



AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
MAY 10, 2011
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the April 12, 2011 Regular Meeting (see exhibit)
2. Approval of the Minutes of the April 26, 2011 Regular Meeting (see exhibit)
3. Approval of Resolution 2011-08: A resolution Establishing Limited Clean Up and Property Damage Protection for Sewer Back-Ups and Water Main Breaks for Water and Sewer Customers (see exhibit)
4. Acceptance of Financial Report and Approval of Disbursements (see exhibit)
5. Approval of \$410.00 expenditure for the City Clerk to attend Year Two of the Minnesota Municipal Clerks Institute July 11-15 in Brooklyn Center (see exhibit)
6. Approval of expenditure not to exceed \$1,000.00 for the replacement of broken signage (see exhibit)
7. Approval of expenditure not to exceed \$1,000.00 for repair of priority items in Village Hall (see exhibit)
8. Approval of expenditure of \$200.00 for fireworks (see exhibit)
9. Acceptance of the bid for the garage rental (see exhibit)

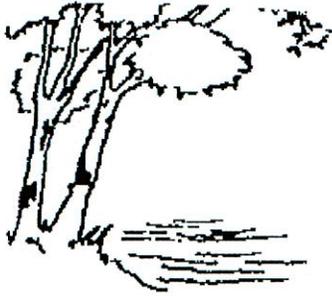
COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS

10. 7:15 Debt Service Special Assessment Interest Calculation: Discussion and Consideration of Approval of Refund Options (Reiter -- see exhibit)
Time Budget: 15 minutes
11. 7:30 Fiscal Year 2010 Audit Update (Mitchell)
Time Budget: 5 minutes
12. 7:35 Resolution 2011-11/Ordinance 2011-02> Revision to Section 403 (Tree Diseases) of the Birchwood City Code to include Emerald Ash Borer and Two-Line Chestnut Borer as diseased trees (Mitchell – see exhibit)
 - a. Public Hearing
 - b. Discussion and Consideration of ApprovalTime Budget: 10 minutes
13. 7:45 Resolution 2011-12/Ordinance 2011-03> Revision to Section 201 (City Water System) of the Birchwood City Code (Harper – see exhibit)
 - a. Public Hearing
 - b. Discussion and Consideration of ApprovalTime Budget: 10 minutes

14. 7:55 Resolution 2011-13/Ordinance 2011-04> Revision to Section 202 (City Plumbing and Sewerage System) of the Birchwood City Code (Harper – see exhibit)
 - a. Public Hearing
 - b. Discussion and Consideration of ApprovalTime Budget: 10 minutes
15. 8:05 Draft Fund Balance Policy (Harper – see exhibit)
 - a. Public Comment
 - b. Discussion and Consideration of ApprovalTime Budget: 10 minutes
16. 8:15 Changing the name of lower Birch Street to Owl Street (Randy LaFoy – see exhibit)
Time Budget: 15 minutes
17. 8:30 Music in the Park Concert Series (Mitchell – see exhibit)
Time Budget: 15 minutes
18. 8:45 Summer Parks Help Job Description – Review and Consideration of Approval (Carson – see exhibit)
Time Budget: 10 minutes
19. 8:55 Home Occupation – 501 Wildwood Avenue – Review and Council Direction (Powers – see exhibit)
Time Budget: 20 minutes
20. 9:15 Utility Billing: Review of Situations where two residences are served by a “Y” to one service to the main (Rueckert)
Time Budget: 15 minutes
21. 9:30 Clerk’s Report (Powers)
 - a. Park Avenue Right-of-wayTime Bduget: 5 minutes
22. 9:35 Next Meeting -- June 14, 2011 – Topics
 - a. Parks Committee By-Laws
 - b. OtherTime Budget: 10 minutes
23. 9:45 ADJOURN



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EXECUTIVE SUMMARY – MAY 10, 2011 CITY COUNCIL MEETING

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

CONSENT AGENDA: There are nine items on the consent agenda. Two of the items are approval of minutes from the 2 April meetings.

The rest of the items are as follows:

3. RESOLUTION 2011-08: In response to the 2 recent water main breaks, I contacted Bearence Management Group and the League of Minnesota Cities Insurance Trust (LCMIT) to see whether the City's insurance coverage would reimburse the City for any expenses resulting from these two incidents. While the City (unfortunately) could not be reimbursed, the LCMIT informed the City that the "no fault" coverage the City has for damage to customer structures in response to a sewer backup also covers in the case of water main breaks, with certain limitations. The extension to cover water main breaks came into effect in 2009 and the City's current coverage already includes water main breaks, so there is no additional premium required by the City. LCMIT did recommend that the City adopt the enclosed Resolution and submit a copy of it to them for their records. It is a "boilerplate" resolution, but it should still be valid for the City's purposes. *This matter was tabled due to the omission of the \$10,000 coverage limits in the resolution. This has been corrected.*
4. ACCEPTANCE OF FINANCIAL REPORT AND APPROVAL OF DISBURSEMENTS: City Treasurer Cindie Reiter prepares a financial report that summarizes the financial transactions made since the last Council meeting. As well, she prepares the listing of revenues and expenditures for your review and approval. No expenditure of public money can be made without the approval of the City Council; however, payments made on a regular recurring basis or required by statute to be paid by the City are routinely paid between meetings. These obligations generally include taxes, PERA, utilities, payroll, and expense reimbursement, *and are indicated as such on the Disbursements List.* Other requests for payment are considered to be discretionary and will not be paid until the Council approves the expenditure. **If there are any questions about a particular expenditure, please contact Cindie before the meeting for an explanation.**
5. APPROVAL OF \$410.00 EXPENDITURE FOR THE CLERK'S ATTENDANCE AT YEAR TWO OF THE MINNESOTA MUNICIPAL CLERK'S INSTITUTE JULY 11-15, 2011: The Clerk's Institute – a three-year program - is considered the finishing school for city clerks. Based on my previous experience and education, I am able to skip Year One and proceed to Year Two. A copy of the three-year program is included in the agenda packet as an exhibit. The \$410.00 registration fee was included in the FY 2011 budget. Due to the Institute's location in Brooklyn Center, there is no need for lodging and mileage reimbursement. Since the week of the Institute is a Council meeting week, I will be unable to attend the July 12 Council meeting. I will coordinate with Cindie to make sure she is available for minute-taking.

6. APPROVAL OF EXPENDITURE NOT TO EXCEED \$1,000.00 FOR THE REPLACEMENT OF BROKEN SIGNAGE: During the April 26, 2011 workshop meeting, the Council reviewed an exhibit from Council Member Sampair and Officer Rob Flick on the condition of the City's signage. During the meeting, direction was given to establish a schedule of signage replacement for presentation at the May 10, 2011 Council Meeting. (As of the time of this writing, said schedule had not been presented to staff for inclusion in the agenda packet.) The City had budgeted \$1,000.00 for a federally-mandated retro-reflectivity study which has subsequently been deemed redundant by the Council. This amount is anticipated to be available to finance the replacement of signage deemed to be of the highest urgency. While staff would not recommend a blanket approval with a "punch list", it could decide otherwise.

7. APPROVAL OF EXPENDITURE NOT TO EXCEED \$1,000.00 FOR THE REPAIR OF PRIORITY ITEMS IN VILLAGE HALL: During the April 26, 2011 workshop meeting, the Council heard from White Bear Lake Chief Building Official, who reviewed the report of the inspection he performed for the City in October 2010. The City Council established a list of priority items that needed immediate attention, and directed staff to come up with a cost estimate for repairing. Staff asked Parks Commission Chair John Lund – a retired contractor – to develop a cost estimate for these repairs. (As of the time of this writing, said cost estimate has not been presented to staff for inclusion in the agenda packet.) The City has budgeted \$17,300.00 for general building maintenance; however, it is not anticipated that the repairs needing immediate attention would exceed \$1,000.00. (Indeed, some of the items consist of elbow grease, not \$\$\$).

8. APPROVAL OF EXPENDITURE OF \$200.00 FOR FIREWORKS: Included in the agenda packet is a letter dated April 14, 2011 from the White Bear Lake Fireworks Fund asking the City for a donation of \$200.00. The letter indicates that the City has donated that amount in previous years. This year's budget, it appears, does not budget for this amount; that is why it is being brought before the Council for approval.

9. ACCEPTANCE OF THE BID FOR THE GARAGE RENTAL: Staff was directed to advertise the availability of the city garage across Birchwood Avenue from City Hall. Bids were to be into City Hall no later than 2:00pm Monday, May 2, 2011. The City received one bid, from Kim Otness and Ken Kixmueller, for \$305.00 per year. Per the direction of the Council, since there is only one bidder for garage rental, staff is placing this matter on the consent calendar.

CITY BUSINESS:

10. DEBT SERVICE SPECIAL ASSESSMENT INTEREST CALCULATION: DISCUSSION AND CONSIDERATION OF APPROVAL OF REFUND OPTIONS: During the April 26, 2011 workshop, the Council heard from City Treasurer Cindie Reiter on how the interest was calculated for a special assessment project. Reiter acknowledged that interest was calculated in error (Cindie was unaware that the County's special assessment software calculates interest, so interest was calculated on top of interest), resulting in small dollar amounts of overcharging. The Council discussed several repayment options and decided that it wanted final resolution of this matter placed on the May 10, 2011 agenda for review, consideration, and approval.

11. FISCAL YEAR 2010 AUDIT UPDATE: The audit of the City's 2010 financial transactions is at the stage where an exit interview was to be scheduled on Monday, May 9, 2011 at HLB Tautges Redpath's office. Mayor Mitchell wanted this time to give a status report to the public and Council on the audit.

12. RESOLUTION 2011-11 and ORDINANCE 2011-02> REVISION TO SECTION 403 (TREE DISEASES) OF THE BIRCHWOOD CITY CODE TO INCLUDE EMERALD ASH BORER AND TWO-LINE CHESTNUT BORER AS DISEASED TREES – PUBLIC HEARING and DISCUSSION & CONSIDERATION OF APPROVAL: Parks Committee Chair John Lund brought to the City's attention that the Tree Disease ordinance does not address the more recent issues surrounding infestation of the City's forest network by Emerald Ash Borer and Two-Line Chestnut Borer. Mayor Mitchell

presented the enclosed draft revisions for Council review and consideration at the April 12, 2011 regular meeting. The Council directed this matter be scheduled for a public hearing and consideration of approval at the May 10, 2011 meeting.

QUESTION: Should Section 403 of the Birchwood City Code be amended as presented in the submitted exhibit?

13. RESOLUTION 2011-12 and ORDINANCE 2011-03> REVISION TO SECTION 201 (CITY WATER SYSTEM) OF THE BIRCHWOOD CITY CODE – PUBLIC HEARING and DISCUSSION & CONSIDERATION OF APPROVAL: The Finance Committee has been reviewing the city fees as part of its overall review of municipal finances. Council Member Jane Harper, chair of the committee, submitted the enclosed exhibit for Council consideration of proposed changes to Section 201. The proposed changes are clearly noted on the exhibit. The Council reviewed the proposed changes at its April 12, 2011 regular meeting and directed this matter be scheduled for a public hearing and consideration of approval at the May 10, 2011 meeting.

QUESTION: Should Section 201 of the Birchwood City Code be amended as presented in the submitted exhibit?

14. RESOLUTION 2011-13 and ORDINANCE 2011-04> REVISION TO SECTION 202 (CITY PLUMBING AND SEWERAGE SYSTEM) OF THE BIRCHWOOD CITY CODE – PUBLIC HEARING and DISCUSSION & CONSIDERATION OF APPROVAL: The Finance Committee has been reviewing the city fees as part of its overall review of municipal finances. Council Member Jane Harper, chair of the committee, submitted the enclosed exhibit for Council consideration of proposed changes to Section 202. The proposed changes are clearly noted on the exhibit. The Council reviewed the proposed changes at its April 12, 2011 regular meeting and directed this matter be scheduled for a public hearing and consideration of approval at the May 10, 2011 meeting.

QUESTION: Should Section 202 of the Birchwood City Code be amended as presented in the submitted exhibit?

15. DRAFT FUND BALANCE POLICY: The Office of the State Auditor recommends that unreserved general fund balances be adequate to cover cash flow requirements in between distribution of property tax funds by Washington County (generally, May and November). As well, with the potential for capital improvement planning there is a need for cash reserves dedicated to specific anticipated capital outlays. The City currently does not have a fund balance policy that governs how funds not dedicated to general government expenses are to be maintained and accounted. Council Member Harper submitted a draft policy for Council review and comment at the April 26, 2011 workshop meeting. A revised version of the draft policy is included in the agenda packet as an exhibit. The Council directed this matter be scheduled for a public hearing and consideration of approval at the May 10, 2011 meeting.

QUESTION: Should the City Council adopt the submitted Fund Balance Policy?

16. CHANGING THE NAME OF LOWER BIRCH STREET TO OWL STREET: At the February 8, 2011 Council meeting, Randy LaFoy addressed the Council on a request by himself and Bryan McGinnis to change the name of lower Birch Street (the part that connects to Wildwood Avenue) to Owl Street. LaFoy shared with the Council the fact that many motorists desiring to find an address on upper Birch Street (the part that connects to Birchwood Avenue) travel on Wildwood to lower Birch, only to find a dead end. The Council signaled it would be interested in the name change pending a determination of the cost. There also was some question about who should pay for the name change: the City, the petitioners, or shared. In any event, staff determined that the costs involved include published and mailed notice of the public hearing; recording of the name change with Washington County; and signage. The City currently has not budgeted for any costs associated with this request. Staff communicated with LaFoy on February 17, 2011, and LaFoy contacted the City in April requesting this matter be revisited at this meeting.

QUESTIONS: Should the City Council change the name of lower Birch Street to Owl Street? Should the cost of said street name change be borne 100% by the City, 100% by the petitioners, or shared between the two?

17. MUSIC IN THE PARK CONCERT SERIES: Mayor Mitchell submitted a memo advising the Council on issues related to this concert series and recommended resolutions. The memo is included in this Council packet as an exhibit.

QUESTION: Should the City Council adopt the recommendations of Mayor Mitchell as they relate to the Music in the Park Concert Series?

