an inspection. They determined that the fish house was more than 50 feet from what they thought was the Ordinary High Water Level on the lake.

On September 26, 2012, I met with Samantha Crosby and discussed the matter with her. We reviewed a recently-prepared survey report of the Harrod property. The map shows that the fish house is 52 feet from the high water mark in a straight line, but because the lake meanders, it is only 38.4 feet from the high water mark at its closest point. The map also shows that the fish house is less than 10 feet from the Kay Beach boundary.

Recommendation

The exterior storage provisions in chapter 615 allow property owners on the lake to store items like fish houses on the lake side of their property, so I don't find any violation of that ordinance.

I do think that the setback requirements of section 302.020 do apply to fish houses, however. In order to meet these setback requirements, the fish house should be moved farther away from the lake and a few feet west of the Kay Beach boundary. My recommendation is that we write to the Harrods and direct them to move the fish house farther from the lake and from the east boundary of the property. The letter to the Harrods should advise them to consult with the White Bear Planning Department regarding where they plan to place the fish house before they move it to the new location in order to ensure that the fish house is properly located. I would expect that the Harrods could move the fish house within thirty days but they could make other arrangements with the White Bear folks for a short extension if they have a legitimate reason for some additional time.

One final point for Council consideration: It would be helpful if the Birchwood City Code addressed storage of fish house more directly. White Bear Lake provides in its code that a fish house is not a water-oriented accessory structure, section 1301.030, subd. 1, but that "Ice fishing houses stored on parcels of land during summer months shall be considered as an accessory storage building equivalent to a storage shed. Ice fishing houses shall meet all existing setback and size limitations of this ordinance. Section 1302.030, subd. 4(i)(2)(o). A similar provision in the Birchwood code would guide future action.

ECKBERG LAMMERS
MEMORANDUM

TO: City of Birchwood Village
FROM: Kevin Sandstrom, Esq.
DATE: October 3, 2012
RE: Birchwood Village, City of – Draft Ordinance Chapter 618
10622-09433

This Memorandum constitutes the City Attorney’s executive summary of the proposed Ordinance Chapter 618- Administrative Complaints, which was prepared by my office with the assistance of Tony Sampair and Jane Harper.

The intent of this Ordinance is to provide a mechanism by which the City may process complaints about ordinance violations in an administrative fashion rather than resorting to civil or criminal court systems, with the hope that this administrative process will be faster, easier, more efficient and less expensive, while at the same time also providing a better-defined structure and procedures for the processing of complaints.

The intent is also to establish that City Staff will be expected to conduct most, if not all, of the investigation as well as making an initial determination on the merits as to whether an ordinance violation has occurred. From that point, either the complaining party or the alleged violator can request a hearing before the City Council on the matter. Further, even if no hearing is requested, the City Council will still be able to review the matter and approve the final remedy to be provided for a violation.

The ordinance provisions are summarized as follows:

Section 618.010 – provides general background of the purpose and intent of the ordinance.

Section 618.020 – provides for the submission of written complaints to the City and guidance as to what should be included in a complaint.

Section 618.030 – provides for investigation of the complaint by City staff, with the assistance of council members as appropriate. It also includes that the investigation should conclude in a written report.

Section 618.040 – provides that City staff may attempt to work with the involved parties to reach an amicable resolution, but if that is unsuccessful, then City Staff will draft and mail either a “notice of violation” or a “notice of no violation” depending upon the result of the investigation. Such notice triggers the involved-parties’ right to request a hearing.

Section 618.050—provides the process for the involved-parties right to request, within 15 days, a hearing before the City Council to review the staff’s determination. The written request for a hearing is expected to include a description by the requesting party as to why they believe staff’s decision is incorrect or that different action by the city is warranted.

A public hearing is to occur within 60 days of the request for a hearing. Upon completion of the hearing, the Council is to issue a written decision on the matter, and the ordinance grants the City Council the power to uphold the violation, dismiss the complaint, and modify any proposed penalties or abatement actions.

Section 618.055 – provides that the Council shall be able to review and modify City staff’s decision on any complaint even if none of the involved parties requests a public hearing.

Section 618.060 – provides that the City Council may issue a “notice of abatement” if the violation includes an ongoing condition that can be physically remedied by some action by the City. It will first direct the property owner to abate, and if not completed within the given timeframe, then the city may abate the condition itself.

Section 618.070 – provides that costs of abatement will be billed to the responsible person.

Section 618.080—provides that costs of abatement may my assessed against the affected parcel of property if not timely paid by the owner.

Section 618-090 – provides that the City may order payment of an administrative penalty of up to \$500.00 for a violation determined under these provisions.

To be sure, the monetary penalty provisions of § 618.090 has caused a great level of debate on this ordinance. The \$500.00 figure is up for discussion and reduction, and the Council could also choose to remove this monetary penalty provision in its entirety.

KSS/kss

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

RESOLUTION 2012-28

**A Resolution Approving Ordinance 2012-11 Establishing City Code Chapter 618
(COMPLAINTS)**

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 that codifies an administrative procedure for responding to complaints alleging violations of the Birchwood City Code; 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 April 10, 2012; and

WHEREAS, the City Council referred the matter to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed the proposed ordinance and provided written comments to the City Council; 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 Sections 615.040 and 615.050 of the Municipal Code of the City of Birchwood Village are hereby deleted and removed in their entirety and replaced with the new Chapter 618.
2. That the text of the new Chapter 618 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 9th day of October, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

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

AN ORDINANCE ADOPTING CITY ADMINISTRATIVE COMPLAINT PROCESS, CHAPTER 618

THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

- 1. That Sections 615.040 and 615.050 of the Municipal Code of the City of Birchwood Village are hereby deleted and removed in their entirety and replaced with the new Chapter 618 set forth below.**
- 2. That Chapter 618 (Administrative Complaints) of the Municipal Code of the City of Birchwood Village is hereby adopted as follows:**

618. ADMINISTRATIVE COMPLAINTS

618.010. GENERALLY. A violation of any provision of the Code of Ordinances of the City of Birchwood Village is hereby deemed an administrative offense which may be subject to any administrative notice of violation and remedies pursuant to this chapter. It is in the best interest of all residents of the City to try to resolve all problems regarding nuisances and other violations of the city code by polite personal contact between residents. If such personal contact does not satisfactorily correct a particular situation or there may be reasons that a resident does not desire to use that approach, then the following steps may be followed.

618.020. COMPLAINT. Any person may file a complaint with the City on a form provided by the City. The complaint shall identify with specificity the alleged violations, the persons and/or properties involved, and, when possible, identify the specific ordinance provision that is allegedly being violated. Anonymous complaints may be accepted at the discretion of City staff. The name of the complainant who complains about the use of real property will be classified as confidential data at all times pursuant to the provisions of Minnesota Statutes section 13.44. City staff or local law enforcement, on their own volition, may initiate an investigation into any suspected ordinance violation.

618.030. INVESTIGATION. Upon receipt of a written complaint, or upon their own volition, City staff shall conduct an investigation of the matter to determine if a violation exists. The Mayor or members of the City Council may also take part in investigations as appropriate or as requested. The person(s) investigating shall summarize the results of the investigation in a written report. The report shall be a public document but no confidential or non-public data shall be disclosed.

618.040. NOTICE OF VIOLATION. City Staff may attempt to work with the alleged violator and complainant to informally remedy the situation without issuing a formal decision on the matter. If such informal resolution is unsuccessful or expected to be unproductive, the City clerk shall make a determination whether a violation has occurred. Upon determination that a violation exists, the City clerk shall prepare and send via regular U.S. Mail a "Notice of Violation" to the alleged violator. Said notice shall set forth the nature, date and time of the violation, the name of the official issuing the notice, direct the alleged violator to comply with the ordinance provision or provisions that are being violated within a specific period of time, any actions to be undertaken, and the scheduled penalties if the violation is not remedied, and shall inform the alleged violator of his right to a public hearing in front of the city council and the procedures and deadline for requesting a hearing.

Upon written complaint from a Complainant, if the City clerk determines after investigation that no violation exists, then the Clerk shall mail a "Notice of No Violation" to the Complainant advising of the lack of a violation, and shall inform the Complainant of his right to a public hearing in front of the city council and the procedures and deadline for requesting a hearing.

618.050. PUBLIC HEARING. Within 15 calendar days of the date of mailing of the Notice, the recipient may file a written request with the City clerk requesting a public hearing on the matter. The alleged violator shall describe in the request the reasons why no violation has occurred or why no further action should be taken by the City. A complainant shall describe in the request the reasons why a violation has occurred or why further action should be taken by the City. The clerk shall provide the investigation report, Notice of Violation/No Violation, and the alleged violator's or complainant's response to the City Council for review. The city council shall conduct the public hearing within sixty days of receipt of the request. The city council may request the Planning Commission to review the matter and provide comments prior to the public hearing. Unless the Government Data Practices Act provides otherwise, the hearing held by the City Council shall be open to the public. Upon completion of the public hearing, the City Council shall prepare a written decision on the matter that includes the determination of the city council and the rationale for its determination. The City Council shall have the authority to dismiss the matter, uphold the violation, reduce or waive the penalties, or modify the proposed abatement action. The city clerk shall mail a copy of the written decision to the interested parties via U.S. mail.

618.055. COUNCIL APPROVAL. Regardless of whether or not party requests a public hearing relating to the City Clerk's issuance of a Notice of Violation or Notice of No Violation, the matter shall be reviewed by the City Council for a final authorization of the City Clerk's determination, including review and potential modification of any abatement actions or other remedies issued by the City Clerk.

618.060. ABATEMENT. If the city council concludes that a violation has occurred and that the City desires to abate the condition, the city clerk shall send a "Notice of Abatement" to the alleged violator. Said notice shall direct the alleged violator to comply with the ordinance provision or provisions that are being violated within a specific period of time and may specify certain actions to be undertaken. If the alleged violator does not abate the violation within the specified period of

time, the city may take action itself to remedy the violation or pursue any other enforcement action or remedy available to the City.

618.070. COSTS OF ABATEMENT BILLED TO PROPERTY OWNER. If the City elects to undertake abatement of a violation, after completion of the abatement action, the City shall send an invoice for the cost of the abatement to the responsible person for payment.

618.080. CERTIFICATION ON PROPERTY TAXES. If an invoice for payment of abatement costs is not paid on or before September 1 of any given year, and the violation is related to a property, the City may extend such sum owed as a special tax or special assessment against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.

618.090 CIVIL PENALTIES. Any violation of an ordinance hereunder may be subject to an administrative penalty of up to \$500.00, payable to the City.

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 _____ of _____, _____
(Day) (Month) (Year)

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

TO: City Council

FROM: Alan Mitchell, Mayor

DATE: October 2, 2012

SUBJECT: Proposed Complaints Ordinance (Chapter 618)

On the agenda for the October 9, 2012, City Council meeting is a public hearing to consider adoption of a new chapter 618 of the City Code, establishing procedures for handling complaints that are received about alleged code violations. Several versions of this proposed ordinance have been considered by the Council since January 2012, when I provided a draft of a new chapter 618 to the Council.

In April 2012 Councilman Tony Sampair introduced a different version of chapter 618. A major change from the draft I provided in January was that the Sampair draft provided for the imposition of administrative fines of up to \$500 per day for any violation of the code. The Council decided to ask the Planning Commission to take a look at this proposed draft and to advise the Council on its views of such a provision. The Planning Commission met on May 1 and expressed concerns about the fines, but took no action and made no recommendation.

I have prepared another version of chapter 618 and an explanation of the language in this latest version, and copies of both documents are included with this memo. In this memo I give a summary explanation of what is in my latest draft and explain why I oppose the adoption of the Sampair proposal.

Mitchell Version.

First, here is a general summary of the procedures my latest draft would create for handling complaints. The separate memo I prepared explaining each section of the proposed ordinance provides further detail.

Initial Investigation. Whenever a complaint comes in, the staff (probably the Clerk) makes the initial decision on whether to accept the complaint and what investigation to conduct. The Clerk can call upon others to help with the investigation, depending on the situation. The Clerk does not have to bring anything to the attention of the Council. The Clerk tries to resolve the matter amicably. Some resolutions could be a simple determination that no violation occurred.

Logbook. This draft requires the City to maintain a logbook, recording the complaints that come in and the resolution of the matter. The Council (and the public, too) can upon request review the logbook and see what complaints have been filed and how they have been resolved. In addition, some written summary of each investigation will go in the file.

Council Involvement. It's only when the staff is unable to resolve a matter that it should come to the attention of the Council. Otherwise, complaints are resolved without any Council involvement. When the matter does come before the Council, the alleged violator will receive notice of such consideration and the Council can be advised by staff and the alleged violator (and perhaps the complainant if the complainant is willing to be identified) about the situation, and the Council can decide what to do. The language recognizes that the Council can do everything from file a lawsuit to issue a Notice of Violation to dismiss the complaint.

Public Hearing. I've eliminated any requirement to hold a public hearing, while recognizing that a hearing could still be held in appropriate circumstances. Whether one is held, and the type of hearing that is held, and before whom, will be decided at the time the need for a hearing is discussed.

Timelines. I haven't specified any timelines for decisions to be made. The Clerk can establish deadlines for a violator to come into compliance and can decide how quickly to bring a matter to the Council's attention. If a matter does come to the Council, the Council will be decide what deadlines to impose.

City Initiation. A companion ordinance, chapter 619 (entitled Enforcement), is also under consideration by the Council. I have prepared a new draft of that chapter also, slightly changed from an earlier version to clarify that the City can initiate the procedures of chapter 618 on its own accord, without having to wait for a person to file a complaint.

I believe this new version addresses the concerns that have been expressed, about allowing the staff to handle complaints initially, about minimizing Council involvement in most complaint situations over alleged code violations, and about expediting resolution of complaints.

Sampair Version.

The Sampair version that was before the Council in July provides that an administrative fine of up to \$500 per day may be imposed by the City Clerk, if the Clerk determines that a violation exists. This fine will become final unless the alleged violator files a written request with the Clerk for a public hearing within fifteen days of the date of mailing of a Notice of Violation by the Clerk and the Council decides to change it. If a hearing is requested, the language provides that the hearing would be conducted by the City Council.

I do not support the adoption of a provision that allows the Clerk or the Council to impose any fines administratively, let alone up to \$500 per day. There is no sentiment in the community for such an approach. The legal authority of the City to impose such fines is suspect. A \$500 per day fine is extremely large. The due process protections required to impose such fines are significant. A quick analysis of each of these factors shows that Birchwood should not adopt such a proposal at this time.

No Public Demand. The community has not come to the Council and expressed any desire to begin fining our residents for code violations. Historically, Birchwood has not experienced a large number of residents complaining about their neighbors. The Council will be able to gather information after implementation of the new procedures that are established in chapter 618 to determine whether additional, harsh tools, like administrative fines, are necessary and appropriate.