18. SUMMER PARKS HELP JOB DESCRIPTION: The Parks Committee has budgeted for summer parks maintenance. Council Member Barb Carson drafted a job description for this position. A copy of the job description is included in the agenda packet as an exhibit.

QUESTION: Should the City Council approve the submitted job description for summer park help?

19. HOME OCCUPATION – 501 WILDWOOD AVENUE – REVIEW AND COUNCIL DIRECTION: Staff received formal complaints about the noise emanating from 501 Wildwood Avenue. Subsequent investigation revealed that a commercial cabinet-making business is being conducted out of the garage on the subject property. Staff prepared a memo to the Council on this matter, which is included in the agenda packet as an exhibit. The person conducting the cabinet-making business – Roger Kropelnicki – indicated to staff that he plans on being in attendance at tonight’s meeting to address the Council. Staff recommends that this matter be referred to the Planning Commission for review and recommendation to the Council.

QUESTION: Should the City Council refer this matter to the Planning Commission for review and recommendation?

20. UTILITY BILLING: REVIEW OF SITUATIONS WHERE TWO RESIDENCES ARE SERVED BY A “Y” CONNECTION TO ONE SERVICE TO THE MAIN: Staff received an e-mail message from a City resident who is the responsible party for utility billing purposes for two residential structures on the same physical property. Service to each residential structure is provided via one service line from the main. On the property, a “Y” is present for provision of individual services to each residence. The billing policy in these instances – there are 6 such properties – has been inconsistent. The property owner in question has received 2 bills in the past; then 1 bill; and now 2. The property owner would like resolution of this matter.

Section 201.080 of the Birchwood City Code states in part “... [e]very household or other final consumer of City water must have its own meter.” This seems to support the argument for two bills. Shelly Rueckert, finance director for the City of Little Canada and the City’s utility billing agent, advised me that the City has billed for one, but per the direction of at-the-time Mayor Mary Wingfield changed the method of billing to be consistent with the ordinance.

Staff would like to comment that this matter is not among the revisions to Section 201 discussed earlier in this meeting, and further comment that with the onset of “base plus flow” billing the City is in a better position to more accurately bill usage.

Mayor Mitchell requested this matter be placed on tonight’s agenda for discussion and course of action.

QUESTION: What should be the Council’s response to this matter?

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
April 12, 2011

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Councilmembers Barb Carson, Jane Harper, Mark Peterson and Tony Sampair.

STAFF PRESENT: City Clerk Dale Richard Powers; City Treasurer Cindie Reiter, City Engineer Kristi Elfering, City Attorney Kevin Sandstrom

OTHERS PRESENT: WA County Commission Dennis Hegberg, Mary Wingfield, Kevin Kixmoeller, RCWD Representative Kyle Axtell, John Lund

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

AGENDA APPROVAL:

Peterson/Sampair unanimous to approve the agenda (Consent Items #3, 5 & 6) with the following changes:

- Remove the following items from the Consent Agenda (Item #2) for further discussion:
Approval of Minutes of March 8, 2011 meeting (Harper)
- Move Item # 12 (Catch Basin) up to 7b.
- Move Item #4 (Sewer Back-up Coverage) to follow Consent agenda.

(It was discovered that the item # identified for March 8, 2011 was in error.)

Harper/Carson to pull Consent Item March 8, 2011 Item #1 meeting minutes for discussion. All Ayes

Harper/Peterson unanimously presented approval of March 8, 2011 minutes with following changes:

- Page 3 Line 106 – Note number of bids received for computer purchase.
- Page 4 Line 146/147 – Pay portion in 2012.

Harper/Peterson unanimously to approve Item #2 March 22, 2011 minutes as presented.

Harper/Sampair unanimously to table Consent Item #4 (sewer back-up insurance coverage) due to upcoming June renewal and to present at May meeting with current dollar and value amounts as a consent agenda item.

COMMUNITY EVENTS: The mayor presented that Nordling Park improvements would be started on April 16th and continue and the next two Saturday through 4/30 – call Cynthia Tomlinson to volunteer.

Music In the Park to begin Sunday June 5. The schedule is;

- 6/5/ Any Day Now
- 6/19 Joe & Roxy Cruz
- 6/26 Men In Black

48 Michael Lien will be helping to present the Music In The Park events.

49

50 The mayor announced donations are appreciated and that he will take the Mayor's Pay of \$1500 and
51 use it to fund the Music In The Park musician compensation. He also proposed that beer and wine be
52 permitted for music events and this will be discussed at May's regular meeting.

53

54 He also noted that the City needs to appoint the White Bear Lake Conservation District (WBLCD)
55 representations for Birchwood and encouraged volunteering to serve.

56

57 Councilmember Peterson commented that the birds are back in Birchwood as evidenced by the very
58 diverse group in the marsh.

59

60 **OPEN FORUM:** County Commissioner Dennis Hegberg introduced himself and welcomed the new
61 councilmembers. He noted he is interested the Rice Creek Watershed District (RCWD) topic being
62 discussed at this meeting. He commented on the level of water in the lake in comparison to recent
63 county flooding and thanked the councilmembers for their service to the community.

64

65 The following members of the public addressed the Council:

66 Kevin Kixmoeller presented as the person currently renting the city garage on a 6 month lease. He
67 noted that if the bid period for the rental of the garage had been presented he missed it, but has
68 supplied a sealed envelope to the city staff with his bid. He is Ok with waiting until the May meeting for
69 approval to rent, as it was proposed by council that if no others bids were received the approval would
70 just be placed on the May consent agenda. It was noted that the lease is year to year (Fall to Fall),
71 Kixmoeller is in the second year and if anyone had interest in renting they should contact the City Clerk
72 with their bid.

73

74 Mary Wingfield noted the decrease in property taxes of 1% in Birchwood. Then spoke to the error of
75 certified special assessments to the county as she displayed the local assessment roll, she stated this
76 overtaxing is costing the residents tens of thousands of tax dollars.

77

78 **Item #7 Resolution 2011-06 and Ordinance 2011-01 Amending Chapter 617, Section 380 (6):**

79 The proposed amendment regards removal of boat width language.

80 **Mitchell/Carson unanimously to prove amendment as presented.**

81

82 City Attorney Sandstrom noted that changes should be published by city in official newspaper.
83 Mayor Mitchell and Clerk Powers to establish a form for issuance of Boat Slip Permit and Dock
84 Association Permit.

85

86 **Item #7b Catch Basin Project (was Item #12)**

87 City Engineer Elfering presented the history of the project, noting the 2006 Emmons, Oliver, Resouces
88 (EOR) report of Birchwood water quality and proposed sump installation. The study showed install of 3
89 per year for 2007, 2008 and 2009, when the city sought grant from the watershed district. She also
90 noted the various reports done lately by Thatcher and the MS4 reporting requirements. She further
91 presented a video of outflow/inflow with collection of particulates which showed dissipation of
92 particles. Further it was presented that a pilot study showed with placement of a SAFL baffle the
93 sediment does not dissipate (eliminating re-suspension of particles).

94

95 Engineer Elfering presented that the current catch basins could be retro-fitted with the baffles (Harper
96 question). In response to question (Carson) if the baffle would cause the pipe to be plugged by leaves, it
97 was stated that installation of one baffle could be monitored (for clogging) before others were installed.
98 Engineer Elfering noted that the bid specs sent out included 2 units with baffles and noted the other two
99 units would not work well with baffle as they are different types of structures. She noted that catch
100 basins will not back water onto other properties as all process is going on below ground. She also noted
101 that re-suspension occurs even without it being 60% full.

102

103 Councilmember Peterson presented that the Thatcher report identified little sediment reduction so why
104 improve it. Engineer Elfering noted she reviewed the structures many had sediment and one was full.

105

106 Councilmember Peterson noted that it is important to understand the benefit the city, is reduction of
107 sediment – not phosphorus or nitrogen. People should understand the purpose of the catch basin uses.
108 He further inquired about the benefit of the 15K expense, what is benefit of sediment removal , how is it
109 known if the baffle is a pilot program. It was noted that these issues may be represented in the course
110 of presenting the bids.

111

112 Kyle Axtell, RCWD summarized the prospective project and of the cost share grant process (approved
113 previously in 2009) noting it was favorable to have the original three sumps and that the 4th basin was
114 on the RCWD board agenda for April 15, 2011. Birchwood was selected for the small project due to the
115 restrictions of Birchwood roadways (hilly and narrow) that could capture sediment. Referring to the
116 Houston Engineering report the Total Suspended Solid (TSS) amount of sediment removed, the function
117 is to reduce the re-suspension of small particulates. In response to inquiry of why sediment is not
118 wanted in the lake, Kyle responded that the protection efforts of Tier 1 lakes (like WBL), sediment build-
119 up build-up at pipes, delta creation and other build ups which cause reduction of fish life. It was noted
120 that while Birchwood is small, this is what the city can do to help alleviate lake sediment build-up. It was
121 noted that the SAFL baffles will collect leaves, brush, sticks which will remove these from the water as
122 well. It was noted that the 6% improvement is beneficial for the cost of the project. The grant match is
123 up to \$12,500 at a 50% match, which is a reimbursable grant and would be proportionate to the project
124 completed.

125

126 Discussion addressed the sump located near 161 Wildwood as heavy rain events do overwhelm the pipe
127 as direct discharge. It was noted by Kyle Axtell of RCWD that there would be benefit in eliminating
128 direct discharge in this small area. City Engineer Elfering added comments regarding the clay pipe being
129 checked for collapse, the possibility of placing a berm to produce ponding by improvement of the intake
130 pipe. Councilmember Sampair offered that when Dellwood basin put in it was immediately noticeable
131 in reduction of sediment creating a delta.

132

133 Further comment was provided on the Tighe-Schmitz Park catch basin's large delta build up with
134 possible extra catch basin help the issue at Dellwood. It was noted that a proposed rain garden at Elm
135 catch basin area was determined to have too much volume for the small area of rain garden so it was
136 not installed.

137

138 Resident Mary Wingfield commented that a contractor walked away from the project previously noting
139 it was not a good use of city funds and advised that the MPCA would provide advice to the city on how
140 to reduce contaminants. She also presented that the PCA told her that no benefit to place catch basins
141 in a series. She proposes that council should ask what is the city's need, not just do the project because
142 the city can and noted that catch basins are just not that good for contaminants. She presented the use

143 of rip-rap should be looked at and noted Ramsey County will continue to clean the rip-rap area in
144 existence and that a sump would not be benefit this area. She presented that the Houston Engineering
145 report stated that 140 lbs. of solids and one ounce of phosphorus is captured and that the \$30,000
146 spent to capture 2 buckets of sand and an ounce of phosphorous is better spent by putting towards a
147 better purpose. She noted the construction project added to Elm catch basin in 2009 and questioned
148 the comment about the Dellwood structure.

149
150 In response to a question about contacting the Channel 5 media, Wingfield stated that she had
151 however, no would respond to their (Channel 5) inquiry as to the benefit of the project, so they (channel
152 5) was not present for the meeting. City Engineer Elfering comments that she did return the call
153 received from Channel 5.

154
155 Other issues presented and addressed in the discussion of the catch basin project were; ranking catch
156 basins by priority of benefit, that RCWD has knowledge and expertise in determination of the city's
157 benefit from the catch basins, further contamination reduction on public easements, prior studies and
158 review of MS4 issues, reference to the Thatcher engineering report noting a rain garden at Tighe-
159 Schmitz park was not beneficial as the bottom of the garden would be 3 feet below the water table, and
160 the park is not an ideal place for stormwater pond and also expensive to maintain. How serious is city
161 in taking care of White Bear Lake (WBL) was posed, it was stated that this is not the only thing the city
162 should do but other things such as cleaning the drain structures of leaves and debris .

163
164 RCWD representative Axtell noted that while concrete infrastructure is expensive, rain gardens do pull
165 contaminants but have expense to maintain as sediment build up cause the demise of a rain garden and
166 adequate land is needed to install (500-600 sq. ft.). The estimated cost for catch basins of \$30,000
167 should be spread over the life of the structure (estimate 30 years) with maintenance being removal of
168 debris (vacuum drainage structures). He also noted that periodic leaf collection will not capture
169 sediment from intermittent water events.

170
171 It was noted that Cost-Share Grants are for homeowners and are a 50% match for rain gardens and the
172 rain gardens need to be placed where most effective. Currently the RCWD is working with Washington
173 Conservation District (WCD) to single out sub-watershed assessment areas which may be an opportunity
174 for Birchwood. However funding sources have currently dried up but possibly going forward could seek
175 100% funding.

176
177 Mayor Mitchell inquired of RCWD Rep Axtell if the PCA has any local funding ties to RWCD projects.
178 Representative Axtell noted that RCWD works some with PCA on local grants.

179
180 Councilmember Harper inquired of the City Engineer as to which contractor walked out on a Birchwood
181 project. The City Engineer commented that the city had not let a project where the contractor walked
182 out and further noted that in regards to rain gardens that it is beneficial to install a sump to capture
183 sediment before it reaches a rain garden location.

184
185 Councilmember Peterson proposed to install two (2) catch basins not all four and perhaps use the
186 money elsewhere. It was noted that the funds for the project may not always be available, it was
187 confirmed by representative Axtell that the grant funds will expire in June and that if the project
188 approved is under \$25,000 RCWD will not need to approve before project is begun. In regards to the
189 inquiry of the cleaning of sediment build-up in a rain garden, RCWD representative Axtell noted that

190 there is a patent pending device created by Anoka Conservation District that captures sediment at the
191 inlet to the rain garden.

192
193 Councilmember Sampair offered that if a rain garden were installed by Tighe-Schmitz Park then per
194 Ramsey Washington a catch basin should be installed prior. Thus he is inclined for 3 or the 4 catch
195 basins proposed, being #2 (\$10,660), #3 (\$8,180) and #4 (\$3,000). It was noted that these are
196 construction costs and do not include engineering or other overhead.

197
198 Councilmember Harper stated that the project was approved and levied for in 2009 and the remainder
199 of funds reside in the general fund reserves.

200
201 ***Sampair/Harper motion to accept the bid for construction of catch basin #2, 3 and 4 as bid by New***
202 ***Look construction.***

203
204 Further discussion regarding the need to move forward, the recovery of contaminates, prior review by
205 experts and the amount of sand collected.