Questionable Legal Authority. The authority of a municipality to impose administrative fines for all code violations is not certain. There are statutes that specifically recognize the authority of municipalities to impose administrative fines for liquor license (Minnesota Statutes section 340A.415) and tobacco license violations (Minnesota Statutes section 461.12) and certain traffic violations (Minnesota Statutes section 169.999). But the authority to impose administrative fines for other type code violations is not so apparent.

The League of Minnesota Cities recognizes that a city's legal authority to impose administrative fines should be clarified by the Legislature. In its LMC City Policies for Legislative and Administrative action, published November 17, 2011, addressing more than 160 legislative issues impacting cities, the League included one on Administrative Fines for Code Violations (called SD-17). In SD-17 the League recognized that many municipalities have implemented administrative enforcement programs for local regulatory ordinances, such as building codes, zoning codes, health codes, and public nuisance ordinances, and the League supports the use of such fines, but that "The Legislature should clarify that both statutory and home rule charter cities have the authority to issue administrative citations for code violations" and "to adjudicate administrative citations and to assess a lien on properties for unpaid administrative fines." However, during the 2012 legislative session, the Legislature did not take action on this issue.

The League does state in SD-17 that many municipalities have implemented administrative enforcement programs. But it is one thing for the city of Minneapolis to establish a program of assessing administrative fines, primarily for housing and business regulation violations, and quite another for Birchwood to establish such a program for all code violations.

\$500 Per Day Fines. Not only has the City not fully explored the ramifications of imposing administrative fines, but setting the fine at \$500 per day is unusually high. No rationale for such a high amount has been provided. Is the fine purely punitive or does it reflect recovery of administrative costs involving in pursuing it? Allowing the City Clerk to determine the amount of the fine is additionally problematic. The Clerk could impose a large fine without any knowledge or involvement of the Council.

The Sampair draft references "scheduled penalties" but no penalty schedule has been developed. The Planning Commission in its Minutes of its May 1 meeting said it would be better

if violations were spelled out in more detail; long-time Planning Commission member John Winters said at the meeting that \$500 per day was “draconian.”

The administrative fine for certain traffic violations is only \$60. Minnesota Statutes section 169.999, subd. 5. Those citations can only be issued by a licensed peace officer. And incidentally, subdivision 9 makes it clear that administrative citations can only be issued for the traffic offenses specified in the statute (“The authority to issue an administrative citation is exclusively limited to those offenses listed in subdivision 1. Notwithstanding any contrary charter provision or ordinance, no statutory or home rule charter city, county, or town may impose administrative penalties to enforce any other provision of this chapter.”)

Due Process Obligations. The Sampair version says the City Council will conduct a public hearing if the alleged violator contests the amount of the fine imposed by the Clerk. It is entirely likely that an opportunity to address the City Council may not satisfy due process obligations when a person challenges a large fine. In its Checklist for Implementing Administrative Traffic Citations, the League of Minnesota Cities says that one step a community must take is “Set up an appeal process using a neutral third-party hearing officer for those who wish to contest their administrative traffic citation.” All this for a \$60 fine.

Birchwood is not geared up to begin employing independent hearing officers to resolve contested violations. Substantial costs could be involved in satisfying due process requirements, costs that may not be recovered, regardless of whether the violation and the fine are upheld or not.

Conclusion

The idea of imposing administrative fines has not been thought through completely enough to begin implementing such a program. For all the reasons discussed above, the City Council should not adopt a new ordinance establishing such a program.

I support the adoption of a new ordinance on Complaints and a new ordinance on Enforcement, but I don’t support the adoption of any language that includes administrative fines, either in the Complaint ordinance or in the Enforcement ordinance. The language in the version of chapter 618 that I submitted establishes a clear and expeditious process for handling complaints. I urge the Council to adopt it.

**MAYOR MITCHELL'S
EXPLANATION OF COMPLAINTS ORDINANCE
CHAPTER 618**

I. INTRODUCTION

Chapter 615 (entitled EXTERIOR STORAGE) places restrictions on where a property owner may store certain items outdoors on the property. Presently section 615.040 (entitled ENFORCEMENT) establishes certain procedures for responding to complaints about alleged violations of chapter 615.

There are no general provisions in the City Code for handling complaints that may be filed about alleged code violations. New chapter 618 would establish procedures for handling such complaints and would replace 615.040. In addition, a new chapter 619 is being proposed to provide generally for enforcement of city code requirements. Chapter 619 establishes certain remedies available to the City when violations of the code occur; these remedies are available whether or not a complaint has been filed with the City.

The discussion below describes each provision in a proposed chapter 618 prepared by the Mayor in September 2012.

II. Section 618.010 – GENERALLY

The language in this section is taken from the Note at the beginning of present section 615.040. It simply recognizes that it is in the best interests of the City and its residents to resolve alleged code violations amicably between neighbors and without City involvement. The language is written broadly so it applies to all code violations, not just exterior storage requirements.

III. Section 618.020 – COMPLAINT

This section provides that any person may file a complaint with the City regarding an alleged code violation. The City will provide a form for a complainant to use in filing a complaint. Because chapter 618 applies to all code violations, not just exterior storage, the complainant must identify the specific code provision that has allegedly been violated. Because it is possible that the violation occurred on public property or on property not owned by the alleged violator, the complainant must also identify the property where the violation occurred or is occurring.

The proposed language recognizes that the City need not accept an anonymous complaint. The staff will decide whether an anonymous complaint warrants acceptance and follow-up. Also, an email without the necessary form is not an official written complaint either, and the staff can decide whether to pursue such complaints. Similarly, the staff can decide whether a complaint that is received orally should be accepted and investigated.

The Minnesota Data Practices Act, Minnesota Statutes chapter 13, provides in section 13.44 that the name of the person who files a complaint regarding the use of real property shall be classified as confidential and not available to the public or to the owner of the real property. A sentence is included in the proposed ordinance stating that the City will maintain the confidentiality of complainants when required to do so under that statute. It should be mentioned that Minnesota Statutes § 13.44 does not apply when the complaint does not involve real property. Because chapter 618 applies to all code violations, some alleged violations may involve conduct and not real property. A firearm violation under chapter 609 would be an example.

IV. Section 618.025 – COMPLAINT LOGBOOK

This section provides that the City will maintain a logbook where all the written complaints that have been received will be recorded. If the complaint is in writing, even though the complainant may not have identified himself or herself, the complaint should be recorded in the logbook anyway since the City does have a written complaint, albeit incomplete, on file. The logbook can document how the complaint came in and the date it was received. Even oral complaints should be recorded if the staff goes out and investigates the complaint. The logbook will also be a good place to document the resolution of every complaint. Recording the resolution of the complaint allows the Council and the public to know that something was done with each complaint that is filed, even if the resolution is no violation was found and no compliance action was necessary.

In addition, the logbook can serve as a method for keeping the Council advised of complaints that have been received. The Clerk can report periodically to the Council on the complaints that have come in and how they were resolved.

The complaint logbook will be a document open to public inspection. Therefore, the names of complainants who complain about property violations should not be included in the logbook.

V. Section 618.030 – INVESTIGATION

This section provides that once a written complaint, signed by the complainant, is received, or an anonymous or insufficient or oral complaint is accepted, the staff is assigned the task of investigating the complaint to determine if a violation exists. The staff has discretion regarding how extensive an investigation to conduct. It may involve simply contacting the person who allegedly engaged in the unlawful conduct. Depending on the nature of the complaint, the staff may require assistance from law enforcement, i.e., the White Bear Police, or building officials, i.e., the White Bear Planning and Zoning Department, which is responsible for administering Birchwood's building regulations. Also, the staff could ask the Planning Commission to look into a particular matter, especially if it involves a matter that was before the Planning Commission initially. The staff can decide with each complaint who should conduct the investigation. At this stage, there is no need to advise the Council of the complaint, although staff certainly could elect to do so.

Once the investigation is complete, the staff is responsible for writing up a report, summarizing what was determined and any action that was taken. The report could be written by one of the other agencies or persons who conducted the investigation if that person is willing to do so. In any event, some kind of written summary of the complaint should be included in the file for future reference. The reason for a summary report is so that the file on the complaint contains a record of the resolution of the matter.

Again, these summary reports are public documents and should not include confidential or private data that is not available to the public. At a minimum, private data must be redacted before the document is made available for public inspection.

VI. Section 618.040 – CORRECTIVE ACTION

If after investigation, the City staff determines that a violation has occurred or is ongoing, the staff should attempt to resolve the situation. Hopefully, most complaints will result in an amicable resolution of the matter and there will be no need for the Council to get involved or for further action to occur.

The language does not authorize City staff, however, to issue any orders, or to impose any monetary penalties or fines, or to threaten any judicial action. Instead, if a resident remains recalcitrant and refuses to come into compliance with the city code, the staff can bring the matter to the attention of the full City Council under section 618.050. No timeline is included in the ordinance for resolving a complaint. Instead, the staff has discretion to determine what are reasonable timelines for corrective action.

VII. Section 618.050 – COUNCIL CONSIDERATION

This section sets forth the procedure for the staff to bring a matter to the attention of the City Council. This will be done by placing the matter on the agenda for a City Council meeting. The resident and the complainant both must be given notice of the Council meeting, which will be a minimum of five days for a regular meeting but could be less for a special or emergency meeting. As a reminder, the name of the complainant if the violation involves property must remain confidential.

VIII. Section 618.060 – ABATEMENT

This section provides that the City Council has a full array of options available to it to abate an alleged violation, if the Council determines that a violation has occurred or is occurring. These enforcement options involve everything from filing a criminal complaint to starting a civil lawsuit to abating the violation itself. One option specifically listed is issuing a Notice of Violation, which is one way to formalize the violation and specify the corrective action the Council expects.

The proposed language also recognizes that the Council could elect to hold a public hearing to address the alleged violation. This might occur in a situation where the alleged violator contests the underlying allegation and asserts that there is not code violation. The type and

formality of the public hearing would be determined at the time the Council was deciding that holding a public hearing was the appropriate way to go.

IX. Section 618.070 – COSTS OF ABATEMENT BILLED TO PROPERTY OWNER

This section provides that if the City is authorized to go in and abate a particular situation, and the City decides to do so, the City will look to the alleged violator to reimburse the City for the costs it incurred. The City will send an invoice to the responsible person. Oftentimes the responsible person will be the property owner but the violator does not necessarily have to be a property owner. Perhaps a person who littered one of the public beaches could be held responsible for costs in cleaning up the beach. As with the initial decision to abate a situation, the City will consult with its legal advisers in determining its authority to impose these costs on another person.

X. Section 618.080 – CERTIFICATION ON PROPERTY TAXES

In those cases where the violator is a property owner, and the person fails to pay an invoice for abatement costs, the City will certify its expenses to the county auditor for collection in the same manner as special assessments and property taxes are collected. This language is taken from the existing language in section 615.040, Step 3.

MAYOR MITCHELL'S VERSION

STATE OF MINNESOTA COUNTY OF WASHINGTON CITY OF BIRCHWOOD VILLAGE

ORDINANCE 2012-??

AN ORDINANCE ADOPTING A NEW CHAPTER 618 (COMPLAINTS) ESTABLISHING A PROCEDURE FOR HANDLING COMPLAINTS THAT ARE FILED WITH THE CITY ALLEGING VIOLATIONS OF THE CITY CODE

WHEREAS, the City of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, occasionally persons file complaints with the City alleging that they have observed violations of city code provisions; and

WHEREAS, there are no general provisions in the city code describing the manner in which the City will handle complaints that are filed; and

WHEREAS, it is appropriate to establish a single process for handling complaints regardless of the city code provision that is involved; and

WHEREAS, it is appropriate to look to neighbors and city staff to resolve complaints before involving the City Council.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 618 (COMPLAINTS) is hereby adopted to read as follows:

618.010. GENERALLY. It is in the best interest of all residents of the City to try to resolve all problems regarding nuisances and other violations of the city code by polite personal contact between neighbors. It is recognized that such personal contact may not satisfactorily correct a particular situation or there may be reasons that a resident may not desire to use that approach. If a resident determines that polite personal contact will not resolve the problem, the following steps are to be followed:

618.020. COMPLAINT. Any person may file a written complaint with the City on a form provided by the City. The complaint shall identify the specific ordinance provision that is allegedly being violated and the property at which the alleged violation is occurring. Anonymous complaints and incomplete written complaints and oral complaints may be accepted at the discretion of City staff. The name of the complainant who complains about the use of real property will be classified as confidential data at all times pursuant to the provisions of Minnesota Statutes section 13.44.

618.025. COMPLAINT LOGBOOK. The City shall maintain a log of all written complaints that are received, anonymous or not, and all oral complaints that are investigated.

MAYOR MITCHELL'S VERSION

City staff shall enter in the logbook the resolution of each complaint upon completion of the matter.

618.030. INVESTIGATION. Upon receipt of a written complaint, or upon an oral or anonymous complaint that is accepted, City staff shall conduct an investigation of the complaint to determine if a violation exists. The staff may request assistance of law enforcement personnel, the City of White Bear Lake Planning and Zoning Department, or the Birchwood Planning Commission in conducting an investigation into a complaint. City staff shall summarize in writing the results of any investigation it conducts and place the report on file. Written reports from other persons investigating a complaint shall be placed on file also. Investigative reports shall be public documents but no confidential or non-public data shall be disclosed.

618.040. CORRECTIVE ACTION. If after investigation, City staff shall determine that a violation of the city code has occurred or is occurring, the staff shall attempt to resolve the matter with the alleged violator by seeking prompt compliance with the code.

618.050. COUNCIL CONSIDERATION. Upon determination by the City staff that a violation has occurred or is occurring and the alleged violator has not corrected the violation within a reasonable time, the staff shall bring the matter to the attention of the City Council. The alleged violator and the complainant if there is one shall be given notice of the Council meeting at which the matter will be considered.

618.060. ABATEMENT. Upon consideration of an alleged violation, if the Council determines that a violation has occurred or is occurring, the City may take appropriate action to address the situation, including directing the alleged violator to take certain action or, if appropriate, taking action itself to remedy the violation, or pursuing any other enforcement action available to the City. The City may issue a Notice of Violation to the alleged violator, directing the alleged violator to comply with applicable ordinance provisions that are being violated within a specified period of time. The City may decide to hold a public hearing to resolve the issue of whether a violation has occurred or is occurring.

618.070. COSTS OF ABATEMENT BILLED TO PROPERTY OWNER. After completion of the abatement action, the City shall send an invoice for the cost of the abatement to the responsible person for payment.

618.080. CERTIFICATION ON PROPERTY TAXES. If an invoice for payment of abatement costs is not paid on or before September 1 of any given year, and the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.