206
207 ***Councilmember Harper - Called the question.***
208 ***Motion passed 4/1 (Peterson Nay)***

209
210 **APPROVAL OF DISBURSEMENTS (Item #8):**
211 Item 8a. Direct staff to include the List of Disbursements on the consent agenda beginning at May 2011
212 meeting and the Disbursements List be included in the council packet and that questions be called into
213 staff before the meeting.

214
215 ***Harper/Sampair unanimous to pay the disbursements as presented on the list for April 11, 2011 plus***
216 ***the invoice for Capra of \$9,185.***

217
218 **Computer Install Bids Item 8b.**
219 Computer install tabled until next worksession for more information.

220
221 **PARKS & NATURAL RESOURCE COMMITTEE (Item # 9)**
222 John Lund, Park Committee Chair, presented that \$1,500 of the park budget be re-allocated to the
223 Nordling Park improvements. The Mayor noted he felt the park budget is to be spent by parks as the
224 park budget has been approved by the city council. Councilmember Harper noted that it appears that
225 some items of expense have been shifted from the park budget to the general operations budget of the
226 city (re: fireworks donation should be, but park electrical was not intended to be shifted).

227
228 Parks Chair Lund offered the Park Committee would continue to work on the budget for more clarity
229 and to be inclusive. The Park committee will be working on the Park and Natural Resource by-laws in
230 May.

231
232 ***Carson/Peterson unanimously to approve the Park & Natural Resource Committee budget of \$18,000.***

233
234 **Personnel Committee By-laws (item #11)**
235 Proposed committee consist of 2 councilmembers one being the mayor, with review of the matter
236 without any authority.

237

238 **Mitchell/Harper unanimously to adopt Personnel Committee by-laws.**

239

240

241

242 **Code Section 201 (Water System) Item #13**

243 Intent is to clarify and bring current the code for technical changes of content and current practices.

244 Review of proposed changes by Councilmember Harper presented.

245 201.150 Terms bounce between consumer, owner, property owner and needs clean up of
246 language.

247 201.230 Make and depth of service pip should be 7 feet per recommendation of engineer.

248

249 **Sewer Code Section 202 (Item #14)**

250 Review of proposed changes and compliance with state requirements for increase in fees, added terms,
251 provided definitions.

252

253 **Harper/Carson unanimously to set Public Hearing for revisions to codes 201 and 202 at regular May
254 City Council meeting.**

255

256 **Animal Control Contract with White Bear Lake Police Department (Item #15)**

257

258 Sampair/Mitchell unanimously approve contract for animal control with City of WBL Police Department.

259

260 **City Engineer Report – Kristi Elfering (item 16)**

261 Engineer Elfering presented that all hydrants have been tested and are in working order per WBL City
262 Engineer Burch. Asked for council direction on pothole repair, it was noted that KEJ does pothole repair
263 via fill.

264

265 **City Attorney Report – Kevin Sandstrom**

266

267 **Workshop Topics – April 26, 2011 Meeting (item #17)**

268 Review of City Hall Inspection- Ben Eggan

269 Street Signs and Parking Signs (Sampair)

270 Other topics as may be added

271

272 **ADJOURN: Mitchell/Sampair unanimous to adjourn at 9:45pm.**

273

274

275 _____
Mayor Allan Mitchell

276

277 ATTEST:

278

279 _____
Cindie J Reiter, MCMC

280 City Treasurer

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
April 26, 2011

MINUTES

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

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

OTHERS PRESENT: White Bear Lake Chief Building Official Ben Eggan

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

APPROVAL OF AGENDA: Harper/Peterson unanimous to approve the agenda for the workshop and regular meeting.

COMMUNITY EVENTS: Mitchell shared with the Council and community the following information:

- The Nordling Park improvement project is ongoing, and there is still a need for volunteers this coming weekend to help plant 384 trees and shrubs. The work starts at 10:00am Friday, April 29 and Saturday, April 30, and 1:00pm on Sunday, May 1.
- The docks will be going in on the lake tracts either this weekend or next weekend.
- Mother's Day is Sunday, May 8
- The fishing opener is Saturday, May 14
- The annual plant exchange will be held at Village Hall on Saturday, May 21 at 9:30am
- The City-wide garage sale will be held on Saturday, June 4

WORKSHOP: BUILDING INSPECTION REPORT: The Council heard from Eggan about the results of the Village Hall inspection performed in October 2010. Eggan noted that while the overall condition of the structure was sound, there were some areas that needed immediate attention. The Council as a group came to a consensus as to what items needed immediate attention and directed staff to remedy those items.

WORKSHOP: DEBT SERVICE SPECIAL ASSESSMENT INTEREST CALCULATION: The Council heard from Reiter in regards to her exhibit on how the special assessment interest was calculated. While the amount of miscalculation was small, there was consensus that these amounts should be refunded to the impacted property owners. Staff was directed by the Council to bring this matter up for action at the May 10 meeting.

WORKSHOP: STREET SIGNS AND PARKING SIGNS: Sampair reviewed with the Council his exhibit on the condition of the City's sign network. Harper noted that the City's Comprehensive Plan addresses a "nonproliferation of signs" policy, and noted that there is nothing budgeted for sign replacement this year. Elfering noted that she had performed a cost analysis for sign replacement several years ago that

47 the Council could use as a guide. As it pertains to broken signs, the Council directed staff to develop a
48 cost estimate for broken sign replacement for presentation at the May 10th Council meeting.

49
50 **WORKSHOP: DRAFT FUND BALANCE POLICY:** Harper shared with the Council an exhibit on a policy
51 addressing the City's reserve funds, and noted that the City's audit firm recommended that the City
52 adopt a policy to guide its use of these funds. The Council directed staff to place the draft on the May 10
53 agenda for public comment and consideration of adoption.

54
55 **WORKSHOP: PROPOSED BUDGET PROCESS & YEAR-TO-DATE EXPENDITURE UPDATE:** Harper reviewed
56 with the Council her proposed timeline and YTD expenditures.

57
58 **WORKSHOP: WHITE BEAR LAKE CONSERVATION DISTRICT UPDATE:** Mitchell noted that Joe Allaben
59 and Debbie Harrod, the City's representatives on the District Board, were unable to attend tonight's
60 meeting. Allaben submitted an exhibit detailing the District's activities. Mitchell related that Joe will be
61 relocating out of the area and Harrod's term will expire in June, and urged City residents to consider
62 service to the community as one of the City's representatives to the District Board.

63
64 **WORKSHOP: CANOE RACK LIABILITY ISSUES:** Powers shared with the Council that he had contacted the
65 City Attorney to investigate whether the City is exposed to any liability issues from allowing canoes to be
66 stored on the City's canoe racks, and noted that the City Attorney responded that there were no liability
67 issues for the City to consider.

68
69 **ADJOURN WORKSHOP – CALL REGULAR MEETING TO ORDER:** Mitchell adjourned the workshop
70 meeting, and called the regular meeting to order, at 9:00pm.

71
72 **REVIEW OF QUOTES FOR POTHOLE REPAIR:** Elfering reviewed with the Council the submitted exhibit
73 with cost estimates from three vendors for the patching of the street at the two watermain break
74 locations, and noted that she asked for a quote for "standard patching" and an "alternative addition at
75 Cedar". She requested the alternative due to the amount of groundwater that was present during the
76 excavation, as well as that the break occurred during the winter, caused a substantial amount of
77 settlement. Elfering advised the Council that the alternative addition is worth the expense, as standard
78 patching will not hold up at this location as long as it will with the addition.

79
80 ***Peterson/Carson unanimous to award the contract for patching of the two watermain potholes to***
81 ***Allied Blacktop, using the standard and the alternative addition, at a cost not to exceed \$4900.00***

82
83 **Elfering** also directed the Council's attention to the last paragraph of the exhibit, which requested cost
84 estimates for pothole patching around town. Elfering received estimates from Allied Blacktop (\$375.00
85 per hour) and from KEJ Enterprises (\$50.00 per person per hour plus material).

86
87 ***Sampair/Peterson unanimous to award the contract for general pothole patching to KEJ Enterprises at***
88 ***the quoted rate, not to exceed \$500.00, including materials.***

89
90 **REVIEW AND CONSIDERATION OF BIDS FOR COMPUTER INSTALLATION AND SOFTWARE TRANSFER:**
91 **Powers** noted that this item was on the April 12 agenda and heard that the Council had some questions
92 about the quotes that were not addressed in Powers' memo. **Harper** asked how the cost estimates were
93 developed, since each vendor quoted differing time allocations for the work. Specifically, **Harper** asked
94 how the \$600.00 quote from Connor IT Solutions changed to \$1,200.00. **Powers** responded that he

95 wanted to present to the Council as close to an “apples to apples” comparison as possible, and that
96 proved to be an elusive task. While each vendor quoted different time estimates for completion of the
97 work, **Powers** noted that Compar and Connor IT Solutions had “caveats” in their bids. Specifically,
98 Connor IT Solutions built in a 15% overage for “unforeseen circumstances outside of the control of
99 Connor IT Solutions” which, in essence, raises the total cost of the quote by that amount. **Powers** noted
100 that each vendor has positives and negatives and it was up to the Council to determine which vendor it
101 was comfortable with.

102
103 ***Sampair/Carson unanimous to award the contract for computer installation and software & data***
104 ***migration to PC Medic, LLC at a cost not to exceed \$660.48, and to authorize the Mayor to work with***
105 ***staff on contract language including the spelling out of the labor guarantee, and to authorize the***
106 ***Mayor and City Clerk to execute the contract.***

107
108 **LEAGUE OF MINNESOTA CITIES ANNUAL CONFERENCE JUNE 15-17 IN ROCHESTER, MINNESOTA:**
109 **DEADLINE FOR REDUCED REGISTRATION FEES MAY 6 – DECISION ON WHOM WILL BE ATTENDING:**

110 **Powers** noted that the City budgeted \$800.00 towards registration fees for 4 attendees; however,
111 nothing was budgeted for lodging and travel. Consequently, the budgeted amount will allow for 2
112 attendees to this conference. **Powers** further noted that although he would benefit from attending the
113 conference, he thought that the elected officials should have first claim to attend. **Mitchell** polled the
114 Council and found that none were interested in attending, and **Peterson** specifically mentioned that any
115 information pertaining to budgeting learned at the conference would be especially beneficial to the City.
116

117 ***Mitchell/Harper unanimous to authorize Powers to represent the City at the LMC Annual Conference***
118 ***and to allocate \$400.00 towards registration, lodging, and travel expenses.***

119
120 **NEXT MEETING – MAY 10, 2011 – PROPOSED AGENDA ITEMS:** **Mitchell** shared with the Council what is
121 currently proposed to be on the May 10th agenda, as follows:

- 122 • Public Hearing on proposed changes to Section 403 (Tree Diseases), Section 201 (City Water
- 123 System), and Section 202 (City Plumbing & Sewerage System)
- 124 • Music in the Park – permission for attendees (not the City) to bring alcoholic beverages
- 125 • Home Occupation issue at 501 Wildwood Avenue
- 126 • Review of bids for the garage rental
- 127 • Further questions on utility billing where two residences are served by a “Y” to one service to
- 128 the main
- 129 • Any action items emanating from tonight’s workshops

130
131 **Powers** noted 2 additional items, as follows:

- 132 • Owl Street
- 133 • Resolution on insurance for sewer and water backups that was tabled at the April 12th meeting

134
135 **ADJOURN:** Without a motion, the meeting was adjourned @ 9:37pm.

136
137
138
139 _____
140 Dale Powers
City Clerk

Resolution # 2011-08

RESOLUTION ESTABLISHING LIMITED CLEAN UP AND
PROPERTY DAMAGE PROTECTION FOR SEWER BACK-UPS AND
WATER MAIN BREAKS FOR WATER AND SEWER CUSTOMERS

WHEREAS, the Governmental Unit provides water and sanitary sewer services to property within its jurisdiction; and

WHEREAS, water main breaks may cause water to enter into property causing damage; and

WHEREAS, blockages or other conditions in the Governmental Unit's sanitary sewer lines may cause the back-up of sewage into properties that are connected to those Governmental Unit's sanitary lines; and

WHEREAS, water main breaks and sewer back-ups pose a public health and safety concern; and

WHEREAS, it is often difficult to determine the exact cause and responsibility for water main breaks and sanitary sewer back-ups, and

WHEREAS, the governing body of the Governmental Unit desires to encourage the expeditious clean-up of properties that have encountered damage from water main breaks and sewer back-ups; and

WHEREAS, the governing body of the Governmental Unit desires to minimize the potential of expensive lawsuits arising out of water main breaks and sanitary sewer back-up claims; and

WHEREAS, the Governmental Unit is a member of the League of Minnesota Cities Insurance Trust (LMCIT); and

WHEREAS, LMCIT has offered the Governmental Unit limited "no fault" sewer coverage and water main break coverage that will reimburse users of the water and sewer system for certain clean-up costs and property damage regardless of whether the Governmental Unit is at fault.

NOW THEREFORE, BE IT RESOLVED, as follows:

The Governmental Unit, as part of the contract for providing water and sewer services to the customers of the Governmental Unit, and in consideration of the payment of water and sewer bills, agrees to reimburse water and sanitary sewer customers for up to \$10,000 of clean-up costs and property damages caused by a water main break or sanitary sewer back-up, regardless of whether the Governmental Unit is negligent or otherwise legally liable for damages, subject to the following conditions:

I. Sanitary Sewer Back-Ups. For Sanitary sewer back-ups:

- A. The back-up must have resulted from a condition in the Governmental Unit's sanitary sewer system or lines, and not from a condition in a private line.
- B. The back-up must not have been caused by catastrophic weather or other events for which Federal Emergency Management Assistance is available.
- C. The back-up must not have been caused by an interruption in electric power to the Governmental Unit's sewer system or to any Governmental Unit lift station, which continues for more than 72 hours.
- D. The back-up must not have been caused by rainfall or precipitation that would constitute a 100-year storm as determined by the National Weather Service.
- E. Neither the Governmental Unit nor LMCIT will reimburse any costs which have been or are eligible to be covered under a property owner's own homeowners' or other property insurance, or which would be eligible to be reimbursed under a National Flood Insurance Protection (NFIP) policy, whether or not the property owner actually has NFIP Coverage.
- F. The maximum amount that the Governmental Unit or LMCIT will reimburse is \$ 10,000.00 per building, per year. In this regard, a structure or group of structures served by a single connection to the Governmental Unit's sewer system is considered a single building.

II. Water Main Breaks. For water main breaks:

- A. LMCIT will pay for claims presented by the Governmental Unit for water main break damage to property of others which was not caused by the Governmental Unit's negligence.
- B. Neither the Governmental Unit nor LMCIT will pay for damages or expenses for which the property owner has been or is eligible to be reimbursed by any homeowners' or other property insurance.
- C. The maximum amount that the Governmental Unit or LMCIT will reimburse is \$ 10,000.00 to any claimant, regardless of the number of occurrences or the number of properties affected.
- D. Neither the Governmental Unit nor LMCIT will pay more than \$250,000 for water main break damages resulting from any single occurrence. All water main break damage which occurs during any period of 72 consecutive hours is deemed to result from a single occurrence. If the total water main break damage for all claimants in a single occurrence exceeds \$250,000, the reimbursement to each claimant will be calculated as follows:
 1. A preliminary reimbursement figure is established for each claimant, equal to the lesser of the claimant's actual damages or \$10000.00
 2. The sum of the preliminary reimbursement figures for all claimants will be calculated.
 3. Each claimant will be paid a percentage of his or her preliminary reimbursement figure, equal to the percentage calculated by dividing \$250,000 by the sum of all claimants' preliminary reimbursement figures.

IN WITNESS WHEREOF, the Governmental Unit, by action of its governing body, caused this Resolution to be approved on _____, 20__.

Governmental Unit

By: _____

Its _____

And: _____

Its _____

Birchwood Village
5-10-11
Treasurer's Report

To: City Council
From: Cindie J Reiter, Interim Treasurer

Financial Report

Attached are the CTAS reports:

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

The **Interim Financial Report** shows the year to date totals for each revenue and expense. In the **disbursement section** you will find a running total (YTD) and **variance** (remaining balance) of the **budgeted** amount for each category of expense.

The **Cash Control Statement** are the beginning balance (same as: year-end results for 2010). This is unaudited. 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)

Audit – is near completion. An exit interview was held with the HLB reps on Monday May 9, 2011. A verbal update will be given at the May 10, 2011 City Council meeting. Final report for 2010 is due to the State Auditor's office on May 16, 2011.

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

Please call/email with any questions. Will be in office on Monday 5/9 morning and Tuesday afternoon 5/10.

Cindie J Reiter.
Birchwood City Treasurer

As of 05/05/2011
Fiscal Year:2011

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$545,704.05	\$17,052.25	\$145,448.41	\$417,307.89
Special Rev Projects	\$7,550.65	\$8,235.18	\$400.00	\$15,385.83
Sewer 2004 Bonds	\$0.00	\$198.68	\$2,511.47	(\$2,312.79)
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$0.00	\$1,232.58	\$0.00	\$1,232.58
Cap Project - PW	\$76,571.00	\$0.00	\$0.00	\$76,571.00
Capital Projects	\$30,527.99	\$579.00	\$0.00	\$31,106.99
Water Enterprise Fund	\$15,623.45	\$49,422.61	\$42,535.35	\$22,510.71
Sewer Enterprise Fund	\$171,160.41	\$29,435.34	\$26,995.65	\$173,600.10
Total	\$847,137.55	\$106,155.64	\$217,890.88	\$735,402.31

Fund Name: All Funds
Date Range: 04/13/2011 to 05/10/2011

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
04/14/2011	WA County Courts	Fines March 2011	469	\$53.33	100-35100	\$53.33
04/20/2011	REsidents - via LC	Utility Billing #42	477	\$1,635.54	305-36110 601-34105 601-34115 601-34120 605-34110	\$53.91 \$624.71 \$68.37 \$23.21 \$865.34
04/20/2011	Residents - Via LC	Utility Billing #47	478	\$526.87	601-34105 601-34115 601-34120 605-34110 605-36110	\$198.70 \$32.86 \$10.23 \$270.08 \$15.00
04/25/2011	WA County - Recycle	REcycle Grant 2011	459	\$1,678.00	100-33620	\$1,678.00
04/25/2011	US Treasury	IRS - Qtr 4 Adjustment	460	\$1,007.98	100-36140	\$1,007.98
04/25/2011	Ruehle WB052150	Building Permit	461	\$104.88	100-32210	\$104.88
04/25/2011	Cegielski, Emily	City Hall rent	462	\$25.00	100-34101	\$25.00
04/25/2011	Witthaus, Peggy	Hall Rental	463	\$25.00	100-34101	\$25.00
04/25/2011	Witthaus, Peggy	Hall Damage Deposit - no refund	464	\$100.00	100-34101	\$100.00
04/25/2011	Donnell, Suzanne	Dog Tag #079	465	\$10.00	100-32240	\$10.00
05/05/2011	Title Smart Inc 5 Oakridge Dr	PIF Spec Asstms 3003021230021	470	\$987.82	305-36120	\$987.82
05/05/2011	MCFOA	Class refund	471	\$20.00	100-36240	\$20.00
05/05/2011	Birchwood Dock Assn	Dock Permit Fees 2011	472	\$500.00	210-32260	\$500.00
05/05/2011	Sela Roof & Remodeling	Bldg Permit #WB052290	473	\$142.25	100-32210	\$142.25
05/05/2011	Doyle Construction	Bldg Permit #WB052273	474	\$176.75	100-32210	\$176.75
05/05/2011	C Woolhouse	Bldg Permit #WB052326	475	\$142.75	100-32210	\$142.75
05/05/2011	Ramsey/WA Counties Cable Comm	Cable Disbursement 2010	476	\$5,631.56	100-33625	\$5,631.56
Total For Period				\$12,767.73		
Total Year To Date				\$106,155.64		

Fund Name: All Funds
Date Range: 04/13/2011 to 05/10/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
04/13/2011	CAPRA'S UTILITIES, INC	Water Main Break Jan 11 & 12, 2011 Cedar/Hall	26572	\$9,135.00	601-43185-305	\$9,135.00
04/14/2011	Little Canada, City of	Qtrly UB Service/Newsltr/env/R eadings	26573	\$2,071.02	100-41960-305	\$100.00
					601-43180-305	\$782.51
					601-43180-305	\$62.50
					601-43180-305	\$281.00
					605-43190-305	\$62.50
					605-43190-305	\$782.51
04/15/2011	Payroll Period Ending 03/31/2011		26547	\$1,024.17	100-41400-100	\$1,024.17
04/15/2011	Payroll Period Ending 03/31/2011		26548	\$531.57	100-41400-100	\$531.57
04/25/2011	Ronnan, Kenny	Videographer - Service Mar 2011	26574	\$112.99	100-41420-210	\$7.99
					100-41950-305	\$105.00
04/25/2011	Xcel Energy	Park - Apr 2011	26575	\$9.95	100-45200-380	\$9.95
04/25/2011	Qwest	Phone/Fax lines Apr 2011	26576	\$104.21	100-41940-321	\$104.21
04/25/2011	Xcel Energy	Street Lights - Apr 2011	26577	\$1,235.37	100-43160-380	\$1,235.37
04/25/2011	Waste Management of WI-MN	Recycle - Mar 2011	26578	\$909.14	100-44100-305	\$909.14
04/25/2011	TSE, INC	City Hall Cleaning 4/5/11	26579	\$20.45	100-41940-305	\$20.45
04/25/2011	Washington County	Ice Removal - sand/salt Mar 2011	26580	\$537.05	100-43125-305	\$537.05
04/25/2011	TA Schifsky & Sons, INC	Street Mntnc - asphalt	26581	\$64.50	100-43100-305	\$64.50
04/25/2011	Xcel Energy	City Hall - Apr 2011	26582	\$261.23	100-41940-380	\$261.23
04/25/2011	Krinke, Doug	REfund Dock Slip Waiting Fee 2011	26583	\$200.00	210-45100-810	\$200.00
04/25/2011	Rauch, Christina	Refund of Dock Permit Fee 2011	26584	\$200.00	210-45100-810	\$200.00
04/25/2011	Steve Dean	Disease Tree Removal - 2011	26585	\$1,071.25	100-43135-305	\$1,071.25
04/25/2011	Mounds View Public Schools	Hockey Day refreshments	26586	\$75.29	100-45200-210	\$75.29
04/26/2011	PERA	Staff Retirement PE 3/31/11	PERA033111	\$288.73	100-41400-120	\$155.06
					100-41400-121	\$133.67
04/30/2011	Payroll Period Ending 04/15/2011		26587	\$1,024.17	100-41400-100	\$1,024.17
04/30/2011	Payroll Period Ending 04/15/2011		26588	\$524.57	100-41400-100	\$524.57

City of Birchwood Village

Disbursements Register

05/05/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/05/2011	IRS - US Treasury	FED Taxes - April 2011	FED042011	\$992.10	100-41400-110	\$424.49
					100-41400-160	\$61.88
					100-41400-162	\$264.60
					100-41400-164	\$61.88
					100-41400-166	\$179.25
05/05/2011	MN Department of Revenue	State W/H Apr 2011	MN042011	\$231.00	100-41400-115	\$231.00
05/05/2011	PERA	Staff Retirement PE 4/15/11	PERA041511	\$287.44	100-41400-120	\$154.37
					100-41400-121	\$133.07
05/10/2011	Gopher State One Call	Locates Apr 2011 (30 email - 1 voice)	26589	\$47.95	601-42800-305	\$23.97
					605-42800-305	\$23.98
05/10/2011	TSE, INC	City Hall Janitorial - Apr 2011	26590	\$20.45	100-41940-305	\$20.45
05/10/2011	City of White Bear Lake Public Work	Watermain Break 2/19/11	26591	\$1,775.00	601-43185-305	\$1,775.00
05/10/2011	City of White Bear Lake Public Work	Lift Stn Mntnc/Water Testing FEB 2011	26592	\$1,145.75	601-43180-305	\$329.75
					605-43190-305	\$816.00
05/10/2011	City of White Bear Lake Public Work	Lift Stn Mntnc & Fail				
	/Water Testing/Break signs	26593	\$1,342.87		601-43180-305	
					601-43185-305	\$65.95
					605-43185-305	\$169.70
					605-43190-305	\$816.00
05/10/2011	Elfering & Associates	Eng Srvc - Catch basin Project Apr 2011	26594	\$990.00	100-41650-300	\$990.00
05/10/2011	Elfering & Associates	Eng Srvc - Apr 2011	26595	\$594.00	100-41650-300	\$594.00
05/10/2011	Xcel Energy	Lift Stn - Apr 2011	26596	\$533.79	605-43190-380	\$533.79
05/10/2011	League of Mn Cities Insurance Trust	Claim Deductible - Sampair	26597	\$250.00	100-41945-150	\$250.00
05/10/2011	Powers, Dale	REimb - Hotel for LMC Conference	26598	\$159.82	100-41920-310	\$159.82
05/10/2011	S&T Office Supplies	Ink Cartridges	26599	\$269.13	100-41420-200	\$269.13
05/10/2011	Metropolitan Council Env. Service	Wastewater Service June 2011	26600	\$3,676.74	605-43190-380	\$3,676.74
05/10/2011	HLB TAuges Redpath, LTD	2011 Audit - partial due	26601	\$2,664.50	100-41500-301	\$2,664.50
05/10/2011	KEJ Enterprises	Watermain Break/Sign repair & mntnc	26602	\$367.50	100-43125-305	\$97.50
					601-43185-305	\$270.00
05/10/2011	Ronnan, Kenny	Videographer - Service Apr 2011 (Est)	26603	\$140.00	100-41950-305	\$140.00

Total For Period

\$34,888.70

Total Year To Date

\$217,890.88

As of 12/31/2011

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$0.00	\$3,248.19	\$3,248.19
Total Acct 310	\$0.00	\$3,248.19	\$3,248.19
Building Permits	\$0.00	\$874.88	\$874.88
Dog Licenses	\$0.00	\$20.00	\$20.00
Total Acct 322	\$0.00	\$894.88	\$894.88
Recycle Grant	\$0.00	\$1,678.00	\$1,678.00
Cable Comm. Grant	\$0.00	\$6,772.56	\$6,772.56
Total Acct 336	\$0.00	\$8,450.56	\$8,450.56
City Hall Rent	\$0.00	\$325.00	\$325.00
Total Acct 341	\$0.00	\$325.00	\$325.00
Fines	\$0.00	\$378.63	\$378.63
Total Acct 351	\$0.00	\$378.63	\$378.63
Miscellaneous	\$0.00	\$1,007.98	\$1,007.98
Total Acct 361	\$0.00	\$1,007.98	\$1,007.98
Interest Earnings	\$0.00	\$585.18	\$585.18
Contrib. & Donations-Private	\$0.00	\$600.00	\$600.00
Refunds and Reimbursements	\$0.00	\$1,561.83	\$1,561.83
Total Acct 362	\$0.00	\$2,747.01	\$2,747.01
Total Revenues	\$0.00	\$17,052.25	\$17,052.25
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,000.00	\$487.14	\$1,512.86
Total Acct 411	\$2,000.00	\$487.14	\$1,512.86
City Council	\$4,300.00	\$0.00	\$4,300.00
Total Acct 413	\$4,300.00	\$0.00	\$4,300.00
Clerk	\$52,855.00	\$24,219.55	\$28,635.45
Elections	\$470.00	\$470.00	\$0.00
Office Supplies	\$4,500.00	\$1,212.37	\$3,287.63
Postage/Postal Permits	\$0.00	\$328.50	(\$328.50)
Total Acct 414	\$57,825.00	\$26,230.42	\$31,594.58
Financial Administration	\$16,000.00	\$13,824.00	\$2,176.00
Assessing	\$5,200.00	\$0.00	\$5,200.00
Total Acct 415	\$21,200.00	\$13,824.00	\$7,376.00
Legal Services	\$8,000.00	\$3,073.14	\$4,926.86
Engineer Service	\$6,000.00	\$3,721.50	\$2,278.50
Total Acct 416	\$14,000.00	\$6,794.64	\$7,205.36