MAYOR MITCHELL'S VERSION

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

Resolution No. 2012-??

A Resolution Approving Ordinance 2012-?? Adopting Chapter 618 Establishing a Procedure for Handling Complaints Regarding Alleged Code Violations

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 of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, there is a provision in section 615.040 establishing a procedure for handling complaints regarding exterior storage, but there are no general provisions in the city code describing the manner in which the City will handle complaints that are filed; and

WHEREAS, it is appropriate to establish a single process for handling complaints regardless of the city code provision that is involved; and

WHEREAS, section 615.040 is unnecessary and no longer appropriate with adoption a new chapter establishing a complaint procedure for all alleged violations; and

WHEREAS, the City Council held a public hearing on October 9, 2012; and

WHEREAS, the provisions of chapter 618 are reasonable and appropriate

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

1. That Chapter 618 of the City Code, entitled COMPLAINTS, is adopted as shown in the attached document.
2. That section 615.040 is hereby repealed in its entirety.
3. The effective date of Chapter 618 shall be upon publication as required by law.

Adopted by the City Council on this ____ day of _____, 2012. ,

Approved:

Alan Mitchell, Mayor

Attest:

MAYOR MITCHELL'S VERSION

Dale Powers, City Clerk/Coordinator

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

RESOLUTION 2012-29

**A Resolution Approving Ordinance 2012-12 Establishing City Code Chapter 619
(PENALTIES AND ENFORCEMENT)**

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 that describes the penalties that may attach, and the enforcement options available to, the City for violations of the Birchwood City Code; 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 April 10, 2012; and

WHEREAS, the City Council referred the matter to the Planning Commission for review and comment; and

WHEREAS, the Planning Commission reviewed the proposed ordinance on May 1, 2012 and provided written comments to the City Council; 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 619 of the City Code, entitled PENALTIES AND ENFORCEMENT, is hereby established.
2. That the text of the new Chapter 619 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 9th day of October, 2012.

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

619. PENALTIES AND ENFORCEMENT

619.010. MISDEMEANOR. Any person who violates any provision of the City of Birchwood Code shall be guilty of a misdemeanor, unless state law provides for a different criminal penalty.

619.020. INJUNCTION. The City of Birchwood may seek to enjoin any conduct that is in violation of the City of Birchwood Code.

619.030. CITY INVESTIGATION. Whether or not a complaint has been filed under chapter 618, the City Council may elect to conduct an investigation into any alleged violation of the City Code. The Council may ask the Planning Commission or the Parks and Natural Resources Committee or other city employee to investigate an alleged violation and report back to the Council. After investigation, the Council may ask the alleged violator to implement certain actions or to refrain from certain conduct. The Council shall not take any action without providing the alleged violator notice of the matter and providing the person an opportunity to be heard before the Council. The alleged violator may request that the City hold a public hearing on the matter pursuant to section 618.050 of the Code.

619.030. CITY OPTIONS. The City may at any time elect to commence civil or criminal action against a person who is alleged to have violated any provision of the City Code, regardless of whether an investigation has been conducted or a hearing has been requested and held.

619.40. COLLECTION. The City may, after obtaining a court order directing the violator to pay a fine, fees, costs, disbursements, attorneys fees or any other monies to the City, seek to recover such monies through any method available to the City. If the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.

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 9th day of October, 2012

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers .

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

Ordinance No. 2012-12

**AN ORDINANCE ADOPTING CHAPTER 619 (PENALTIES AND ENFORCEMENT)
DESCRIBING THE PENALTIES THAT MAY ATTACH AND THE ENFORCEMENT
OPTIONS AVAILABLE TO THE CITY FOR CODE VIOLATIONS**

WHEREAS, the City of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, provisions regarding enforcement of the city code and the penalties for violation are found throughout the code; and

WHEREAS, it is appropriate to set forth in one place in the city code those penalties that attach to violation and the enforcement options available to the City.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 619 (PENALTIES AND ENFORCEMENT) is hereby adopted to read as follows:

619.010. MISDEMEANOR. Any person who violates any provision of the City of Birchwood Code shall be guilty of a misdemeanor, unless state law provides for a different criminal penalty.

619.020. INJUNCTION. The City of Birchwood may seek to enjoin any conduct that is in violation of the City of Birchwood Code.

619.030. CITY INVESTIGATION. Whether or not a complaint has been filed under chapter 618, the City Council may elect to conduct an investigation into any alleged violation of the City Code. The Council may ask the Planning Commission or the Parks and Natural Resources Committee or other city employee to investigate an alleged violation and report back to the Council. After investigation, the Council may ask the alleged violator to implement certain actions or to refrain from certain conduct. The Council shall not take any action without providing the alleged violator notice of the matter and providing the person an opportunity to be heard before the Council. The alleged violator may request that the City hold a public hearing on the matter pursuant to section 618.050 of the Code.

619.030. CITY OPTIONS. The City may at any time elect to commence civil or criminal action against a person who is alleged to have violated any provision of the City Code, regardless of whether an investigation has been conducted or a hearing has been requested and held.

619.40. COLLECTION. The City may, after obtaining a court order directing the violator to pay a fine, fees, costs, disbursements, attorneys fees or any other monies to the City, seek to recover such monies through any method available to the City. If the violator is a property

owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.

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 9th day of October, 2012

Attest: _____ Mayor
Alan Mitchell

Attest: _____, City Clerk
Dale Powers

MAYOR MITCHELL'S

EXPLANATION OF PENALTIES AND ENFORCEMENT ORDINANCE

CHAPTER 619

I. INTRODUCTION

Scattered throughout the city code are provisions describing the enforcement options and penalties available when the city code is violated. See sections 607.910, 610.060, 614.080, and 615.040, for example.

Generally, the City has the authority to go to court and seek criminal misdemeanor penalties on a violator and to seek civil judicial remedies such as an injunction. This new chapter 619 is designed to put all these penalty and enforcement provisions in one place and to clarify that regardless of the code provision that is being violated, these penalties and remedies are available to the City.

II. Section 619.010 – MISDEMEANOR

Violation of the Birchwood City Code is a misdemeanor. Misdemeanors are punishable by up to 90 days in jail and a \$1000 fine. Minnesota Statutes §§ 609.03 and 609.033. If the state were to provide in statute that a particular crime was more serious than a misdemeanor, the person could be charged with the more serious offense.

III. Section 619.020 – INJUNCTION

This section is a recognition that the City of Birchwood could elect to go to court to seek a court order enjoining certain conduct that violates the city code. The City, of course, would have to prove that it was entitled to the injunction, either a temporary one or a permanent one, under applicable law in a court of law.

IV. Section 619.030 – CITY COMPLAINT

The City does not need to wait for a complaint to be filed under chapter 618 to decide to conduct an investigation into an alleged violation. The City Council could elect to investigate an alleged violation without having to wait for another person to file a complaint. This section provides that if the Council decides that an alleged violation should be investigated, the matter should be treated as though a written complaint were filed under chapter 618. All the procedural steps and protections in chapter 618 would apply in such a situation.

V. Section 619.040 – CITY OPTIONS

The fact that the City may be required to notify a person and provide an opportunity for the person to be heard before the City can take certain administrative action does not mean the City

could not elect to go directly to court. In more serious situations, the City could decide to go directly to court, and that is what this section makes clear.

VI. Section 619.050 - COLLECTION

This section is similar to section 618.080 in intent. It makes clear that if a person owes the City money relating to an enforcement action, the City may exercise any available remedies to collect the money owed. If the person is a property owner in the city, the City may certify the amount owed to the County Auditor for collection in the same manner as property taxes and special assessments.

MAYOR MITCHELL'S VERSION

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

Resolution No. 2012-??

A Resolution Approving Ordinance 2012-?? Adopting Chapter 619 to Set Forth the Penalties and Enforcement Options Available to the City for Code Violations

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 of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, provisions regarding enforcement of the city code are found throughout the code; and

WHEREAS, section 615.050 setting forth penalties for an exterior storage violation is unnecessary and no longer appropriate with adoption a new chapter on penalties; and

WHEREAS, the City is desirous of adopting a new ordinance that describes the penalties that may attach, and the enforcement options available to the City, when a violation of the city code occurs; and

WHEREAS, the City Council held a public hearing on October 9, 2012; and

WHEREAS, the provisions of chapter 619 are reasonable and appropriate

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

1. That Chapter 619 of the City Code, entitled PENALTIES AND ENFORCEMENT, is adopted as shown in the attached document.
2. That section 615.050 is hereby repealed in its entirety.
3. The effective date of Chapter 619 shall be upon publication as required by law.

Adopted by the City Council on this ____ day of _____, 2012. ,

Approved:

Alan Mitchell, Mayor

Attest:

MAYOR MITCHELL'S VERSION

Dale Powers, City Clerk

MAYOR MITCHELL'S VERSION

STATE OF MINNESOTA COUNTY OF WASHINGTON CITY OF BIRCHWOOD VILLAGE

ORDINANCE 2012-??

AN ORDINANCE ADOPTING A NEW CHAPTER 619 (PENALTIES AND ENFORCEMENT) DESCRIBING THE PENALTIES THAT MAY ATTACH AND THE ENFORCEMENT OPTIONS AVAILABLE TO THE CITY FOR CODE VIOLATIONS

WHEREAS, the City of Birchwood Village has adopted a city code establishing various requirements regulating conduct within the city limits; and

WHEREAS, provisions regarding enforcement of the city code and the penalties for violation are found throughout the code; and

WHEREAS, it is appropriate to set forth in one place in the city code those penalties that attach to violation and the enforcement options available to the City.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 619 (PENALTIES AND ENFORCEMENT) is hereby adopted to read as follows:

619 PENALTIES AND ENFORCEMENT

619.010. MISDEMEANOR. Any person who violates any provision of the City of Birchwood Code shall be guilty of a misdemeanor, unless state law provides for a different criminal penalty.

619.020. INJUNCTION. The City of Birchwood may seek to enjoin any conduct that is in violation of the city code.

619.030. CITY COMPLAINT. The City Council may opt to file a complaint regarding an alleged violation of the city code. In such event, the matter shall be administered by City staff as a complaint under chapter 618.

619.030. CITY OPTIONS. The City may at any time elect to commence civil or criminal action against a person who is alleged to have violated any provision of the city code, regardless of whether a complaint has been filed or an investigation has been conducted.

619.40. COLLECTION. The City may, after obtaining a court order directing the violator to pay a fine, fees, costs, disbursements, attorneys fees or any other monies to the City, seek to recover such monies through any method available to the City. If the violator is a property owner in the City of Birchwood, the City may extend such sum owed as a special tax against the property upon which the violation occurred and to certify the same to the County Auditor for collection in the same manner as taxes and special assessments are certified and collected, as otherwise allowed by law.



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
birchwoodvillage@comcast.net

MEMORANDUM

DATE: October 3, 2012
TO: Honorable Mayor and Council
FROM: Dale Powers, City Clerk
RE: Birchwood Dock Association 2013 Permit Application

=====
Pursuant to the requirements of Birchwood City Code § 617.370, the Birchwood Dock Association has submitted its 2013 Permit Application to the City Council for review and recommendation to the White Bear Lake Conservation District.

For the 2012 boating season, the Association requested 24 boat slips. For the 2013 boating season, the Association is requesting the same number of boat slips, distributed the same way as this year.

- Ash – 6
- Birch – 8
- Elm – 4
- Dellwood – 6
- Kay – 0

**APPROVAL FORM FOR EASEMENT ASSOCIATION DOCK PLANS
CITY OF BIRCHWOOD VILLAGE
(TO BE SUBMITTED TO CITY CLERK PRIOR TO OCTOBER 25, 2012)**

Date 9-9-2012

(RECD SEP 28 2012)

Beach Association Name Birchwood Dock Association

Beach Association Contact Person Mike Evangelist

Phone # 651-605-5873

Beach Association Officers:

President – Mike Evangelist Phone # 651-605-5873

Vice President – Randy Felt Phone # 651-274-3880

Secretary – Mary Sue Simmons Phone # 651-429-6259

Treasurer – Lynn Hanson Phone # 651-426-8567

Member At Large-- Debra Harrod Phone # 612-246-4612

Amount of Association Dues: \$35

Include the following when submitted form:

1. Drawing to scale of dock configuration, boat slip placement, length of boats, and property lines of easement.
2. A current membership list including identification of officers.
3. Current bylaws/changes of association.
(NOTE: ONLY NEEDED IF CHANGES HAVE BEEN MADE.)
4. Treasurer's report from the current year.
5. Minutes from the last annual meeting.
6. Placement plan if lifts are stored on easement in the winter.

Beach club members with boats or lifts at any of the easements are reminded that a certificate of liability insurance is required to be turned into City Hall by May 1st of every year.