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

05/05/2011

Per Diem	\$495.00	\$0.00	\$495.00
Total Acct 418	\$495.00	\$0.00	\$495.00
City Training & Development	\$7,590.00	\$1,279.82	\$6,310.18
City Hall-Gov't Buildings	\$17,300.00	\$3,585.76	\$13,714.24
City Insurance	\$7,600.00	\$311.00	\$7,289.00
Cable Eqpmt and Service	\$0.00	\$521.50	(\$521.50)
Newsletter	\$1,000.00	\$100.00	\$900.00
Total Acct 419	\$33,490.00	\$5,798.08	\$27,691.92
Police	\$88,500.00	\$22,126.26	\$66,373.74
Total Acct 421	\$88,500.00	\$22,126.26	\$66,373.74
Fire	\$20,100.00	\$5,019.48	\$15,080.52
Total Acct 422	\$20,100.00	\$5,019.48	\$15,080.52
Building Inspection	\$0.00	\$936.36	(\$936.36)
Total Acct 424	\$0.00	\$936.36	(\$936.36)
PUBLIC WORKS	\$3,000.00	\$0.00	\$3,000.00
Total Acct 430	\$3,000.00	\$0.00	\$3,000.00
Highways, Streets & Roadways	\$21,500.00	\$129.00	\$21,371.00
Ice and Snow Removal	\$0.00	\$10,093.73	(\$10,093.73)
Tree Care/Inspection	\$1,500.00	\$0.00	\$1,500.00
Tree Removal	\$4,000.00	\$1,071.25	\$2,928.75
Drainage - Structure Care	\$2,000.00	\$2,114.25	(\$114.25)
Street Signs	\$1,000.00	\$0.00	\$1,000.00
Street Lights	\$13,800.00	\$6,172.44	\$7,627.56
Water Utility	\$0.00	\$269.90	(\$269.90)
Sewer Utility	\$0.00	\$269.90	(\$269.90)
Total Acct 431	\$43,800.00	\$20,120.47	\$23,679.53
Sanitation - Recycling	\$12,000.00	\$3,636.56	\$8,363.44
Total Acct 441	\$12,000.00	\$3,636.56	\$8,363.44
Lawn Care/Mntnc	\$7,000.00	\$0.00	\$7,000.00
Total Acct 450	\$7,000.00	\$0.00	\$7,000.00
Recreation	\$0.00	\$200.00	(\$200.00)
Total Acct 451	\$0.00	\$200.00	(\$200.00)
Parks	\$13,000.00	\$7,402.84	\$5,597.16
Total Acct 452	\$13,000.00	\$7,402.84	\$5,597.16
CONSERVATION - NATURAL RESOURC	\$1,609.00	\$1,609.16	(\$0.16)
Total Acct 461	\$1,609.00	\$1,609.16	(\$0.16)
Unallocated Expenditures	\$681.00	\$0.00	\$681.00
Total Acct 492	\$681.00	\$0.00	\$681.00
Total Disbursements	\$323,000.00	\$114,185.41	\$208,814.59
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$31,263.00	
Beginning Cash Balance		\$545,704.05	

Cash Balance as of 12/31/2011

\$417,307.89

As of 12/31/2011

Special Rev Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock Permit Fee	\$0.00	\$8,235.00	\$8,235.00
Total Acct 322	\$0.00	\$8,235.00	\$8,235.00
Interest Earnings	\$0.00	\$0.18	\$0.18
Total Acct 362	\$0.00	\$0.18	\$0.18
Total Revenues	\$0.00	\$8,235.18	\$8,235.18
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$400.00	(\$400.00)
Total Acct 451	\$0.00	\$400.00	(\$400.00)
Total Disbursements	\$0.00	\$400.00	(\$400.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$7,550.65	
Cash Balance as of 12/31/2011		\$15,385.83	

As of 12/31/2011

Sewer 2004 Bonds	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$198.68	\$198.68
Total Acct 361	\$0.00	\$198.68	\$198.68
Total Revenues	\$0.00	\$198.68	\$198.68
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$2,511.47	(\$2,511.47)
Total Acct 471	\$0.00	\$2,511.47	(\$2,511.47)
Total Disbursements	\$0.00	\$2,511.47	(\$2,511.47)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		(\$2,312.79)	

As of 12/31/2011

Birchwood In Re-hab Bond	<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 12/31/2011		\$0.00	

As of 12/31/2011

Sewer Re-hab 2008 Debt

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$244.76	\$244.76
Sewer Lift	\$0.00	\$987.82	\$987.82
Total Acct 361	\$0.00	\$1,232.58	\$1,232.58
Total Revenues	\$0.00	\$1,232.58	\$1,232.58
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 12/31/2011		\$1,232.58	

As of 12/31/2011

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		\$76,571.00	
Cash Balance as of 12/31/2011		\$76,571.00	

As of 12/31/2011

Capital Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Interest Earnings	\$0.00	\$579.00	\$579.00
Total Acct 362	\$0.00	\$579.00	\$579.00
Total Revenues	\$0.00	\$579.00	\$579.00
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		\$30,527.99	
Cash Balance as of 12/31/2011		\$31,106.99	

As of 12/31/2011

Water Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$17,475.32	\$17,475.32
Penalty - Late Water/Sewer	\$0.00	\$768.20	\$768.20
State & Misc fees	\$0.00	\$800.81	\$800.81
Total Acct 341	\$0.00	\$19,044.33	\$19,044.33
Interest Earnings	\$0.00	\$378.28	\$378.28
Total Acct 362	\$0.00	\$378.28	\$378.28
Total Revenues	\$0.00	\$19,422.61	\$19,422.61
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$30,000.00	
Disbursements:			
Engineer Service	\$0.00	\$472.00	(\$472.00)
Total Acct 416	\$0.00	\$472.00	(\$472.00)
Other Protection	\$0.00	\$96.65	(\$96.65)
Total Acct 428	\$0.00	\$96.65	(\$96.65)
Water Utility	\$0.00	\$19,858.68	(\$19,858.68)
Wtr/Swr Emergency	\$0.00	\$22,108.02	(\$22,108.02)
Total Acct 431	\$0.00	\$41,966.70	(\$41,966.70)
Total Disbursements	\$0.00	\$42,535.35	(\$42,535.35)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$15,623.45	
Cash Balance as of 12/31/2011		\$22,510.71	

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

05/05/2011

As of 12/31/2011

Sewer Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$27,650.68	\$27,650.68
Total Acct 341	\$0.00	\$27,650.68	\$27,650.68
Sewer Re-hab A&B	\$0.00	\$15.00	\$15.00
Total Acct 361	\$0.00	\$15.00	\$15.00
Interest Earnings	\$0.00	\$506.66	\$506.66
Total Acct 362	\$0.00	\$506.66	\$506.66
Total Revenues	\$0.00	\$28,172.34	\$28,172.34
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$1,263.00	
Disbursements:			
Other Protection	\$0.00	\$96.65	(\$96.65)
Total Acct 428	\$0.00	\$96.65	(\$96.65)
Wtr/Swr Emergency	\$0.00	\$937.19	(\$937.19)
Sewer Utility	\$0.00	\$25,961.81	(\$25,961.81)
Total Acct 431	\$0.00	\$26,899.00	(\$26,899.00)
Total Disbursements	\$0.00	\$26,995.65	(\$26,995.65)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$171,160.41	
Cash Balance as of 12/31/2011		\$173,600.10	

Scholarship and payment info read

- MCFOA member - \$1000/yr
- Non-MCFOA member - \$500/yr
- MCFOA member - \$500/yr
- Non-MCFOA member - \$400/yr

I have received an MCFOA letter AFTER you have submitted an offer of

Scholarship Amount \$ _____

TOTAL amount due \$ _____

Enrollment \$ _____ in program

Check or money order payable to the SA assigned to review your financial aid application required

Please bill by mail to: Parents Student MCFOA

Please check payment card info: VISA MasterCard Discover

Card # _____

Name as it appears on your credit card bill _____

Address as it appears on your credit card bill _____

City _____ State _____

Authorizes signature _____

Send registration form by mail to: _____

Mail: St. Cloud State University
Attn: Cash Register/CSS
700 South Avenue South
St. Cloud MN 56301-4499

E-Mail: cashregister@stcloudstate.edu



ST. CLOUD STATE UNIVERSITY
700 SOUTH AVENUE SOUTH
ST. CLOUD, MN 56301-4499
TEL: 800.368.2722
WWW.STCLOUDSTATE.EDU

MCFQA for a MMCI scholarship. Grants are \$150, \$250, \$350. You must be a paid member to apply, membership dues are \$35. Go to www.mcfqa.org and click on forms to download the membership and scholarship applications forms.

If you are applying for a scholarship, please register after you receive notification from the MCFQA. Notice will be sent to you by March 16, 2011. You will be able to complete your registration prior to the May 27, 2011 early registration deadline. The Institute will still have plenty of space for you.

ACCOMMODATIONS

A block of sleeping rooms has been reserved at the Crowne Plaza Minneapolis North, 2200 Freeway Blvd, Brooklyn Center, MN 55430. You can access their web site at www.minneapolisnorthhotel.com or call the hotel directly at 763-566-8000 or 1-800-481-3356. Mention that you are attending the Minnesota Municipal Clerks Institute (MMCI) to receive the special room rate of \$99 per night plus tax 6.5% sales tax and 6% occupancy tax. Reservations are guaranteed until June 20, 2011. After this date, reservations will be handled on a first-come, first-served basis at the hotel or neighboring lodging property.

There will be a complimentary BBQ on Monday, July 11, 2011, outside by the pool from 6:15 - 8:15 p.m.

PARKING

Free parking is available at the Crowne Plaza Minneapolis North.

CONTINUING EDUCATION UNITS

The Institute offers 4.0 Continuing Education Units (CEUs). One CEU is defined as 10 contact hours of participation in an organized continuing education experience under responsible sponsorship, capable direction, and qualified instruction.

FOR FURTHER INFORMATION

If you would like more information or have questions, please contact:

Gail Ruhland at 320-308-5759
(gail@essurtraining.com)

Or
Charlotte Kastanek at 320-308-4723
(ckastanek@cioundstate.edu)

SPECIAL ACCOMMODATIONS

To ensure full participation in the workshop, please inform us about any dietary requirements or physical challenges which should be addressed prior to arrival.

MINNESOTA MUNICIPAL CLERKS INSTITUTE WEEK-AT-A-GLANCE BY YEAR*

Sunday - 6:00-7:00 pm Early Registration (encouraged for Year One participants)
Monday - 6:15-8:15 pm Complimentary Welcome BBQ - Crowne Plaza, outside by the pool
Thursday - 6:30-8:15 pm Social Hour, 7:00 Banquet - Crowne Plaza, Lake of the Isles

YEAR 1	Monday	Tuesday	Wednesday	Thursday	Friday
8 am to 12:30 pm	Welcome and Introduction to the Institute	Field Trip - City of Minneapolis Elections	CMC Certification Fund Accounting and Budget Preparation	Minute-Taking, Meetings, Parliamentary Procedure	Effective Listening
1:30 pm to 5:30 pm	Human Resource Issues & Approaches for Clerks	Fundamentals of Data Practices Revenue Sources	Getting Along with your Elected Official, How To Work As A Team	Capital Planning & Budgeting Do's & Don'ts - Working with Volunteer Fire Departments & Relief Associations	Difficult People Yrs. 1, 2 and 3
8 am to 12:30 pm	Effective Interpersonal Communication & Work Styles				
1:30 pm to 5:30 pm	Intro to Emergency Management				

YEAR 2	Monday	Tuesday	Wednesday	Thursday	Friday
8 am to 12:30 pm	Welcome and Introduction to the Institute	Emerging Public Policy - Legislator Issues	Human Resource Issues for Municipalities	Field Trip - At League of Municipalities	Organizational Communication & Conflict Management (cont'd from Monday)
1:30 pm to 5:30 pm	Ethical Issues in the Public Sector	Records Management and Retention	Bandwidth and Other Financing Tools	Historic Preservation & City Government	Difficult People Yrs. 1, 2 and 3
8 am to 12:30 pm	Conflicts of Interest	Disaster Recovery IT & Records Management	Municipal Issues & Approaches (w/Tr/1&3)	Historical Archives & Preservation	
1:30 pm to 5:30 pm	Making Decisions in a Diverse World				

YEAR 3	Monday	Tuesday	Wednesday	Thursday	Friday
8:00 am to 12:30 pm	Welcome and Introduction to the Institute	Speak Up! Public Speaking and Facilitating a Discussion	Grants & Grant Writing	Field Trip - At the State Capitol	Remaining Apolitical
1:30 pm to 5:30 pm	Small Group Communication		Municipal Case Study and/or Presentation Preparation	Lobbying	Difficult People Yrs. 1, 2 and 3
8 am to 12:30 pm	Organizational Style & Dynamics	Parliamentary Procedure	Tax Alternatives to TIF	Resources for Clerks: Creating form Office of the Secretary of the State's Office	
1:30 pm to 5:30 pm	Municipal Case Study: Intro		Municipal Issues & Approaches (w/Tr/1&2)	Media Relations Simulated Council Meeting	Adjourn

For more information on the 2011 schedule, please contact Gail Ruhland at 320-308-5759 or Charlotte Kastanek at 320-308-4723. For more information on the 2012 schedule, please contact Gail Ruhland at 320-308-5759 or Charlotte Kastanek at 320-308-4723. www.essurtraining.com/MMCI

INSERT ITEM # 6

EXHIBIT OF PROPOSED

SIGNAGE FOR IMMEDIATE

REPLACEMENT HERE

INSERT ITEM # 7

EXHIBIT OF PROPOSED COST

FOR REPAIR OF PRIORITY ITEMS

IN VILLAGE HALL

HERE

RECD APR 20 2011

WHITE BEAR LAKE

FIREWORKS FUND

4700 Miller Avenue • White Bear Lake • MN 55110



April 14, 2011

Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Dear Birchwood Village,

I am writing again this year to extend our sincere thanks to you for your contribution to the 2010 White Bear Area Fireworks Display and to ask if there is any way you can help with the funding of Fireworks Display again this year. Only through the generosity of our community members and businesses are we able to meet our fundraising goal and put on another great July 4th fireworks display.

To ensure our success in 2011 and the future, we are again asking for your help. In the past, you so graciously donated \$200 and were hoping you could do so again this year. However, any amount would be greatly appreciated. As you know, all contributions are tax deductible. We have a wonderful, traditional 4th of July celebration each year that brings out this whole area of friends and families to celebrate a real community hometown event. And each year this is only possible by the generosity of donations, we can't take the chance of not being able to have this annual celebration, so please we ask for your help.

All checks should be payable to the "White Bear Lake Fireworks Fund". The City has established a special fund for us to ensure tax deductibility and auditing.

As in previous years, we are featuring our Premier Program, whereby any business, organization, or individual that donates \$1,000 or more will be recognized on our stationary.

Thank you for your consideration. If I can answer any questions, please feel free to call me at 651-429-5393, or Dick Galena at 651-429-6555.

In Celebration,

Bill Foussard
Fundraising Coordinator

Dick Galena
Chair

Committee Members

- Jeff Lair
- Bill Matschke
- Mark Sather
- Mike Turnbull
- Todd Rogers
- Tim Vadnais
- Dick Galena
- Bill Foussard
- Jason Brown

Presenting Sponsor

- TBD

Major Sponsors

- White Bear Super Store
- Helgeson Enterprises, Inc.
- Tom and Susan Keller
- Catalina Carpets

Business Sponsors

- Commercial Printing
- White Bear Boat Works
- Rudy's Redeye Grill
- White Bear Lake Country Inn
- Press Publications

Agency Sponsors

- Mahtomedi Fire Dept.
- White Bear Lake Fire Dept.
- VFW Zimmer Post 1782
- American Legion Post 507
- Wildwood Lions
- White Bear Lake Lions
- White Bear Lake Police Dept.
- Ramsey County Sheriff Water Patrol
- White Bear Lake Conservation District
- White Bear American Legion Post 168

Kim Otrness & ^{4/10/11}
Ken Kixmceller
hereby offer to pay
305/year for
Birchwood Village
city garage ~~MC~~

Birchwood Village
4-26-11
Treasurer's Memo

10

To: City Council
From: Cindie J Reiter, City Treasurer

DEBT SERVICE FUNDS SPECIAL ASSESSMENT – Interest calculation

In response to the issue presented at the April City Council meeting regarding the special assessment payments for the city's 3 debt service funds, the following is presented for your understanding and review.

The city has three sewer bonds for which residents are billed annually for, via specials assessments. Upon approval of a bond the city (in conjunction with city engineer and bonding company) determines the term and individual PID (Parcel Identity #) that are to be assessed. Each Bond has an annual payment due, as well as, an annual pay-off amount.

The yearly special assessment is paid with the property taxes for each property owner on the assessment roll. However the property owner can before November 15th each year pay the remaining principal balance to pay off "the specials" on the property.

The City of Birchwood at the beginning of the bond term(s) made the decision for the city to certify annually each year's special assessment. Customary practice is to certify the entire bond term with the county at the beginning of the bond term. Due to staff turn-over in 2009 the city did not certify for Pay 2010 special assessments, in order to collect the funds due to the city the council choose to collect the Pay 2010 special assessment itself and then certify (November 2010) to the county the balance of all three debt service funds for the balance of the term(s).

In November 2010 the special assessment roll was presented to the county for certification, however since I had not done a certification mid-term I errantly included the interest due for the remainder of years in the amount certified, in fact, the interest due is calculated by the county's program. The master pay schedule was included with the submission to the county as back up, however due to the volume of certifications the county processes it was not able to determine the double interest calculation.

In early February the Special Assessment Parcel List was provided for me to proof, at that time it was found that the interest was included twice. Upon review by the WA County Property Taxpayer Division, it was found that the county could not at this late time re-configure the Birchwood Special Assessment roll and an adjustment would need to be made at the November 2012 certification period.

The additional interest resulted in pay differentials of \$21.17, 28.81 and \$45.42 for Pay 2012. An adjustment of these amounts is proposed to be made to the term of the bonds, (at this time an amortization schedule has been provided to the city engineer for review) upon confirmation of the amortized balance; this schedule will be submitted to council for approval and then to the county for certification in November 2012. For those property owners wishing to pay the balance in full in 2011 the adjustment will be considered in the pay-off balance this year.

Also, a letter addressed to the affected residents will be sent apprising them of the situation and correction of the future years special assessment payments for the sewer bond projects. Please let me know of any further questions you have regarding the special assessments for debt service.

Hopefully this will resolve the issue presented. Please accept my sincere apologies – being human has its weakness.

Cindie J. Reiter,
Birchwood City Treasurer

State of Minnesota
County of Washington
City of Birchwood Village
Resolution No. 2011-11

A Resolution Approving Ordinance 2011-02 Amending Chapter 403
To Include Provisions Regarding the Emerald Ash Borer
and the Two-Lined Chestnut Borer

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

WHEREAS, the City has adopted chapter 403 to regulate and control tree diseases in the community; and

WHEREAS, the emerald ash borer and the two-lined chestnut borer have invaded Minnesota and threaten to spread and endanger ash trees and oak trees in the community and in the area; and

WHEREAS, it is necessary and appropriate to have requirements in the City Code to allow the City to control the spread of these two pests; and

WHEREAS, existing chapter 403 does not regulate the emerald lash borer or the two-lined chestnut borer; and

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

WHEREAS, no person testified in opposition to the proposed amendments to chapter 403, and

WHEREAS, the requirements proposed by the City in chapter 403 to abate the spread of the emerald ash borer and the two-lined chestnut borer are reasonable.

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

1. That Ordinance 2011-02 is hereby approved [as presented/as amended].
2. That Chapter 403 of the City Code, entitled Tree Diseases, is amended as shown in Ordinance 2011-02 to establish requirements for controlling the spread of the emerald ash borer and the two-lined chestnut borer.
3. The effective date of these Ordinance amendments shall be upon publication as required by law.
4. Because the terms of the Ordinance are lengthy, the City may publish the attached summary of the amendments as allowed by statute, and need not publish the entire chapter showing all the amendments. Summary publication has been approved by at least a 4/5's vote of the City Council.

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

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

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

SUMMARY OF ORDINANCE 2011-02

On May 10, 2011, the Birchwood City Council enacted Ordinance 2011-02, entitled "Amending Chapter 403 To Include Provisions Regarding the Emerald Ash Borer and the Two-Lined Chestnut Borer, which amends the City Code, chapter 403. The terms of the Ordinance are lengthy, and the City Council has approved summary publication of the Ordinance. The changes to Chapter 403 are summarized as follows:

- Section 403.010 (Declaration of Policy) was amended to declare that the emerald ash borer and the two-lined chestnut borer threaten ash and oak trees in Birchwood.
- Section 403.030 (Appointment of Tree Inspector) was amended to give the City's designated tree inspector certain authorities specified in the chapter to control the infestation of these two pests.
- Section 403.040 (Nuisances Declared) was amended to declare that ash trees and oak trees infected with these pests are a public nuisance.
- Other sections of chapter 403 were amended to allow the tree inspector to conduct inspections of trees in the community to look for such pests and to require landowners to take certain abatement actions to prevent the spread of such pests. Section 403.080 requires that a landowner be given notice before any abatement action is required.
- Section 403.100 (Transporting Infected Elm, Oak, or Ash Wood Prohibited) makes it illegal to transport any infected ash or oak wood within the City without first obtaining a permit.
- These amendments are effective upon publication of this summary.
- A full copy of Ordinance 2011-02 and Resolution 2011-11 adopting the ordinance, are available for inspection at the City Hall during regular office hours, and may also be provided by mail upon written request.

**CITY OF BIRCHWOOD VILLAGE
COUNTY OF WASHINGTON
STATE OF MINNESOTA
ORDINANCE 2011-02**

AN ORDINANCE AMENDING CHAPTER 403 (TREE DISEASES) TO INCLUDE PROVISIONS REGARDING THE EMERALD ASH BORER AND THE TWO-LINED CHESTNUT BORER.

403.010. DECLARATION OF POLICY. The Council has determined that the health of the elm, oak, and ash trees within the municipal limits are threatened by fatal diseases known as Dutch elm disease, and oak wilt, and from the emerald ash borer and the two-lined chestnut borer. It has further been determined that the loss of elm, oak, and ash trees growing upon private and public property would substantially depreciate the value of property within the City and impair the safety, good order, general welfare and convenience of the public. It is declared to be the intention of the Council to control and prevent the spread of these diseases and these pests, and this article is enacted for that purpose.

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403.020. CONTROL AREA DESIGNATED. For the purposes of this ordinance, the control area consists of the entire City of Birchwood Village.

403.030. APPOINTMENT OF A TREE INSPECTOR. The Council shall at least annually designate a tree inspector or tree inspectors, certified by the Minnesota Commissioner of Agriculture, who shall have the responsibilities set forth in this ordinance to administer the Dutch elm disease and oak wilt control programs and to control the infestation of the emerald ash borer and the two-lined chestnut borer within the City. in

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403.040. NUISANCES DECLARED. The following are declared to be public nuisances whenever and wherever they may be found within the City.

Deleted: designated Dutch elm disease and/or oak wilt control areas within the City.

1. Elms. Any standing or living elm tree, (including but not limited to American elm, red elm, rock elm, Siberian elm, and Chinese elm), or part thereof, determined by the City tree inspector to be infected to any degree with the Dutch elm disease fungus, *Ceratocystis ulmi* (Busiman) Moreau.

Any bark intact dead or dying elm tree, or part thereof, or any elm wood including branches (greater than 2" in diameter at the largest end), logs, stumps, or firewood with bark intact that poses a threat, (as determined by the City tree inspector), of harboring or acting as a breeding site for the beetles, *Scolytus multistriatus* (Eichh) or *Hylurgopinus rufipes* (Marsch).

2. Oaks. Any bark intact living or standing tree or part thereof, in the red oak group (including, but not limited to, red oak, pin oak, northern pin oak, scarlet oak

and black oak) infected to any degree, (as determined by the City tree inspector), with the oak wilt fungus *Ceratocystis fagacearum* (Bretz) Hunt, and has been determined (by the City tree inspector) to pose a threat of overland transmission of the fungus to other oak trees. This may also include any bark intact dead or dying red oak group oak tree, or part thereof, that has died of oak wilt, (as determined by the City tree inspector), including branches (greater than 2" in diameter at the largest end), logs, stumps, or firewood that is determined by the City tree inspector to pose a threat of overland transmission of the oak wilt fungus to other oak trees.

Any bark intact living or standing tree, or part thereof, in the red oak group described above that is infected to any degree with the two-lined chestnut borer (*Agrilus bilineatus*) that has been determined by the City tree inspector to pose a threat of overland transmission of the borer. This may also include any bark intact dead or dying red oak group oak tree, or part thereof, that has died from invasion of the two-lined chestnut borer as determined by the tree inspector.

3. Ash. The provisions of paragraph 2 and 3 above shall also apply whenever the tree inspector shall find a living or standing ash tree or bark intact or dying ash tree, or part thereof, that has been infested with the emerald ash borer (*Argilus planipennis* or *Agrilus marcopol*).

403.050. ABATEMENT. It is unlawful for any person to permit a public nuisance as defined in 403.040 to remain on any premises owned or controlled by that person within the designated control areas of the City. Such nuisances may be abated in the manner prescribed by this chapter.

403.060. INSPECTION AND INVESTIGATION.

1. Annual Inspection.

a. Dutch Elm disease: The tree inspector shall inspect all premises and places within the designated Dutch elm disease control area of the City at least once during the growing season, by August 1st, to determine whether any condition described in 403.040 (1) exists.

b. Elm wood: The tree inspector shall inspect all premises and places within the designated Dutch elm disease control area of the City by August 1st, of each year for elm wood or logs/stumps that meet any of the conditions described in 403.040 (1) and require by August 1st, removal or debarking of all wood logs, and stumps to be retained.

c. Oaks, The tree inspector shall inspect all premises and places within the designated control area of the City as many times as practical or necessary to determine whether any condition described in 403.040 (2) exists.

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d. Ash Trees. The tree inspector shall inspect all premises and places within the City of Birchwood as many times as practical or necessary to determine whether any condition described in 403.040(3) exists.

2. Entry on Private Premises: The tree inspector so designated by the Council may enter upon private premises at any reasonable time for the purpose of carrying out the duties assigned to him/her under this chapter.

3. Diagnosis: Whenever possible, diagnosis shall be based upon accepted field symptoms. The City tree inspector shall, upon finding indications of oak wilt or Dutch elm disease or the two-lined chestnut borer or the emerald ash borer, take such steps for diagnosis as may be appropriate. These steps may include analysis of twig and stem samples from elm, oak, and ash trees or parts thereof suspected of being infected. The tree inspector may submit such samples to an approved laboratory upon approval of the Council. Laboratory isolation and confirmation of the presence of the fungi shall be done by the Department of Agriculture's disease laboratory, or other laboratories capable of performing such services approved by the Minnesota Commissioner of Agriculture.

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403.070. INTERFERENCE PROHIBITED. It is unlawful for any person to prevent, delay or interfere with the City tree inspector or his/her agents while they are engaged in the performance of duties imposed by this ordinance.

403.080. PROCEDURE FOR ABATEMENT AND REMOVAL.

1. Notice to Landowner. Whenever it is found with reasonable certainty that a tree has oak wilt or Dutch elm disease, or is infected with the two-lined chestnut borer or the emerald ash borer, the tree inspector shall proceed as follows:

(a) If the tree inspector finds that there is potential for infection of other trees, the owner of the property on which the nuisance is found, shall be notified by certified mail, addressed to said owner at his/her last known address. The tree inspector will specify on the notice a reasonable date by which the nuisance must be abated. The tree inspector shall identify in the notice the abatement action to be taken.

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(b) The tree inspector shall immediately report said action to the Council and, after the expiration of the time limited by said notice, the tree inspector may proceed to abate the nuisance as herein provided.

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(c) The cost of such abatement, plus a \$50 administrative fee, shall be assessed against the owner of the property involved, or against the property itself.