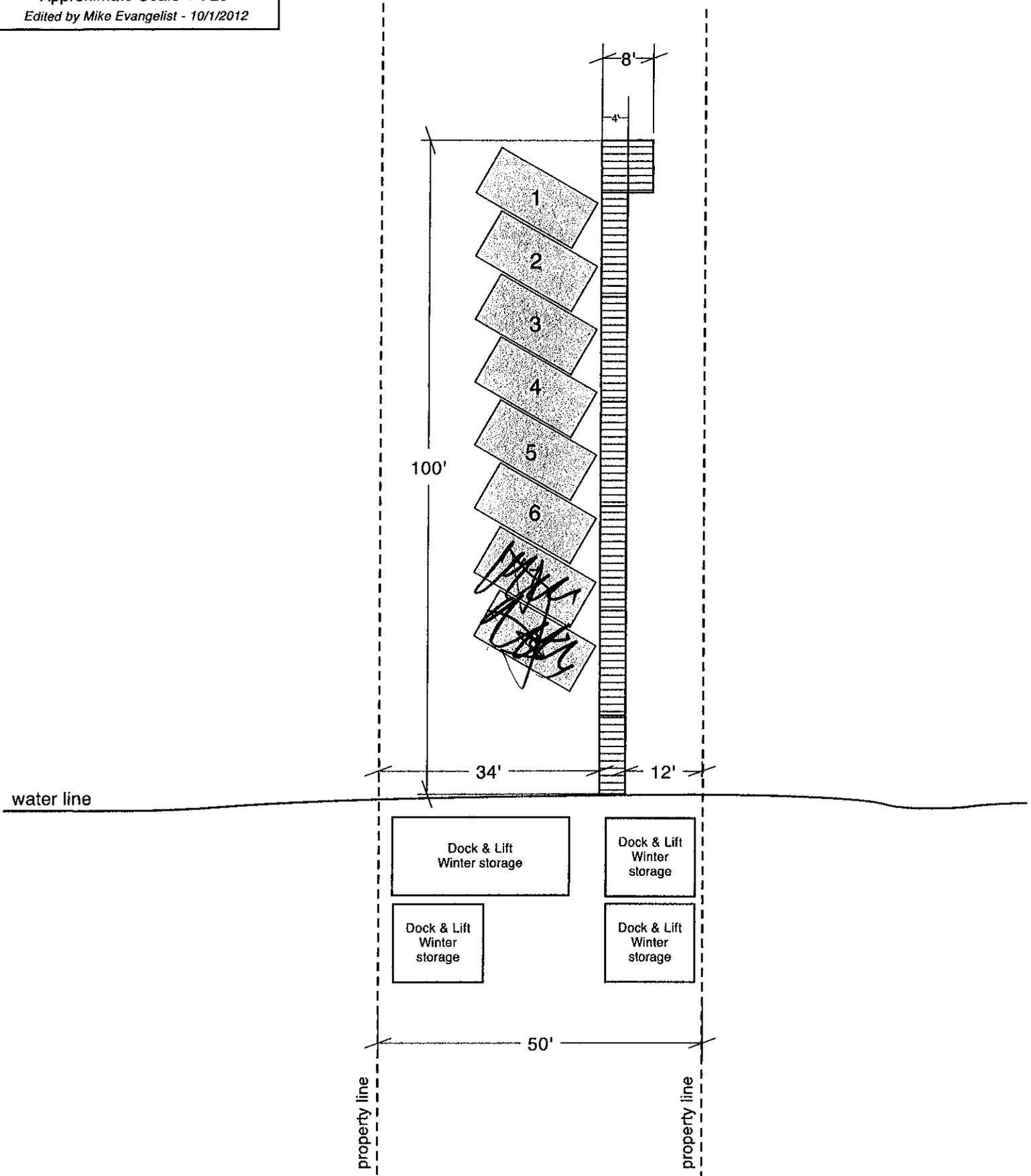
IS THERE A CHANGE FROM PREVIOUS YEAR? X YES _____ NO

Ash - Boats move to opposite side of Dock on Alternate Years (Odd - East, Even - West)

Ash Beach

Approximate Scale 1": 20'

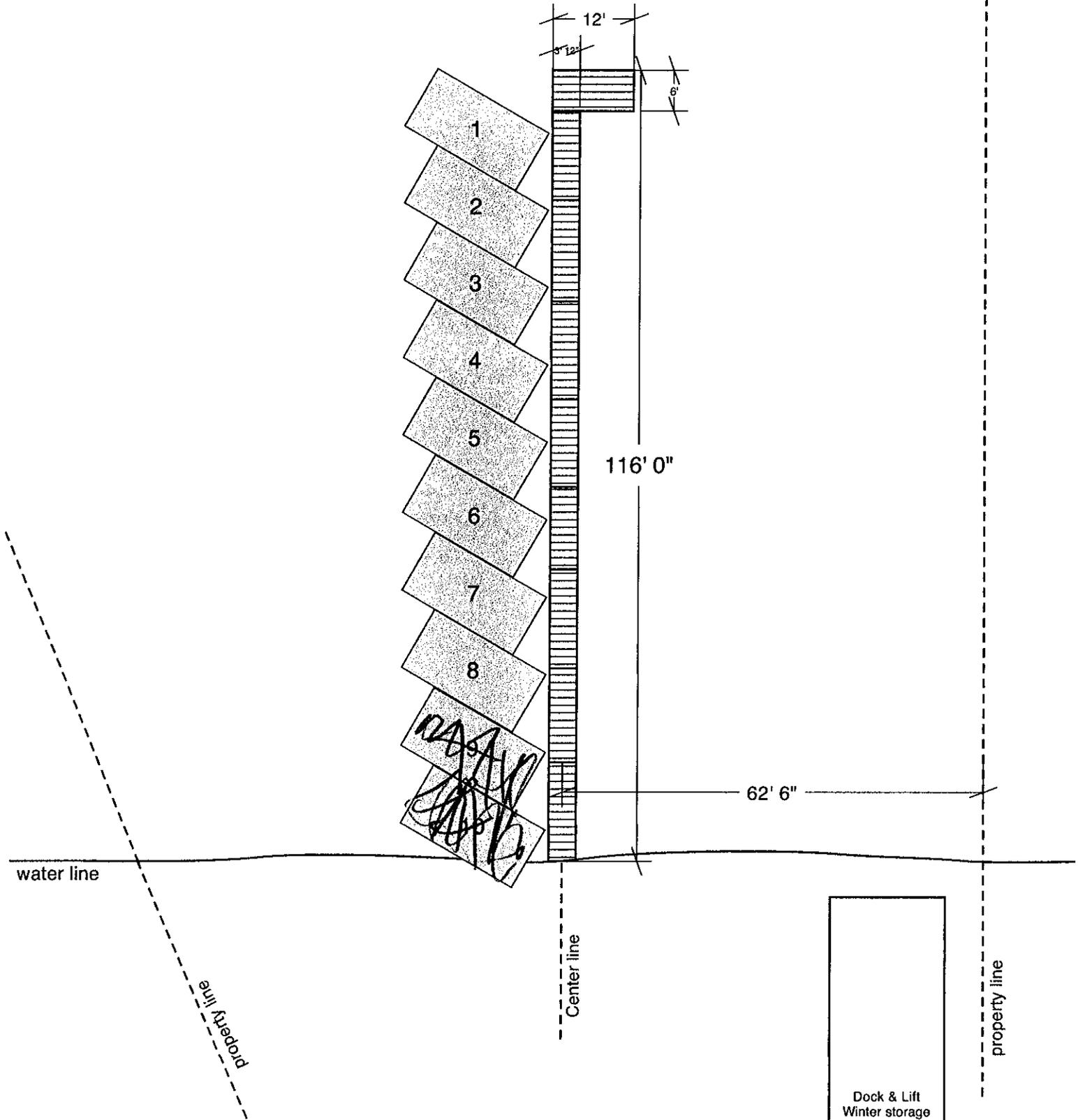
Edited by Mike Evangelist - 10/1/2012



Birch Beach

Approximate Scale 1" : 20'

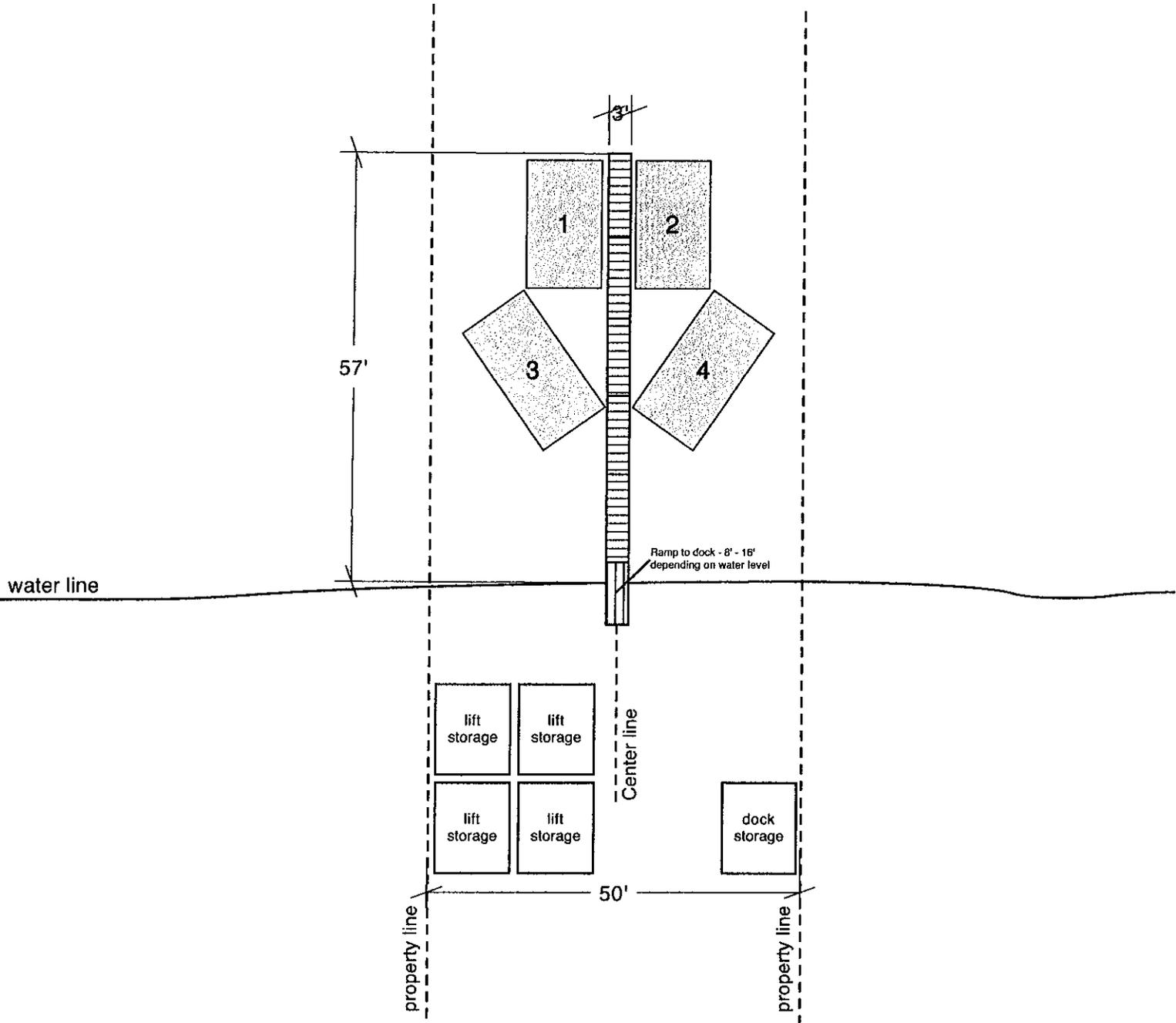
Edited by Mike Evangelist - 8/25/2012



Elm Beach

Approximate Scale 1": 20'

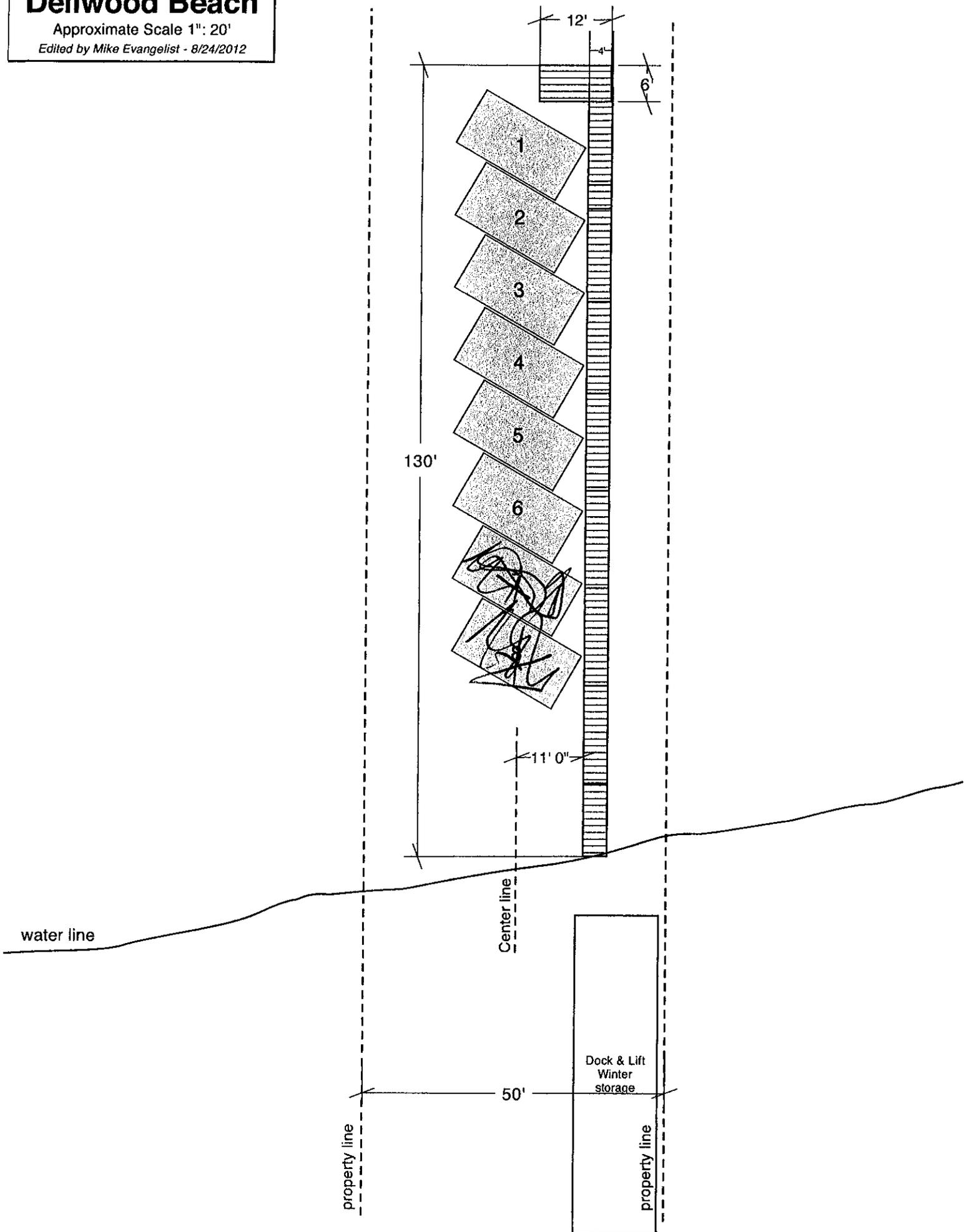
Edited by Mike Evangelist - 10/1/2012



Dellwood Beach

Approximate Scale 1" : 20'