403.081. ABATEMENT ACTIONS.

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1. High Risk Elm Trees: High risk elm trees shall be those trees that are dead, barren, or have extensive wilt (30 percent or more of the tree is wilted). Such trees shall be identified and marked prior to July 1st. These high risk trees shall be removed within 20 days of notification of the property owner.

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2. Oak Wilt. All oak trees within the designated oak wilt control area of the City diagnosed as having oak wilt should be isolated from neighboring healthy oak trees of the same species by chemical or mechanical disruption of common root systems to prevent root graft transmission of the oak wilt fungus.

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To control the overland spread of oak wilt, the pruning of oaks shall be avoided during the most susceptible period of infection, from April 15 until July 1. If wounding is unavoidable during this period, as in the aftermath of a storm or when the tree interferes with utility lines, a tree wound dressing shall be applied immediately.

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a. Red Oaks: To prevent the oak wilt fungus from producing spores and to prevent the overland spread of this fungus, any bark intact diseased material resulting from any tree of the red oak group, that wilted from oak wilt in July and August of one year shall be declared hazardous for the spring of the following year. This hazardous spring period shall be defined as April 15 to July 1 and diseased material shall be determined such by the City tree inspector.

Any hazardous oak wood to be used as fuel wood or to be salvaged or other purposes must be debarked, dried, or else completely covered by heavy plastic (4 mil or greater) from April 15 until July 1 of the year following the appearance of oak wilt. After this time there is no danger of spore production and the wood does not need to be covered.

Any branch greater than 2" in diameter of the red oak group determined to be hazardous and not to be salvaged shall be disposed of by burning, chipping, or removal to an authorized dump site prior to April 15 of the year following the appearance of symptoms. Dead standing red oaks that have advanced beyond the potential for spore production need not be removed except where they constitute a hazard to life and/or property. The City tree inspector will advise accordingly.

Stumps of trees of the red oak group removed due to oak wilt shall be completely covered with at least 2" of compacted soil, removed, or debarked to the ground line to eliminate all possibilities of spore formation and overland disease spread.

Any hazardous material not dealt with in the above described manner must be removed within 20 days of notification.

b. White Oaks: Trees of the white oak group (i.e. white oak, bur oak, bicolor oak) diagnosed as having oak wilt should be isolated by root graft disruption as previously stated. Diseased material originating from such trees will rarely ever support spore formation, and salvaged material therefore will not require special treatment to prevent overland spread. Standing trees of this group showing early symptoms of oak will may sometimes be saved by removing affected branches. The City tree inspector will advise accordingly.

3. Two-lined Chestnut Borer. The tree inspector shall identify such actions as the inspector deems necessary to prevent the spread of the two-lined chestnut borer whenever the two-lined chestnut borer is discovered in Birchwood.

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4. Emerald Ash Borer. The tree inspector shall identify such actions as the inspector deems necessary to prevent the spread of the emerald ash borer whenever the emerald ash borer is discovered in Birchwood.

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403.090. ROOT GRAFT DISRUPTION (BARRIERS) AT PROPERTY BOUNDARIES. Because oak wilt is a community problem and because oak wilt control may benefit an entire neighborhood, the tree inspector shall recommend and encourage neighborhood participation and cooperation, including cost sharing, in root graft disruption and other control efforts, especially where oak wilt is in danger of spreading across property boundaries.

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403.100. TRANSPORTING INFECTED ELM, OAK, OR ASH WOOD PROHIBITED. It is unlawful for any person to transport within the City any bark intact elm wood, or wood from the red oak group that is determined to be hazardous, or any oak infected with the chestnut borer, or any ash wood infected with the emerald ash borer without having first obtained a permit from the City tree inspector to do so. The City tree inspector shall grant such permits only when such permission does not interfere with the provisions of this ordinance.

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403.110 PENALTY. Any person, firm or corporation who violates the conditions of this ordinance is guilty of a misdemeanor.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. That Ordinance 2011-03 is hereby approved [as presented/as amended].
2. That Chapter 201 of the City Code, entitled City Water System, is amended as shown in the attached document to clarify responsibilities for maintaining and repairing broken water lines and for locating underground lines and protecting fire hydrants.
3. The effective date of these Ordinance amendments shall be upon their publication as required by law.
4. Because the terms of the Ordinance are lengthy, the City may publish the attached summary of the amendments as allowed by statute, and need not publish the entire chapter showing all the amendments. Summary publication has been approved by at least a 4/5's vote of the City Council.

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

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

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

SUMMARY OF AMENDMENTS TO CHAPTER 201

On May 10, 2011, the Birchwood City Council enacted Ordinance 2011-02, entitled "An Ordinance Amending Chapter 201 (City Water System) To Require Deposit of Water Funds In A Special Fund And Clarifying Responsibility For Repairing And Maintaining The Water System", which amends the City Code, chapter 201. The terms of the Ordinance are lengthy, and the City Council has approved summary publication of the Ordinance. The changes to Chapter 201 are summarized as follows:

- Section 201.110 (Charges Become a Lien) was amended to clarify that the City will certify delinquent water charges to the Washington County Auditor after July 31 of each year and such charges shall go on the tax roll for the property.
- Section 201.120 (Repair of Service Lines) was amended to clarify that the property owner has the obligation and responsibility to maintain and repair the water line between the main line in the street and the dwelling and that the City may turn off the water to the property if a broken line is not repaired within 24 hours of notice of the break.
- Section 201.120 (Repair of Service Lines) was amended further to provide that any Birchwood resident who leaves his or her water running during the winter to prevent freeze-up will be charged for such water usage unless the City Council first gives authorization to do so without charge.
- Section 201.230(2) (Excavating Work) was amended to update the specifications for filling excavations in city streets. The new Minnesota Department of Transportation Specification for the base is Specification 2350/2360.
- Section 201.230(4) (Excavating Work) was amended to provide that any water service line installed in the ground must have a tracer wire installed so the line can be located in the future if necessary.
- Section 201.340 (Use of Fire Hydrants) was added to the ordinance to provide that no person other than one authorized by the City shall operate the fire hydrants or interfere with the water system.
- These amendments are effective upon publication of this summary.
- A full copy of Ordinance 2011-03 and Resolution 2011-12 adopting the ordinance, are available for inspection at the City Hall during regular office hours, and may also be provided by mail upon written request.

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

ORDINANCE 2011-03

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

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

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

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

201 CITY WATER SYSTEM

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

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

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

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

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

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

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

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

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

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

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

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

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

In case of the breakage or stoppage of any meter, the consumer shall immediately notify the City. Any repairs necessary shall be made at the expense of the owner, except in the case of normal wear and tear.

In cases where the meters are difficult to access by the officers of the City, or are exposed to danger from frost, the water shall be shut off from such premises until the obstruction is removed or the danger is avoided.

201.090. WATER USE RATES. All water supplied to consumers, shall be sold at rates established by City Council resolution.

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

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

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

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

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

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

201.110. CHARGES BECOME A LIEN. Each charge levied by and pursuant to this chapter is hereby made a lien upon the corresponding lot, land or premises served by a connection to the water system of the City. All such charges which are on July 31st of each year more than 30 days past due and having been properly billed to the occupant of the premises served, shall be certified by the City to the Washington County Auditor each year. The City in so certifying such charges to the County Auditor shall specify the amount thereof, the descriptions of the premises served, and the name of the owner thereof. The amount so certified shall be extended by the County Auditor on the tax rolls against such premises in the same manner as other taxes, and collected by the County Treasurer, and paid to the City, along with other taxes.

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

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

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

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

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

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

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

of time as it may deem proper, the use of water for sprinkling purposes, or otherwise than for the most necessary and essential domestic purposes.

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

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

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

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

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

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

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

201.190. SEPARATE SHUT-OFFS AND SERVICE CONNECTION. Unless special permission is granted by the City Council, each premises shall have a separate and distinct service connection, water meter, shut-off box, wheel handled service stop, a shut-off valve on each side of the City-issued meter, and a check valve between meter and main. All valves are to be no less than the size of the service connection.

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

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

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

201.230. EXCAVATING WORK.

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

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

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

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

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5. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Inspector may elect to accept data provided by the contractor or owner to establish the location of the service lateral. The City may order the owner to uncover any service lateral for which the horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision. The requirements of this provision apply to any service lateral installed after 5/9/06.

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

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

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

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201.270 and 202.280 have been recoded as 201.041 and 201.042.

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

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

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

201.320. SEPARATION OF CITY WATER SYSTEM FROM PRIVATE SYSTEMS.

There shall be a complete physical separation from any private water system with that of the City water system, so that in no case can water from a private system enter into the City system at any location, public or private.

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

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

Amended May 10, 2011.

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**State of Minnesota
County of Washington
City of Birchwood Village
Resolution No. 2011-13**

**A Resolution Approving Ordinance 2011-04 Amending Chapter 202 to Clarify
Responsibility for Installation and Maintenance of the City Sewer System**

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

WHEREAS, the City has adopted chapter 202 regulating the sanitary sewer system in the city; and

WHEREAS, the present ordinance needs to be updated to address certain issues regarding maintenance of the sanitary sewer system; and

WHEREAS, it is necessary and appropriate for the City to ensure that all work done regarding the disposal of sanitary wastes is done properly and in accordance with code; and

WHEREAS, it is necessary and appropriate to clarify that it is the property owner who has the responsibility to install, maintain, and repair the sanitary sewer service at all points between the connection point to the main line and the home or other dwelling; and

WHEREAS, it is necessary and appropriate to require any licensed person who performs any work on a sanitary sewer line on private property in the city to provide the City with specific information regarding the work performed; and

WHEREAS, it is necessary and appropriate to add a provision in this chapter providing that if a person should begin work on the sanitary sewer system for which a permit is required and no permit has been obtained, the permit fee shall be doubled, consistent with what section 701.061 already provides; and

WHEREAS, hot tubs, swimming pools, sump pumps, and other such facilities with significant amounts of water should not drain into the sanitary sewer system because such discharges will increase the volume of water from the City that must be treated; and

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

WHEREAS, no person testified in opposition to the proposed amendments to chapter 202, and

WHEREAS, the changes proposed by the City in chapter 202 to clarify responsibilities for maintaining and locating water lines and protecting fire hydrants are reasonable.

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

1. That Ordinance 2011-04 is hereby approved [as presented/as amended].
2. That Chapter 202 of the City Code, entitled City Plumbing and Sewage System, is amended as shown in Ordinance 2011-04 to clarify responsibilities for maintaining and repairing broken water lines and for locating underground lines and protecting fire hydrants.
3. The effective date of these Ordinance amendments shall be upon their publication as required by law.

4. Because the terms of the Ordinance are lengthy, the City may publish the attached summary of the amendments as allowed by statute, and need not publish the entire chapter showing all the amendments. Summary publication has been approved by at least a 4/5's vote of the City Council.

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

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

Approved:

Alan Mitchell, Mayor

Attest:

Dale Powers, City Clerk

SUMMARY OF AMENDMENTS TO CHAPTER 202

On May 10, 2011, the Birchwood City Council enacted Ordinance 2011-04, entitled "Amending the City Code, chapter 202, to Clarify Responsibility For Installation and Maintenance of the City Sewer System" which amends the City Code, chapter 202. The terms of the Ordinance are lengthy, and the City Council has approved summary publication of the Ordinance. The changes to Chapter 203 are summarized as follows:

- Section 202.030 (Permit Required) was amended to raise the value of work on the sewage treatment system that requires a permit from \$500 to \$1000.
- Section 202.030 (Permit Required) was amended further to require the licensed individual who does work on the sewer system to provide certain information to the City, including size of pipe, kind of joint used, length of sewer installed, and the depth.
- Section 202.040 (Permit Fees) was amended to repeat language already in the code that if a person fails to get a permit before the work is commenced, the permit fee doubles.
- A new Section 202.072 (Service Responsibility) was added to provide that the property owner is responsible for installing, maintaining, and repairing the sewer line all the way to the connection to the main line.
- Section 202.080 (Excavating Work) was amended to update the specifications for filling excavations in city streets. The new Minnesota Department of Transportation Specification for the base is Specification 2350/2360.
- Section 202.100 (Storm Water) was amended to prohibit any person from discharging water from hot tubs, swimming pools, sump pumps, and similar facilities into the sanitary sewer system.
- These amendments are effective upon publication of this summary.
- A full copy of Ordinance 2011-04 and Resolution 2011-13 adopting the ordinance are available for inspection at the City Hall during regular office hours and may also be provided by mail upon written request.

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

ORDINANCE 2011-04

AN ORDINANCE AMENDING CHAPTER 202 (CITY PLUMBING AND SEWAGE SYSTEM) REGARDING RESPONSIBILITY FOR INSTALLATION AND MAINTENANCE OF THE CITY SEWER SYSTEM

WHEREAS, the City of Birchwood has adopted chapter 202 regulating the plumbing and sewage system in the city, and

WHEREAS, chapter 202 needs to be amended to clarify the responsibility of property owners to maintain the sanitary service to their property.

NOW, THEREFORE, the City Council of the City of Birchwood Village ordains that chapter 202 is hereby amended to read as follows:

201 CITY PLUMBING AND SEWAGE SYSTEM

202.010. PLUMBING INSPECTOR: APPOINTMENT AND QUALIFICATIONS. The City Council may appoint a Plumbing Inspector. The person appointed to the position of Plumbing Inspector shall be knowledgeable in approved methods of plumbing construction, the statutes of the State of Minnesota relating to plumbing work and the Minnesota Plumbing Code as adopted by the Minnesota State Board of Health as amended.

The Plumbing Inspector shall not inspect his/her own work. Another licensed inspector must perform such inspections.

202.020. PLUMBING INSPECTOR: POWER AND DUTIES. It shall be the duty of the Plumbing Inspector to enforce the provisions of this chapter. The Plumbing Inspector shall inspect all of the work relative to or incidental with the installation of plumbing or sewage equipment of any kind.

When the installation of any such plumbing or disposal systems or material used is found to be in a dangerous or unsafe condition, he/she shall notify the person owning, using, operating or installing the same to place such defective plumbing or sewer installations in a safe condition and he/she shall immediately place a notice in a conspicuous place upon such dangerous or unsafe construction stating that the workmanship, design or material is unsafe and that it shall not be used until it is put in a safe condition. Thereafter it shall be unlawful to use said installation or materials until it has been placed in a safe condition and has been inspected and approved by the Inspector.