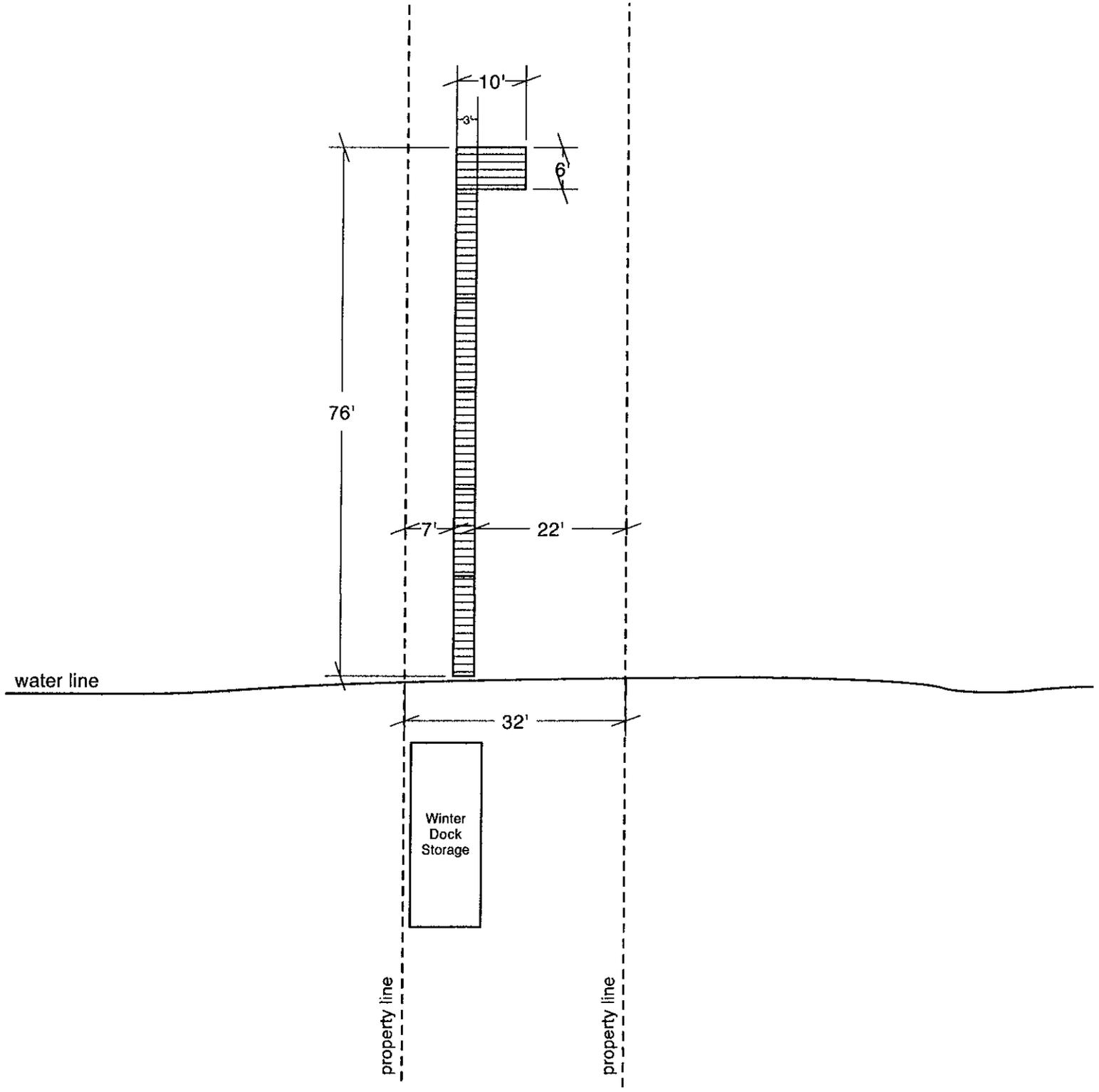
Edited by Mike Evangelist - 8/24/2012



Key Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 10/7/2011



2012 Membership

	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
1	John & Martha	Arlandson	19 Oakridge Dr.	Birchwood	MN	55110
2	Peter & Michelle	Atakpu	201 Birchwood Ave.	Birchwood	MN	55110
3	Bob & Joyce	Belknap	700 Birchwood Ave.	Birchwood	MN	55110
4	Jim & Judy	Berg	889 Barbara Court	Mendota Heights	MN	55118
5	Barb	Brenny	364 Hall Ave.	Birchwood	MN	55110
6	Laura	Broomel	422 Birchwood Cts.	Birchwood	MN	55110
7	Mark & Mary	Cahill	165 Birchwood Ave.	Birchwood	MN	55110
8	Bob & Barb	Carson	704 Hall Ave.	Birchwood	MN	55110
9	Chris & Angie	Churchill	140 Birchwood Ave	Birchwood	MN	55110
10	Todd	Coursolle	154 Wildwood Ave.	Birchwood	MN	55110
11	Robert & Mary	Cummins	296 Jay St.	Birchwood	MN	55110
12	Greg	Donovan	2 Hall Court	Birchwood	MN	55110
13	Mike & Sandee	Ebbolt	160 Birchwood Ave	Birchwood	MN	55110
14	John	Elias	9 Oakhill Ct.	Birchwood	MN	55110
15	Mike	Evangelist	364 Wildwood Ave.	Birchwood	MN	55110
16	Arlene & Ralph	Feistner	705 Birchwood Ave	Birchwood	MN	55110
17	Randy & Jackie	Felt	286 Jay St.	Birchwood	MN	55110
18	Adam	Fischer	184 Cedar Ave.	Birchwood	MN	55110
19	Peter & Rebecca	Gadd	265 Cedar Sst.	Birchwood	MN	55110
20	Tom & Shawna	Gibson	179 Cedar St	Birchwood	MN	55110
21	Lynn & Dyanne	Hanson	700 Hall Ave.	Birchwood	MN	55110
22	Debra	Harrod	483 Lake Ave.	Birchwood	MN	55110
23	Mark & Mary	Haupt	520 Hall Ave.	Birchwood	MN	55110
24	Louis & Mary	Hauser	616 Hall Ave.	Birchwood	MN	55110
25	Jozsepf & Noel	Hegedus	294 Jay St.	Birchwood	MN	55110
26	Karen	Holmen	706 Hall Ave.	Birchwood	MN	55110
27	Bill & Mary	Hullsiek	290 Jay St.	Birchwood	MN	55110
28	Carter	Johnson	15 Oakridge	Birchwood	MN	55110
29	Dana and Lori	Klimp	414 Birchwood Ct	Birchwood	MN	55110
30	Doug & Bea	Krinke	429 Wildwood Ave.	Birchwood	MN	55110
31	Jeremy & Gina	Loosbrock	701 Birchwood Ave.	Birchwood	MN	55110
32	John	Lund	608 Wildwood Ave	Birchwood	MN	55110
33	Ron	Malles	420 Wildwood Ave.	Birchwood	MN	55110
34	Laura	Manske	706 Birchwood Ave	Birchwood	MN	55110
35	David	Martinucci	174 Birchwood Ave	Birchwood	MN	55110
36	Bryan & Karin	McGinnis	194 Wildwood Ave.	Birchwood	MN	55110
37	Alan	Mitchell	23 Oakridge Dr.	Birchwood	MN	55110
38	Joe & Julie	Molitor	20 White Pine Lane	Birchwood	MN	55110
39	Charles & Linda	Moore	412 Birchwood Court	Birchwood	MN	55110
40	Troy & Naomi	Morehead	505 Wildwood Ave	Birchwood	MN	55110
41	Terry & Nancy	Mueller	263 Cedar St.	Birchwood	MN	55110
42	Anthony	Nardecchia	710 Hall Ave	Birchwood	MN	55110
43	Tom & Carly	Nelson	4 Five Oaks Ln	Birchwood	MN	55110
44	Nick & Sara	Nephew	20 Birchwood Ave.	Birchwood	MN	55110
45	Gary & Judith	Oakins	291 Jay St.	Birchwood	MN	55110
46	Nicholas & Molly	Oklobzija	242 Wildwood Ave.	Birchwood	MN	55110
47	Richard & Traci	Oni	152 Wildwood Ave.	Birchwood	MN	55110
48	Jordon	Oyloe	533 Wildwood Ave	Birchwood	MN	55110
49	Urho & Pam	Rahkola	545 Wildwood Ave.	Birchwood	MN	55110
50	Don & Shirley	Ramstad	173 Birchwood Ave.	Birchwood	MN	55110
51	Kraig & Erica	Rasmussen	3 White Pine Ln.	Birchwood	MN	55110
52	Bev	Ringsak	107 Birchwood Ave.	Birchwood	MN	55110
53	Chris & Mary	Rollinger	305 Jay St.	Birchwood	MN	55110
54	Steve & Kris	Rush	170 Wildwood Ave.	Birchwood	MN	55110
55	Maureen	Seibert	425 Birchwood Court	Birchwood	MN	55110
56	Mary Sue	Simmons	418 Birchwood Ct.	Birchwood	MN	55110
57	Paul	Steinhauser	600 Birchwood Ave.	Birchwood	MN	55110
58	Ron & Mary	Sternal	6 Hall Court	Birchwood	MN	55110
59	Philip	Sutherland	106 Wildwood	Birchwood	MN	55110
60	Jennifer & Jason	Tell	697 Hall Ave.	Birchwood	MN	55110
61	David & Patricia	Trepanier	439 Birchwood Court	Birchwood	MN	55110
62	John	Velin	146 Wildwood Ave.	Birchwood	MN	55110
63	Daniel & Susan	Weber	4 Oak Ridge Dr.	Birchwood	MN	55110
64	Philip & Karen	Winter	1 Five Oaks Lane	Birchwood	MN	55110
65	Chad & Deborah	Woolhouse	430 Wildwood Ave	Birchwood	MN	55110

Birchwood Dock Association Officers - 2013

President

Mike Evangelist
364 Wildwood Ave. 651-605-5873 mike.evangelist@me.com

Vice President

Randy Felt
286 Jay Street 651-274-3880 rfelt@comcast.net

Treasurer

Lynn Hanson
700 Hall Ave. 651-426-8567 lhanson54@comcast.net

Secretary

Mary Sue Simmons
418 Birchwood Cts. 651-429-6259 simmo001@umn.edu

Member at Large

Debbie Harrod
483 Lake Ave. 612-246-4612 debbieharrod@hotmail.com

Complaint Managers

Mike Evangelist 651-605-5873 mike.evangelist@me.com
Randy Felt 651-274-3880 rfelt@comcast.net

Treasures Report 9-8-2012

2012

Date	Transaction	Item	Amount		
2/21/2012	#2012 - WBLCD	Fee's - Dock License	(\$650.00)		
			\$198.10		
				Balance	3/1/2012
4/2/2012	Deposit	Deposit	\$3,565.00		
4/9/2012	Deposit	Deposit	\$2,055.00		
4/13/2012	Deposit	Deposit	\$1,370.00		
4/30/2012	Deposit	Deposit	\$1,470.00		
5/8/2012	Deposit	Deposit	\$755.00		
6/1/2012	Deposit	Deposit	\$1,565.00		
6/7/2012	Deposit	Deposit	\$140.00		
6/13/2012	Deposit	Deposit	\$210.00		
6/18/2012	Deposit	Deposit	\$210.00		
6/25/2012	Deposit	Deposit	\$825.00		
6/27/2012	Deposit	Deposit	\$70.00		
7/11/2012	Deposit	Deposit	\$245.00		
7/16/2012	Deposit	Deposit	\$35.00		
7/30/2012	Deposit	Deposit	\$110.00		
4/30/2012	Deposit	Deposit - Morehead Refund	(\$65.00)	\$12,560.00	
6/26/2012	#2024 - Lynn Hanson - Ash Dock Payment	Dock - Ash Pmt.	(\$3,200.00)		
4/16/2012	# 2022 - Dellwood Dock Final Payment	Dock - Dellwood Pmt.	(\$1,000.00)	(\$4,200.00)	
4/17/2012	Withdrawal	Dock In Cost	(\$2,500.00)	(\$2,500.00)	
6/18/2012	Fast Sign Maplewood - Dock Signs	Dock Supplies	(\$306.39)		
6/19/2012	Menards 3059 Maplewood - Dock Posts	Dock Supplies	(\$131.92)	(\$438.31)	
5/9/2012	# 2020 - Birchwood Village	Fee's - City Docks	(\$500.00)	(\$500.00)	
5/31/2012	#2023 - Ekblad, Pardee & Bewell	Insurance	(\$1,383.21)	(\$1,383.21)	
6/14/2012	#2013 - Evergreen Press	Office - Fliers - Marketing	(\$117.00)		
8/23/2012	Visa Purchase- Office Max	Office - Printing	(\$10.60)		
3/13/2012	Visa Purchase-Usps Willernie Mn	Office - Stamps	(\$45.00)		
8/23/2012	Visa Purchase-Usps Willernie Mn	Office - Stamps	(\$45.00)		
5/3/2012	Visa Purchase- Office Max	Office - Supplies	(\$17.65)	(\$235.25)	
				\$3,501.33	Balance 9/8/2012
	Withdrawal	Dock Out Cost - Fall 2012	(\$2,500.00)	\$1,001.33	Balance 11/1/2012
	WBLCD	Fee's - Dock License - 2013	(\$650.00)	\$351.33	Balance 3/1/2013
	# - Birchwood Village	Fee's - City Docks - 2013	(\$500.00)	(\$148.67)	4/15/2013
				(\$148.67)	

Birchwood Dock Association
Neighborhood Meeting Sept. 8, 2012 9 a.m.

Neighbors present: Jim Greeley, Tom Delmont, Todd Coursolle, Debbie Harrod

Members present: Barb Brenny, Dana & Lori Klimp, Randy & Jackie Felt, Greg Donovan, Mary Sue Simmons, Lynn & Dyanne Hanson, Mike Evangelist, Debbie Harrod, Mary Hauser, Rocky & Pam Rahkola, Phil Sutherland

Dock Permit Application Review

Ash:

Tom Delmont: Association agreed to alternate side of dock for boats at Ash yearly, draft sent out with meeting notice did not reflect that. This is the agreement and so boats will be switched to the West side of dock for 2013. Tom also mentioned that he thought the dock was placed a small amount off of line, Lynn stated that it was installed parallel to Delmont's retaining wall. After the meeting we also received a note from Suzanne Walfoort, 145 Wildwood, mentioning that boats should flip flop yearly. Last year at Ash, there were 3 boats but permitted for 6.

Birch:

Lynn Hanson said dock is 116' from shore marker. Galena sent email that he does not favor any changes at Birch for next year. There are none.

Elm:

Lynn said the Association applied for 4 boats (as is standard allowed by WBLCD application) but had 2 there because of the muck and lack of room due to drop off. Pratt's sent an email as they were unsure they were if able to make meeting, (email received and response attached). Lynn and Mike will clean up schematic to show only 2 boats as that is the number that will be sought for 2013.

Dana Klimp asked for some mowing as it was not easy to take guests out boating, we need to notify the city for better maintenance. Erosion control problems abound at Elm, so City should be notified and take a look at this situation. Better storm water runoff practices should be in place to slow down the rushing water at the end of the concrete storm piping.

Dellwood:

Jim Greeley -- said dock length numbers were confusing on permit application. Lynn will work to clear up language on Conservation District application forms, 136 ft. of dock 130ft. into lake. Neighbors appreciate the signs. We will not park empty lifts at dock in 2013. Dellwood is a visible park and lots of people come there at night and site needs some oversight. Police came and asked them to leave. Lynn said members need to do a better job of policing the docks when present while observing unruly behavior or non member use.

Additional conversation regarding Ordinance 617 proposed revision. Lynn asked: What is opposition to a neighborhood meeting? Notification worked well this year. Dyanne Hanson said not appropriate to have a private neighborhood meeting as it is redundant, not efficient and members help make the decisions. Greeley said neighbors need to be notified. Debbie Harrod said keep good rapport with neighbors and current officers do a good job of that. Greeley said they appreciate the signs denoting private property, members only.

Maintenance of docks –Randy Felt mentioned that there may unstable boards and possible hazardous situation at Dellwood. Lynn and Mike will make notes at dock take out and put in and replace bad boards. If people notice things as such, they should notify the dock manager or report it a officer.

Kay:

Lynn said dock was put in shorter than permitted from water's edge, and same location as it has been for many year. Leave first section in when dock removed in fall. Debbie Harrod mentioned that many people use that section to sit on in the winter.

President Hanson closed the neighborhood meeting at 9:40 a.m.

XFINITY Connect

lhanson54@comcast.net

± Font Size ±

Re: ELM Easement proposal**From :** lhanson54@comcast.net

Thu, Sep 27, 2012 03:43 PM

Subject : Re: ELM Easement proposal**To :** Len & Ellen Pratt <uss301@me.com>**Cc :** mike evangelist <mike.evangelist@me.com>, Debbie Harrod <debbieharrod@hotmail.com>

Len & Ellen,

We missed your presence at the meeting and appreciate getting your email along with your comments. I have not forgotten about you, I have been on the go quite a bit since the meeting and am just getting back to the details.

With the current water levels and lake bottom conditions at Elm the last two years we have only been able to install approximately 35' of our 57' dock, these lengths are less than those in the vicinity. With these conditions we have only been able to utilize 2 boat slips of the 6 allowed by the ordinance. It appears that this will be the case again for the 2013 boating season, unless a monsoon hits Minnesota in the near future. The only way we could utilize more slips would be for the lake level to rise and allow us to install more length of our dock. Boat lifts 1 & 2 only extend 11' from the center line of the easement leaving 14' to the ADUA. This distance is more than adequate for boats 3 & 4 access to the lake without crossing the ADUA. Boat lifts 3 & 4 would have to be placed at a lesser angle to the dock than is shown, keep in mind that the drawing shows boats that are 10' x 20' which is larger than necessary and a bit deceiving. With our current dock and 4 boats positioned correctly there still would be adequate space for canoe or kayak access without crossing the ADUA. Since your letter we have informed park maintenance and the bull rush's have been cleared allowing residents clearer access to the lake. Lift storage at the easements will be for boat slip permit holders only if they choose to pay the storage fee required by the city.

I appreciate your thoughts and concerns. I believe that I have addressed all of them, if not please let us know.
Lynn

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

From: Leonard Pratt [mailto:uss301@me.com]

Sent: Thursday, August 30, 2012 7:55 AM

To: Dyanne Ross-Hanson; Debbie Harrod

Subject: ELM Easement proposal

Dyanne, could you please pass this on to Lynn for his review. Please feel free to read it, as well. Thank you.

Lynn and Debbie,

This follows the August 27, 2012 Notice of Birchwood Dock Association Meeting and proposed layout for dock location, boat lifts and storage. Len and I are not sure that we will be able to make the meeting so we wanted to make our response known to you now, in the event we cannot attend the meeting. First, the last two years at Elm have been respectful and pleasant. We enjoy our easement neighbors and have looked after their boats, from time to time, in storms and when roving strangers like to "play with" the lifts. We have also found the dock and boat lift configuration to be the best use of a very challenged property. In previous years, we have endured boats banging off our boats and boat lifts as the drivers tried to enter and leave the tight confines of Elm. Elm is the only easement that has had boats on both sides of the dock and it has never really worked. So, this is what troubles us with the new proposed configuration:

I. There is no reference to the the expanded configuration being contingent upon water levels, as has appeared in previous drafts.

2. With current water levels, the only way to add boats, as proposed, would be to lengthen the dock. It is unclear in the draft if that is being contemplated. If so, we would like to know the length. It is our understanding that dock lengths are controlled by the average length of neighboring docks.

3. It also was our understanding that the new dock association mission and purpose was to allow/encourage residents to visit the lake in a variety of ways including swimming, fishing, kayaking, canoeing, etc. The previous configuration, which called for boats diagonally arranged on both sides of the dock, in addition to two to three boats situated in a parallel fashion at the end of the dock, prevented such access and resulted in residents launching from our property (shore and dock). We question whether the proposed configuration is consistent with and allowable under the new dock rules. It appears that the proposed configuration would prevent access, as well. If you want more than the two boats which are parallel to the dock, then maybe, you need to reconsider and have boat lifts on one side of the dock only, which is the practice with all of the other easements. We recognize that one of the challenges with Elm is the drop off.

4. Park maintenance has been sketchy this summer. We have actually taken it upon ourselves, with our neighbors, to clear and maintain some of the grassy area to keep the scrub weeds from taking over. The immediate shoreline, however, is another story. A significant stand of bull rushes has developed on the shoreline abutting our "imaginary" property line. Consequently, residents have been launching their canoes and kayaks from our property and off our dock. Since the No Trespass signs were placed at the easement, we have had several people start fishing off the end of our dock without our permission. When you pay property taxes north of \$17,000.00, this is hard to tolerate.

5. The proposed configuration calls for the storage of five boat lifts. This would be an increase of three and would be for boats which arguably could not even be placed at Elm, assuming current water levels and access policies. We thought there was a strict policy about limiting storage to lifts that are actually used on a given easement. Remember, we have to look at what is stored on the easement from October through May, and it is not a pretty sight and there is no foliage to act as a barrier.

We appreciate the opportunity to participate and trust that you will receive our comments in the spirit that they are intended. That is, to continue to work on ways to enjoy the lake together in a respectful and civil manner, which has been the case for the last two years. We appreciate all of the work that you have done each spring in dock placement. If you have any questions, feel free to call Len (612-834-1718) or Ellen (651-430-4421).

We would have sent this to the entire board, but we do not have their emails. Please feel free to distribute.

Thank you for your consideration,
Len and Ellen

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2171 / Virus Database: 2425/4983 - Release Date: 05/07/12

Internal Virus Database is out of date.

Birchwood Dock Association
Fall Meeting Sept. 8, 2012
Called to order at 9:45 a.m. by President Hanson

Agenda

Spring Meeting Minutes, March 31, 2012 - approved by unanimous vote of members.

Still would be nice to have an on-line newsletter. Good flyer by Randy Felt.

Treasurer's Report – attached and reviewed.

Why not use fees paid to City for lake tract maintenance. Use money collected from Assoc. to improve easements and docks (Greeley). Mary Hauser mentioned that easement drainage work should be paid for by City from the general fund, not out of the park & recreation budget. Members need to make requests at open forum section at council meetings.

General discussion: Boat slip users are paying most of the association costs. Dock only fee's were discussed and \$35 seems to be the best value for cost/benefit regarding total membership numbers.

Proposed budget for 2013 reviewed and discussed. Mike Evangelist suggested adding a line item for a dock replacement fund set at \$1500. Dana Klimp mentioned to keep boat slip fee's the same as the last two years which would allow extra savings toward dock replacement. Lynn Hanson suggested making boating fees \$650 for 2013. Motion by Donovan /2nd by Simmons to make this the fee. Motion passed. Boating to be \$950 total fees, including lift storage (\$100) and City slip fee (\$200), with \$35 dock use only.

Election of Officers

Lynn is not going to be president after this term. Need more involvement of membership in running the organization. Lynn offered to stay on as treasurer.

Candidates for officer position for 2013:

Treasurer: Lynn Hanson

President: Mike Evangelist

Vice President – Randy Felt

Member at- large – Debbie Harrod

Secretary – Mary Sue Simmons

Motion by Dyanne Hanson, seconded by Randy Felt to accept and approve the slate of candidates. Motion passed by unanimous vote. New officers as named above will take office on January 1.

Review of Proposed 617 Ordinance Change:

Proposed ordinance revision by Council member Sampair says that the Association should notify and invite neighboring property owners within 200 feet of the lake tract's boundaries, not just the lakeside neighbors. Members feel this is too expensive and costly to notify so many neighbors. If a neighbor has

problems with parking, that is an issue for the Council. Members and Greeley agreed it is fine to hold neighbor meeting prior to association meeting as was done today.

Mike Evangelist will draft a new proposed ordinance to the Council at its Sept. 11 meeting – clarifying that the neighborhood meeting will take place prior to membership meeting and OHL and shoreline (water's edge) distinction should be made.

Ordinance 617.350 and 617.410, clarification by Lynn regarding no bumping:

Boat slip permits are different than Boat Slip Waiting List. See attached document. Once a person accepts a permit, s/he is no longer on wait list so that person has the right for 6 years in succession to have a slip. If one declines a boat slips, s/he remain on Wait List. People who decline cannot come back and bump someone who accepted a spot.

Once one accepts a spot, nothing can pause the ticking of 6 years, except low water. Time ticks by even if one does not use the slip and if water is ok. A person can come back after they decline. Unclear how a person comes back on after stepping out for a season after accepting a permit. Low water and no spot available don't count toward 6-year clock. Association should be able to negotiate who gets spots and their time clock as situations come up.

Dock out date:

October 20 – Mike Evangelist, Dana Klimp, Ron Malles, Rocky (maybe), John Lund (?), Lynn Hanson, Mary Sue & friend. Will need to touch base with those who have helped in past. Due to new laws by DNR, all those who help need to be trained and certified through the online training found on their website.

Lynn Hanson will buy floats for dock, lift moving. Expenditure approved by all the members present.

Closing comment –The Association needs more involvement with members and community.

Meeting adjourned at 10:50 am by Lynn Hanson.

Birchwood Dock Association
2013 Boating Season
WBLCD
Application Fee

RECD SEP 23 2012

	Dock	Add. Boats \$50	Shore Ramps \$10	Total
Ash - 6	\$ 50	\$ 100	\$ -	\$ 150
Birch - 8	\$ 50	\$ 200	\$ -	\$ 250
Elm - 4	\$ 50	\$ -	\$ -	\$ 50
Dellwood - 6	\$ 50	\$ 100	\$ -	\$ 150
Kay - 0	\$ 50			\$ 50
			WBLCD FEE	\$ 650

5. MULTIPLE USER TYPE: (Please check one)

- Outlot Association Multiple Dwelling Municipal
 Private Municipal Commercial ***x Private Club***
 Other (please explain) _____ Marina _____

6. SITE USAGE:

A. Intended use of facility: ***Provide boating and swimming access to White Bear Lake for property owners of Birchwood Village. This includes docks and boat slips.*** _____

B. Current use of facility: ***Same*** _____

C. Historical use of facility: ***Same*** _____

7. ABUTTING PROPERTY OWNERS: (all lakeshore within 200 feet either side)

North or West Owner(s):

Name _____ Day Phone _____
Mailing Address ***Full List Attached*** Evening Phone _____
City _____ State __ Zip _____

Name ~----- Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

South or East Owner(s):

Name ~----- Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

Name _____ Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

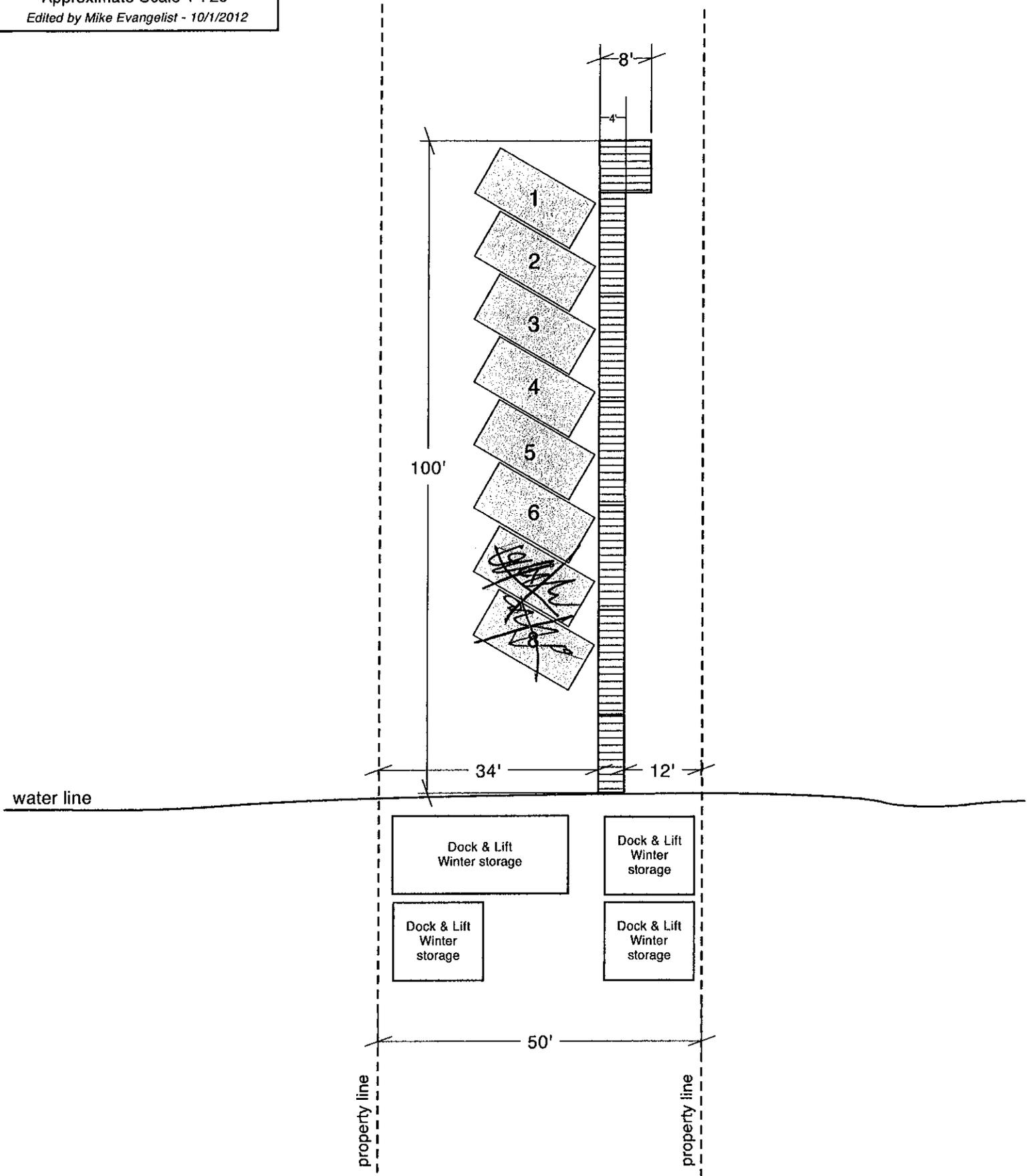
Any other affected parties

Name _____ Day Phone _____
Mailing Address _____ Evening Phone _____
City _____ State __ Zip _____

<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>	<u>Public Lake Tract</u>
James & Patsy	Ramberg	131 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
Ross & Evanna	Judkins	135 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
John	Kruse	139 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
Tom	Delmont	143 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
Suzanne	Walfoort	145 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
Joe	Allaben	153 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
Roger & Marge	Kurtz	159 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
David	Malger	161 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
James	Christoff	191 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Nancy	Calderon	195 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Keri	Pakonen	199 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Thomas & Susan	Schway	201 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Ted & Joanne	Thornquist	205 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Richard	Galena	217 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
David Vail & Ann	Butler Vail	221 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
Kenneth	Broen	243 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
Trude	Harmon	780 Como Ave.	St. Paul	MN 55103	Elm - Neighbor
Craig & Peggy	Witthaus	259 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
Brian	Kraft	267 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
Ellen Maas & Len	Pratt	301 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
David	Pratt	309 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
Ralph & Patricia	Liebsch	315 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
John & Regina	Dow	321 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
Thomas & Carole	Clark	363 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
Chris & Natalie	Olson	365 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
Jim & Nansee	Greely	407 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
Tony & Laurie	Sampair	409 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
Don & Kathleen	Madore	413 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
Coyleen	Davidson	425 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
James & Debra	LaCasse	471 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
Lawrence & Susan	Mahoney	479 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
James & Debra	Harrod	483 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
Gerald & Judy	Duffy	505 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
Micheal & Julie	McKenzie	509 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
Guy & Mary	Coursolle	515 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor
David & Wanda	Wall	517 Lake Ave.	Birchwood	MN 55110	Kay - Neighbor

Ash Beach

Approximate Scale 1": 20'
Edited by Mike Evangelist - 10/1/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: City of Birchwood Village

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Ash Beach – Birchwood Village will allow 8 Maximum- Applying for 6

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 6	For company use
At moorings	For private use 6
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 6	TOTAL 6

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Boat Storage | <input type="checkbox"/> Boat Rentals |
| <input type="checkbox"/> Boat Sales | <input type="checkbox"/> Boat Service |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Launching Ramp |
| <input type="checkbox"/> | |

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:
Ash Beach

- A. Total dock length **104 ft.**
- B. Length from water's edge
(including T's and L's) 100 ft.
- C. Width of Dock 4 ft.
- D. Projections from dock:
 - 1. Number of projections **1**
 - 2. Length and width of T's, L's or fingers
4'
 - 3. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines ----- ft.
 - North / West **36 Ft.** ----- ft.
 - South / East **6 Ft.**
- B. Distance from (including ends of T's and L's)
adjoining docks. _____ ft.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size" of adjoining property owners _____ ft.
 - North / West
 - South / East '

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

15. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

16. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50	_____
Fee for each approved slip over four: \$50.00	\$	100	_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$		_____
Watercraft storage racks: \$5.00 for each craft stored	\$		_____
License deposit (if applicable)	\$		_____

Ash Beach TOTAL FEE ENCLOSED \$ **150**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn E. Hanson Date _____

Print name and title: Lynn E. Hanson – President Birchwood Dock Assoc. Phone 426-8567

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500
Email: wblcd@msn.com website <http://www.wblcd.org>

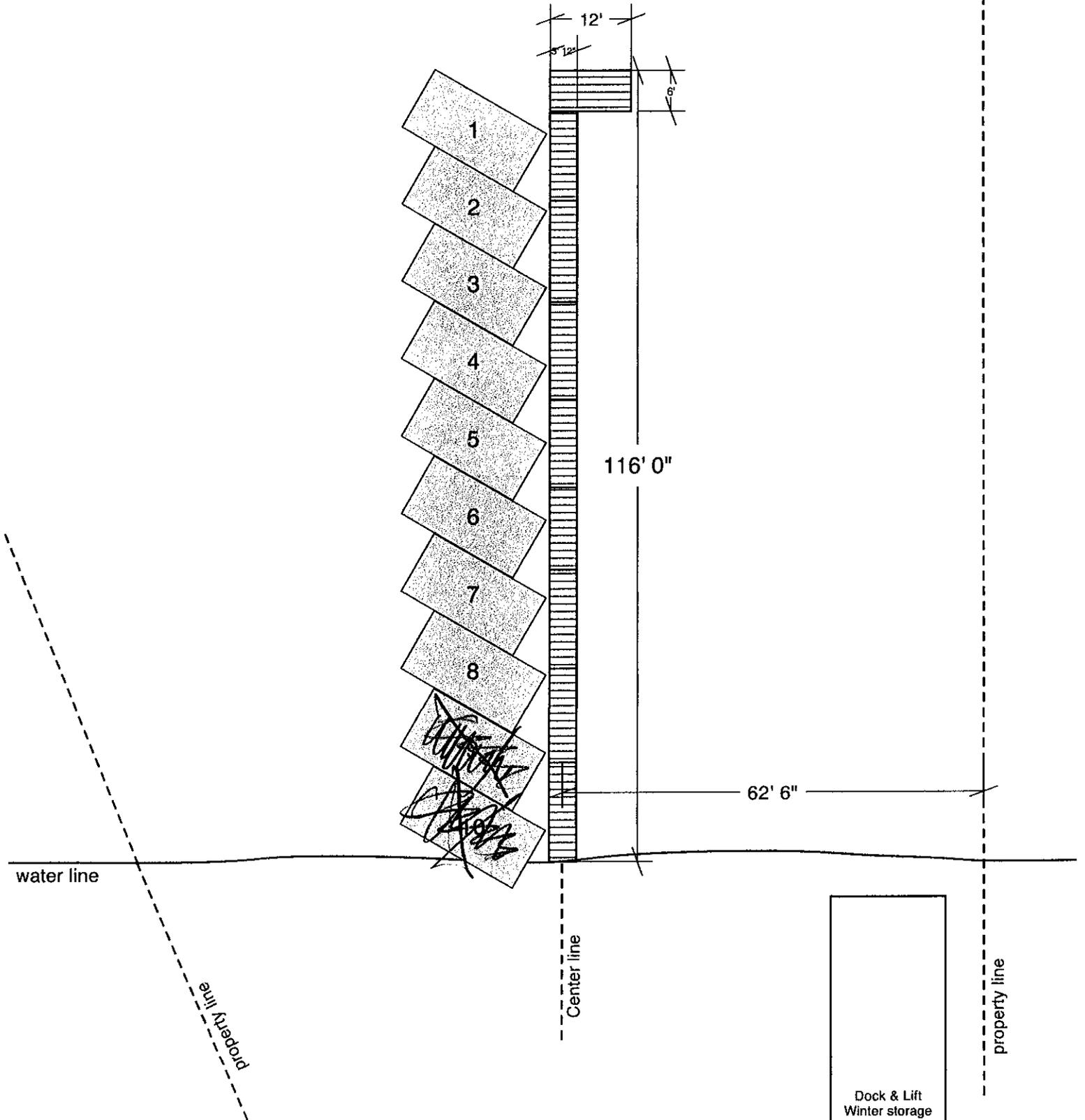
Return this application and all attachments to: White Bear Lake Conservation District
4701 Highway 61
White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

Birch Beach

Approximate Scale 1": 20'

Edited by Mike Evangelist - 8/25/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

X Yes Please list: *City of Birchwood Village*

ONo Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Birch Beach – Birchwood Village will allow 10 Maximum- Applying for 8

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 8	For company use
At moorings	For private use 8
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 8	TOTAL 8

10. SITE INFORMATION:

Site lake frontage = **125 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage

Boat Rentals

Boat Sales

Boat Service

Restaurant

Launching Ramp

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:

Birch Beach

- E. Total dock length **127** ft.
- F. Length from water's edge
(including T's and L's) **116** ft.
- G. Width of Dock **4** ft.
- H. Projections from dock:
 - 4. Number of projections **1**
 - 5. Length and width of T's, L's or fingers **8'**
 - 6. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines
 - North / West **60 Ft.** ----- ft.
 - South / East **60 Ft.** ----- ft.
- B. Distance from (including ends of T's and L's)
adjoining docks.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size" of adjoining property owners
 - North / West _____ ft.
 - South / East ' _____ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

16. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

17. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

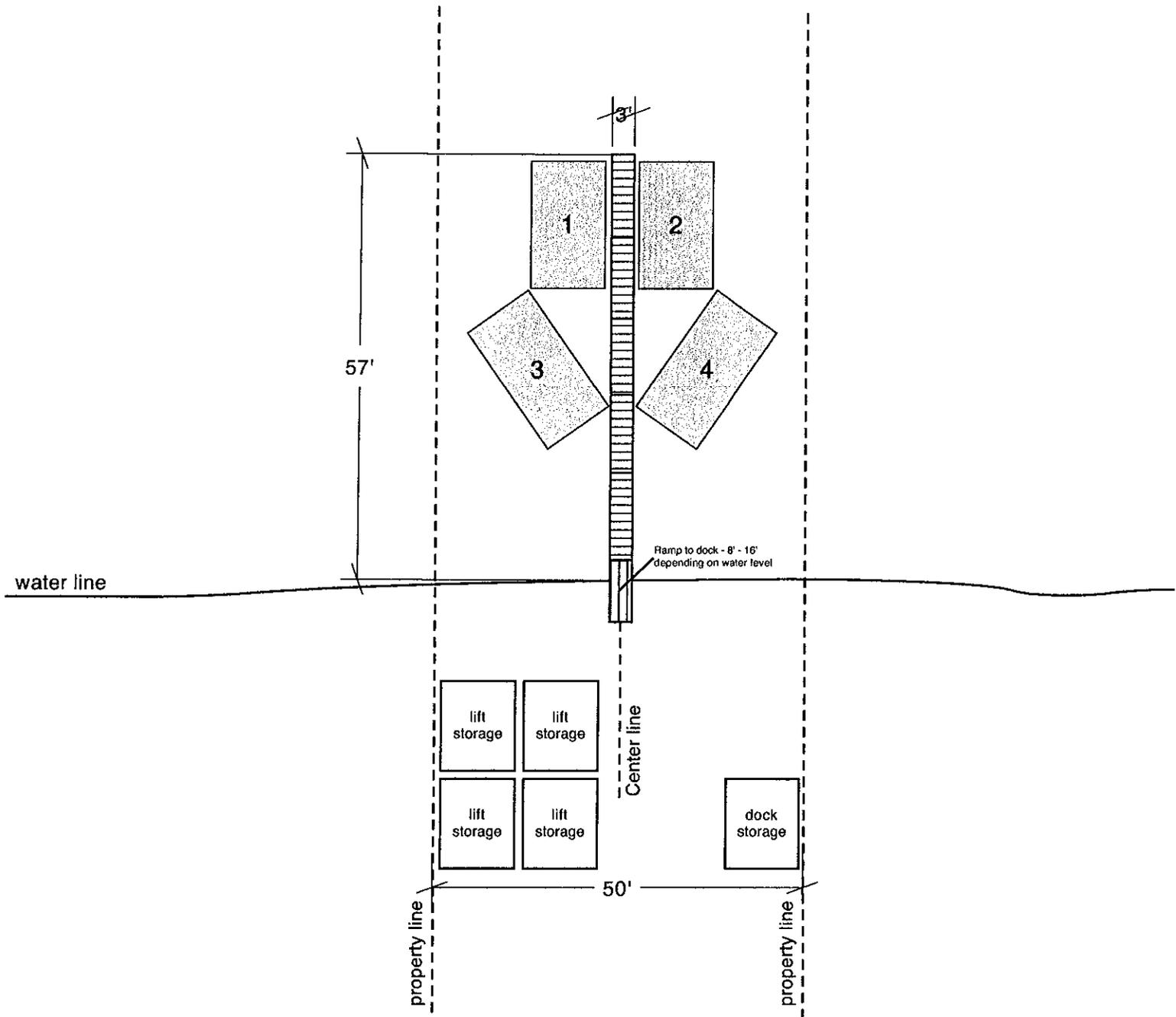
17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

Elm Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 10/1/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: City of Birchwood Village

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Elm Beach – Birchwood Village will allow 6 Maximum- Applying for 4

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts 4	For company use
At moorings	For private use 4
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 4	TOTAL 4

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage

Boat Rentals

Boat Sales

Boat Service

Restaurant

Launching Ramp

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:

Elm Beach

- I. Total dock length **65** ft.
- J. Length from water's edge
(including T's and L's) **65**
- K. Width of Dock _____ ft.
- L. Projections from dock:
 - 7. Number of projections **1**
 - 8. Length and width of T's, L's or fingers
4'
 - 9. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines
 - North / West **23 Ft.** _____ ft.
 - South / East **23 Ft.** _____ ft.
- B. Distance from (including ends of T's and L's)
adjoining docks.
 - North / West _____ ft.
 - South / East _____ ft.
- C. Lake frontage size" of adjoining property owners
 - North / West _____ ft.
 - South / East ' _____ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

17. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

18. SANITARY FACILITIES:

Facilities are provided Yes No _____ Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50	_____
Fee for each approved slip over four: \$50.00	\$		_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$		_____
Watercraft storage racks: \$5.00 for each craft stored	\$		_____
License deposit (if applicable)	\$		_____

Elm Beach TOTAL FEE ENCLOSED \$ **50**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn E. Hanson Date _____

Print name and title: Lynn E. Hanson – President Birchwood Dock Assoc. Phone 426-8567

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500

Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District

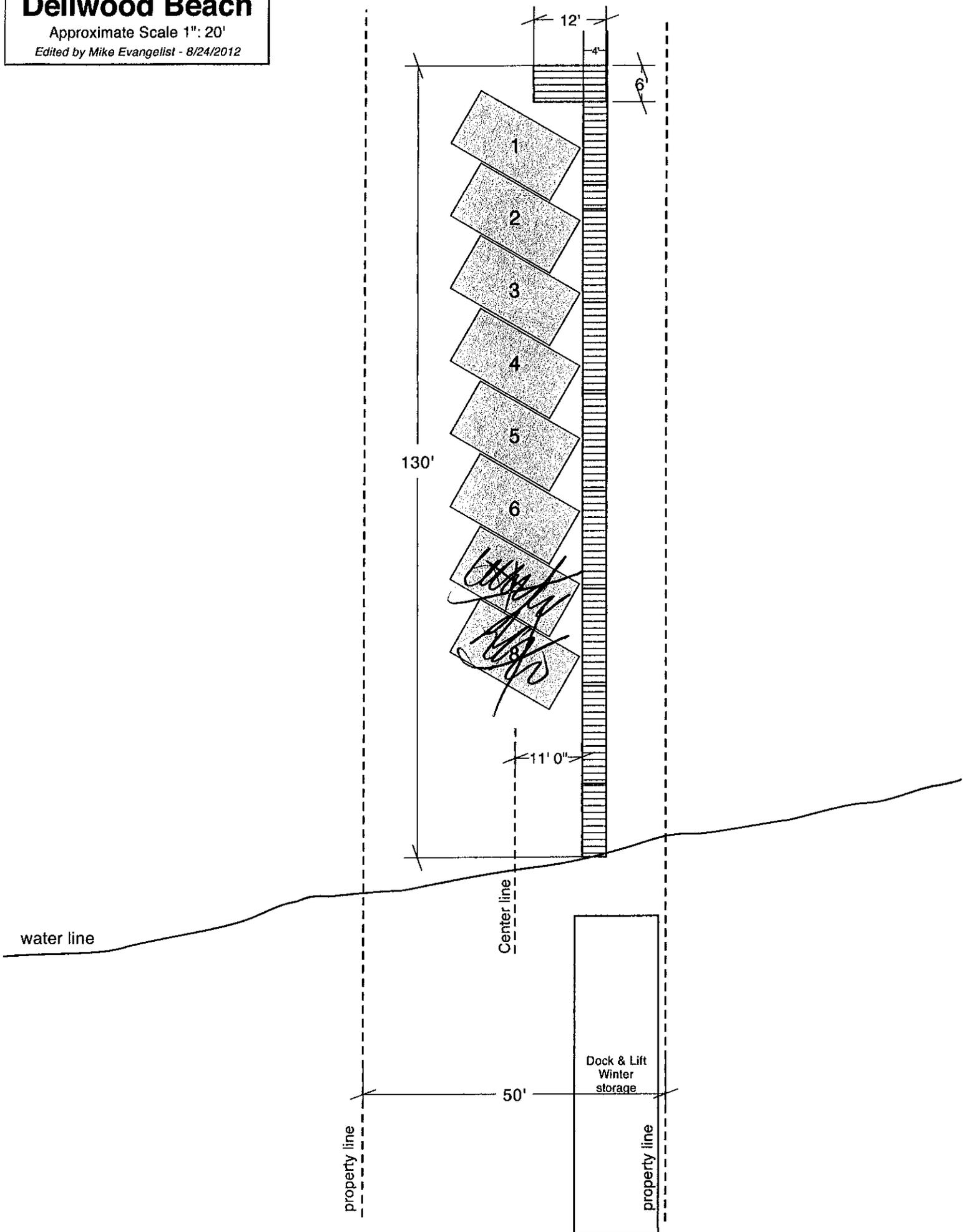
4701 Highway 61

White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

Dellwood Beach

Approximate Scale 1" : 20'
Edited by Mike Evangelist - 8/24/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: *City of Birchwood Village*

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Dellwood Beach – Birchwood Village will allow 8 Maximum- Applying for 6

By Location

At slips
At slides
At lifts **6**

At moorings
At tie-ons
At off-lake storage
Other (describe)

TOTAL **6**

By Use

For rent, lease, etc.
For service work
For company use
For private use **6**
For transient use

Other (describe)

TOTAL **6**

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) *NA*

Boat Storage

Boat Rentals

Boat Sales

Boat Service

Restaurant

Launching Ramp

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:

Dellwood Beach

- M. Total dock length **136** ft.
N. Length from water's edge
(including T's and L's) **130** ft.
O. Width of Dock **4** ft.
P. Projections from dock:
10. Number of projections **2**
11. Length and width of T's, L's or fingers
8'
12. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)
immediate property lines _____ ft.
North / West **28 Ft.** _____ ft.
South / East **10 Ft.**
B. Distance from (including ends of T's and L's)
adjoining docks. _____ ft.
North / West Varies upon placement _____ ft.
South / East Varies upon placement _____ ft.
C. Lake frontage size" of adjoining property owners _____ ft.
North / West + or - 60 Ft.
South / East ' + or - 90 Ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

18. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

19. SANITARY FACILITIES:

Facilities are provided Yes No _____ Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50	_____
Fee for each approved slip over four: \$50.00	\$	100	_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$		_____
Watercraft storage racks: \$5.00 for each craft stored	\$		_____
License deposit (if applicable)	\$		_____

Dellwood Beach TOTAL FEE ENCLOSED \$ 150

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn E. Hanson Date _____

Print name and title: **Lynn E. Hanson – President Birchwood Dock Assoc.** Phone **426-8567**

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500

Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District

4701 Highway 61

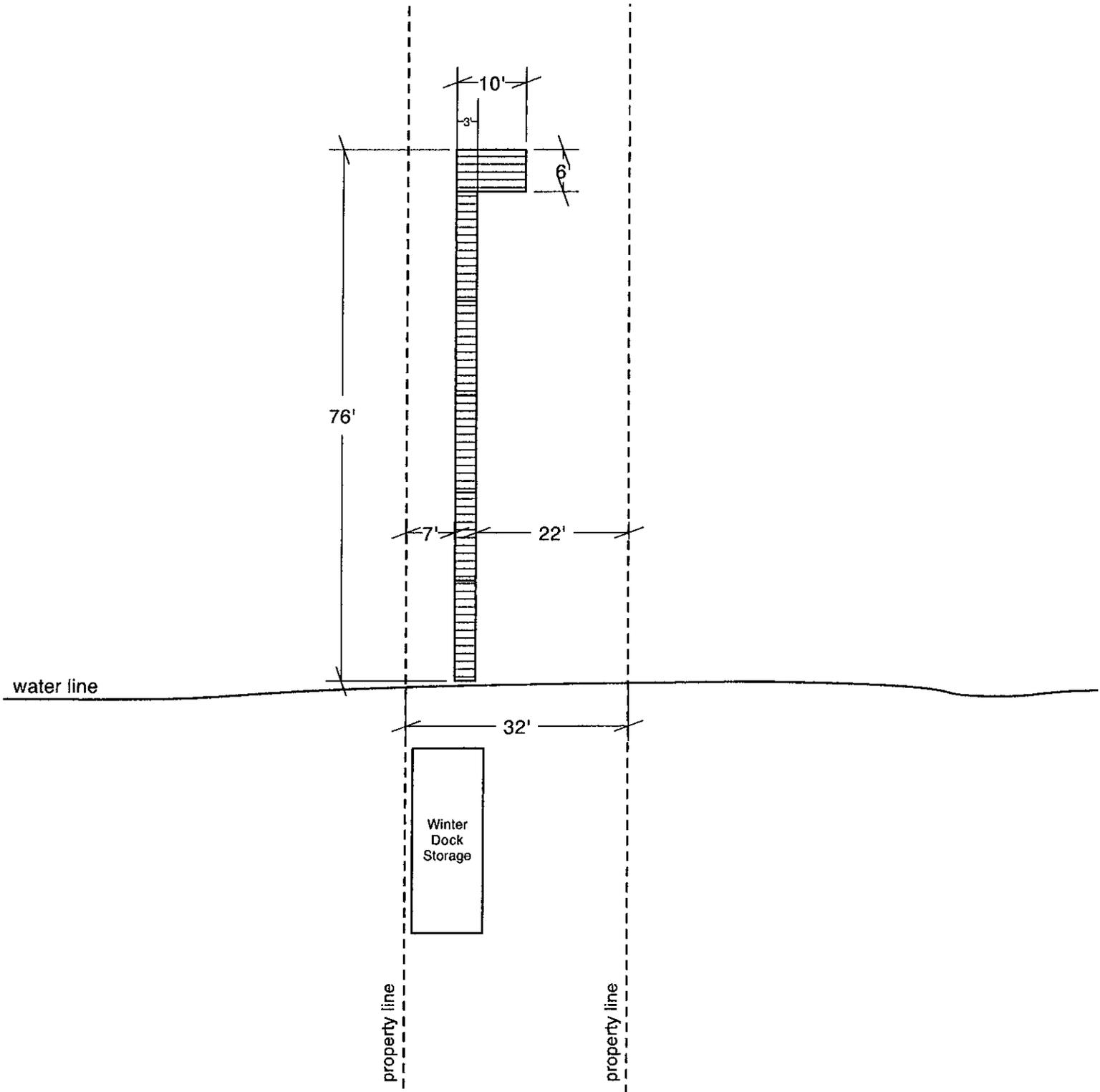
White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

Key Beach

Approximate Scale 1": 20'

Edited by Mike Evangelist - 10/7/2011



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: *City of Birchwood Village*

No Please explain: _____

9. MAXIMUM NUMBER OF WATERCRAFT:

Kay Beach – Birchwood Village will allow 0 Swimming Only

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts	For company use
At moorings	For private use
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL	TOTAL

10. SITE INFORMATION:

Site lake frontage = **32 Feet**

Water depth 100 feet from shore

Varies due to lake elevation

200 feet from shore =

300 feet from shore =

Water depth above measured on _____ (date)

Ramsey County Lake elevation _____ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) *NA*

- | | |
|---------------------------------------|---|
| <input type="checkbox"/> Boat Storage | <input type="checkbox"/> Boat Rentals |
| <input type="checkbox"/> Boat Sales | <input type="checkbox"/> Boat Service |
| <input type="checkbox"/> Restaurant | <input type="checkbox"/> Launching Ramp |

Other (Explain) _____

Times open to the public: _____

12. DOCK INFORMATION:

Kay Beach

- Q. Total dock length **76** ft.
- R. Length from water's edge **76** ft.
(including T's and L's) **4** ft.
- S. Width of Dock
- T. Projections from dock:
 - 13. Number of projections **1**
 - 14. Length and width of T's, L's or fingers **7'**
 - 15. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines _____ ft.
 - North / West **7 Ft.** _____ ft.
 - South / East **14 Ft.**
- B. Distance from (including ends of T's and L's) adjoining docks. _____ ft.
 - North / West **Varies** _____ ft.
 - South / East **Varies** _____ ft.
- C. Lake frontage size" of adjoining property owners _____ ft.
 - North / West
 - South / East '

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** _____
Expires (date) _____ Company **Ekblad, Pardee & Bewall, Inc.** _____

19. PARKING:

Total parking spaces: **None** _____ Parking not required (explain) _____

20. SANITARY FACILITIES:

Facilities are provided Yes No Number of units: _____

17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50	_____
Fee for each approved slip over four: \$50.00	\$		_____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$		_____
Watercraft storage racks: \$5.00 for each craft stored	\$		_____
License deposit (if applicable)	\$		_____

Kay Beach TOTAL FEE ENCLOSED \$ 50

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ _____

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn E. Hanson Date Fall 2012

Print name and title: Lynn E. Hanson – President Birchwood Dock Assoc. Phone 426-8567

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500

Email: wblcd@msn.com website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District

4701 Highway 61

White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)



Memo

TO: Honorable Mayor and City Council Members
FROM: Kristie Elfering, City Engineer
DATE: October 2, 2012
RE: Surveying Items

At the August 2012 City Council meeting Council authorized surveying work to determine the right-of-way and property lines at Tighe Schmitz Park, Dellwood Easement, and Kay Easement. We have reviewed the area with our Registered Land Surveyors and have the following updated information for Council.

Dellwood Easement

As Council is aware there has been an on-going discrepancy in the width of the Dellwood Easement. The easement was created by two separate plats. The first plat is Lakewood Park First Addition, which was platted in 1906 and the second is Lakewood Park Third Addition, which was also platted in the early 1900's. The surveyors worked to identify original monuments in the field that would aid in the determination of the location of the original platted easement. It appears that the discrepancy in the width is not in the First Addition, but rather the Third Addition plat. The Third Addition plat contains the east half of the Dellwood Easement. The surveyors were in the field again today and an update will be provided at the council meeting.

Tighe Schmitz Park

The boundary of the park was to be field located. The Park is located entirely within the Third Addition plat. Not enough property corners were found in the field to determine the park boundary based on field conditions alone. Property corners were found along Wildwood Avenue, Park Avenue, and Lake Avenue to aid in calculating the right-of-way for Park Avenue and Lake Avenue. Additional property corners will be set this week at angle points of the plat in order to be able to field locate the boundary in the future.

Kay Easement

Given the additional surveying that was taking place in the proximity of Kay Easement, Council determined that this easement should be field located and verified. Kay Easement is within the Third Addition plat noted above. At the time the work was authorized we were not aware of any issues surrounding Kay Easement. Since that time our research has indicated that there is a potential discrepancy on the north side of the easement. The south side of Kay Easement abuts 505 Lake Avenue. In October 1980 the boundary of this property was adjudicated and set by Certificate of Title No. 34892 and the Tenth Judicial District Court File No. 763. These Judicial Land Marker's (JLM's) were found in the field and their location is defined.

The potential issue exists on the north side of the easement. The north side of the easement is abutted by 483 Lake Avenue. We have a copy of a Certificate of Survey that was completed by the property owners, which sets Kay Easement at 50-feet. However, the Surveyor that completed the work recommended having the property torrens with JLM's to clear up ambiguities on the property's legal description. The legal description includes an exception to the lot, which is on the north side of the property (Kay Easement is on the south side). We have been notified that the Title Company is completing another survey of the property. It is our intention to obtain a copy of this survey and provide an update at the Council meeting.

Summary

As described above, the issues with the Lakewood Park Third Addition plat have created the need for additional research and field time to completing the work. While we anticipate still completing the project within budget it has slowed down our progress and we will provide an update at the Council meeting.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the October 9th, 2012 Council meeting.

**City of Birchwood
Court Duty Pay Policy**

Employees who serve on jury duty or who are subpoenaed or called as a witness for a court case may keep their per diem amount and choose not to receive pay for the day(s) they served OR they may receive their regular pay for the day(s) they served and reimburse the city for an amount equal to any per diem amount they received; employees may keep their mileage reimbursement. When choosing the second option, the reimbursement shall be received by the city within 30 calendar days of receiving the per diem payment.

Bids on tree work

REC'D SEP 11 2012

Remove 2 diseased Elm tree's 700
 statetax 49.88

749.88

Tighe Samitz park

Remove large fallen Willow tree and the 800
 part of the root ball that's been up rooted. Tax 57

857.00

Northing park

Remove large fallen Ash tree, along with smaller trees and broken limbs, that came down with it.

Remove other smaller fallen Ash tree on other side of park. 1000.00
Tax 71.25

Remove old brush pile and old logs, only those close to the path. 1071.25

Behind and to the side of Village Hall
 Take down large fallen Boxelder tree. That is hung up in other tree's. (Oaks)

Take down 3 small dead oak tree's, one that has fallen into the other two.

Take down damaged Boxelder tree to the side of Hall and move it back to where others are. Leaving all the debris from all the tree's on the ground to rot. 200.00
tax 14.25

214.25

It would cost about 1000.00 to take down and remove the tree's, talked about around the Hall.

2 ripped limbs hanging, one at wildwood and Hall Ave. one at Birchwood Ave. and cedar st. No charge if with some of the other work.