The Plumbing Inspector shall have the right during reasonable hours to enter any building in the discharge of his/her duties or for the purpose of making any inspection which he/she might deem necessary in the performance of his/her particular duties.

The Plumbing Inspector shall, when necessary, call upon the police for assistance in enforcing any of the provisions of this Code.

The Plumbing Inspector shall have authority to recommend the employment by the governing body of such technical or expert consultants as might become necessary to ensure proper construction and public safety.

202.030. PERMIT REQUIRED. No alterations or additions in the existing plumbing in any building shall be made, no plumbing be placed in any building, and no sewage disposal system shall be constructed without first securing a permit therefore except when the value of such work and material does not exceed \$1,000.00.

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Any permit issued shall become invalid after ninety (90) days from the date of issuance unless the work for which the permit was issued has been started. This time limit may be extended by the City Council if application for extension is made in writing prior to the permit expiration date. All sewer services shall be installed by a plumber licensed by the State of Minnesota and bonded to the City of Birchwood Village.

Any owner, occupant or licensed plumber may install, repair or make alteration to the building drain or building sewer lines provided that said construction is conducted under the regulations of this ordinance. Prior to receiving a permit for plumbing work, as outlined herein, a satisfactory showing must be made that such plumber, excavator, or sewer installer is carrying liability insurance with an accredited company with the City as one of the assureds in such policy insuring the City against loss in the sum of \$100,000.00 and \$300,000.00 as customarily provided in such policies. Plumbers, excavators, and sewer installers shall post a \$2,000.00 bond.

Upon completion of any work completed outside of the residential property, the licensed individual who received the permit must submit to the City written documentation indicating the kind and size of pipe, the kind of joint used, the length of sewer installed, the depth at the street, the depth at the house, and the distance from either side of the house where the connection is made to the house plumbing.

202.040. PERMIT FEES. Permit fees for sanitary sewer construction, connection, enlargement, alteration, and/or repair shall be set, regulated, and/or changed by the City Council in its sole and absolute discretion.

Any person beginning work without first obtaining a permit shall be required to pay double the established fees.

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Whenever the Inspector shall find it necessary to re-inspect any work which has been found faulty during the first inspection, a re-inspection fee as set by the City Council shall be paid.

202.050. MINNESOTA PLUMBING CODE ADOPTED. Except as specifically stated in this chapter, the Inspector shall follow and enforce the provisions of the Minnesota Plumbing Code.

202.060. USE OF PUBLIC SEWER SYSTEM REQUIRED. To protect the general health and welfare of the City, it is required that the liquid wastes from any plumbing system of any residence, dwelling or building be discharged into the public sewer system. Outside toilets or cesspools are not permitted. This does not prohibit the use of portable chemical toilet facilities on public property or construction sites.

202.070. CONNECTING TO SEWER LINE. No connection shall be made with respect to any sanitary sewer serving the property of any person or occupants of the land, parcel or buildings affected unless all assessments for such sewer, or such installments thereof as are due and payable, have been paid in full, and unless such owner, occupant or user has paid or provided for the payment of the full and proportionate share of the utility, which share shall be payable as follows:

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1. For service to the property for which a sewer service line has not been previously installed from the main sewer line to the property line, the owner, occupant or user shall contract a licensed plumber for the installation of said line and all payments required shall be assumed by the owner, occupant, or user. Only plumbers bonded to operate in the City of Birchwood Village shall be allowed to install service lines within public right-of-way.

2. For service to property outside of the City, the owner, occupant or user shall pay to the City of Birchwood Village at the time of application for permit an amount not less than the payments made by or charges placed against comparable properties for like service within the City of Birchwood in an amount as may be established by the City Council.

202.071. MULTIPLE CONNECTIONS. Multiple connections of more than one building to a single building sewer or sewer service line shall be permitted only by special application to the City. These types of multiple connections are strongly discouraged and shall be stringently reviewed by the City Building Official, City Engineer, Planning Commission and City Council. The applicant shall submit a detailed sketch showing location, grades and special structures to the City Engineer for review prior to applying for a permit. All costs involved for the engineering review shall be paid by the applicant along with the other required fees at the time of issuance of the permit. The charge for the cost of the trunk lines, lift station, force mains and disposal facilities shall be levied against each property sought to be connected either through single sewer services or multiple connections.

202.072. SERVICE RESPONSIBILITY. The sanitary sewer service shall be installed, maintained, and repaired by the property owner that is served. The service shall include the sanitary sewer at the connection point to the main and any service main and appurtenances from that point to the connection to the residential property.

202.080. EXCAVATING WORK.

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

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

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

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4. No work shall be covered or backfilled until authorized by the Plumbing Inspector. Before authorizing the covering of any work, the Plumbing Inspector shall establish the horizontal and vertical locations of installed service laterals. The Inspector may elect to accept data provided by the contractor or owner to establish the location of the service lateral. The City may order the owner to uncover any service lateral for which the horizontal and vertical locations have not been determined prior to covering and the City may withhold the entire deposit until the information is provided and may pursue other remedies for violation of this provision.

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202.090. CONSTRUCTION REQUIREMENTS. All building sewers and sewer service lines (non-pressure) shall be polyvinyl chloride (PVC) pipe meeting the requirements of ASTM D1784 and D3034, with an SDR of 35, or ASTM F789 and D3034, and have push-on joints with elastomeric gaskets. All pressure pipes shall be SDR 26. Individual service lines shall be not less than 4 inches in diameter and shall be placed at a uniform grade of not less than 1/4 of an inch per foot. Clean-outs shall be provided at each change in direction greater than 45 degrees from the direction of flow and at intervals not to exceed 100 feet. Multiple connections of more

than one building shall only be approved by the City Engineer as described under 202.071. No interconnection of the existing private sewer system shall remain upon connection to the public system. If a sewer service connection is such that gravity flow to the public sewer main is available and a sewage lift pump is presently used, said sewage lift pump shall be disconnected, discontinued, and removed from service.

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202.100. STORM WATER. It shall be unlawful for any owner, occupant or user of any buildings to direct into or allow any storm water, surface water, ground water or water from air conditioning systems, hot tubs, swimming pools, sump pumps, or the like to drain into the sanitary sewer of the City of Birchwood Village.

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202.110. SEWERAGE USE RATES. A sewerage use rate is hereby imposed upon each buildingserved by the sewerage system or otherwise discharging sewage into the sewerage system. A building is any structure which is built for the support, shelter or enclosures of persons, animals, chattels or movable property of any kind, which is permanently affixed to the land. The sewerage use rates shall be figured on a quarterly basis and shall be established from time to time by resolution of the City Council.

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202.120. BILLING REGULATIONS. The City Clerk or other designated person shall compute the amount due to the City for sewerage use and render a statement quarterly. All current sewer bills paid on or before the due date, shall be paid at the net rate and those sewer bills paid after the due date shall be charged a penalty as set by the City Council.

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202.130. SEWER FUND. All funds received from the collection of assessments, connection charges, and sewerage use rates shall be deposited within fourteen (14) days after the receipt thereof and kept by the City as a separate and distinct fund which shall be known as the "Sewer Fund". These funds shall be used for the payment of all costs incurred by the City of Birchwood Village in connection with the construction, maintenance and operation of the sanitary sewer system within the City and any excess received shall be used for retiring indebtedness incurred for the construction of such sewage disposal system.

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202.140. COLLECTION OF DELINQUENT CHARGES. Each charge levied by and pursuant to this code is hereby made a lien upon the corresponding lot, land, parcel or building served by a connection to the sewer system of the City and all such charges which are on July 31st of each year more than 30 days past due and having been properly billed to the occupant of the buildings served, shall be certified by the City to the Auditor of Washington County each year. The City, in so certifying such charges to the County Auditor, shall specify the amount thereof, the description of the buildings served, the name of the owner thereof, and the amount so certified shall be extended by the Auditor on the tax rolls against such buildings in the same manner as other taxes and collected by the County Treasurer and paid to the City along with other taxes.

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202.150. SEPARABILITY OF SECTIONS. If any portion of this code shall be held invalid, the invalidity of such portion shall not affect the validity of the other provisions of this code which shall continue in full force and effect.

202.160. VARIANCES. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the provisions of this Code, the Council shall have the power to vary the requirements of this Code in harmony with the general purpose and intent thereof, so that the public health, safety and general welfare may be secured and substantial justice done.

202.170. ENTRY UPON PRIVATE PROPERTY. The City Engineer and other duly authorized employees of the City, bearing proper credentials and identification, shall at reasonable times be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing in connection with the operation of the municipal sanitary sewer system.

“AMENDED BY ORDINANCE 2006-1; MAY 9, 2006”

“AMENDED BY ORDINANCE 2007-1; AUGUST 14, 2007”

**FUND BALANCE POLICY
CITY OF BIRCHWOOD VILLAGE**

Policy

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

Definitions

Fund balance means the difference between assets and liabilities in a governmental fund. There are five types of governmental funds: general fund, special revenue funds, debt service funds, capital projects funds and enterprise funds.

Unreserved fund balance means all designated and undesignated financial resources in all general, special revenue, and capital project funds. These financial resources would be available to authorize for future expenditures.

Unreserved, undesignated fund balance means financial resources for which no legally binding commitment has been made and for which the city has not planned to expend for a specific purpose.

Unreserved, designated fund balance includes financial resources for which there is no legally binding commitment but for which the city council has designated how they will be used in the future. Designations reflect the government’s self-imposed limitations on the use of otherwise available expendable financial resources.

Reserved fund balance means that portion of the financial resources in the governmental funds that is not available for appropriation and can be spent only for the purpose for which they are reserved (E.g. funds for which there is a legally binding commitment as to how the funds shall be used.).

Guidelines

1. The city will maintain the unreserved fund balance at an appropriate level by:
 - a. Designating an amount of financial resources that are to be available for times of an emergency. An emergency may occur when budget deficits arise from significant revenue losses or expenditure increases; when there is a temporary revenue shortfall or when the city incurs an unpredicted expenditure.
 - b. Developing a specific plan for increasing or decreasing the level of unreserved fund balance to bring it into compliance with the policy when the unreserved fund balance doesn’t match the policy.
 - c. Designating a portion of any year-end budget surplus for major projects such as street improvements or water treatment system upgrades. The city shall hold these financial resources in a designated account for the specified purpose.
 - d. Designating a portion of any year-end budget surplus to increase the General Fund fund balance.

2. The unreserved fund balance may be above the range when saving for a major project or purchase and in anticipation of taking on an expensive capital project.
3. For any planned use of the unreserved fund balance below the minimum level, the city shall adopt a plan to restore the fund balance to the targeted level.
4. The policy should be reviewed every 3 years or more often if conditions change.

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SmartZone Communications Center

birchwoodvillage@comcast.net

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Owl Street

From : birchwoodvillage
<birchwoodvillage@comcast.net>

Thu Feb 17 2011 2:32:59 PM

Subject : Owl Street

To : Randy LaFoy <rlafoy@gmail.com>, Bryan McGinnis <bjmcginnis@cpinternet.com>

Cc : Jane Harper <janemharper@comcast.net>, Alan Mitchell <almbirchwood@comcast.net>, Tony Sampair <tsampair@cbburnet.com>, Mark Peterson <birchwoodisbest@gmail.com>, Barb Carson <bbcn@comcast.net>

Good afternoon, Randy and Bryan. I wanted to give you an update on what I have been able to find out about cost, as follows:

1. It appears that no survey will be necessary.
2. I have several templates for ordinances to use, so legal costs will be for review, not drafting the ordinance.
3. The ordinance will need to be recorded with Washington County, at a cost of \$46.00
4. Notice of the public hearing regarding the ordinance will need to be mailed and published. The White Bear Press' rate for legal notices is \$14.15 per column inch. Mailed notice will also be sent to property owners of the part of Birch Street not impacted by the change.

Bryan indicated that he could get materials for changing the sign, and it is my understanding that one or both of you will undertake the actual changing of the name on the sign.

It appears to me that the costs will be under \$500.00 exclusive of the cost of materials and labor for changing the sign. Please advise if you would like to proceed on this matter. If so, I will place it on the March 8, 2011 Council agenda for approval of scheduling a public hearing.

Thanks!

CITY OF BIRCHWOOD VILLAGE

Dale Richard Powers, MA, AICP
City Clerk
207 Birchwood Avenue
Birchwood Village, MN 55110

TO: Dale Powers, Clerk

FROM: Alan Mitchell, Mayor

SUBJECT: Music in the Park Concert Series

DATE: May 4, 2011

The City Council is aware that I have been promoting the idea of holding a Concert Series in Birchwood on Sunday nights over the summer. A number of musicians have been lined up already and the first concert is set to be held on June 5. However, there are a number of issues that I need Council guidance on to help make the Series a success.

I. Expenses

The first issue is how to cover the costs of the musicians and other incidentals, such as providing electricity and a stage. Back in January at the first meeting of the new Council, I said that I would not seek any compensation for my service as mayor this year. The mayor's compensation was set by the previous Council at \$1500. It seems that there are two options for funding this activity – either I could change my mind and take the \$1500 and use it to pay the expenses associated with the Concert Series, or the Council could authorize the \$1500 that was budgeted for the mayor's compensation to be used for the Concert Series. I think the second approach is simpler and keeps the costs within the control of the City but either one would work.

II. Alcohol

What I envision is that our neighbors come to the park where the concert will be held with their lawn chairs and picnic baskets. (A card table and a candelabrum would be a nice touch.) I think it would be nice also if we could tell people that it is acceptable to have a glass of wine or a bottle of beer while enjoying the music. No hard liquor would be permitted. No beer or wine would be sold.

The City Code provides in section 607.641 that no person shall possess or consume “any beer, wine, liquor, or other alcoholic or intoxicating beverage in an Open Space site” except with a special permit. (That section also talks about the authority of the Director, who is defined in section 607.120(3) as the City Council member assigned to head the Parks Committee, to authorize the use of alcohol in the parks, but I think it is better for the full Council to make that decision.)

In any event, I am asking the City Council to make a decision that beer and wine will be permitted in the park where the concert takes place for the time the concert is being held. The following motion would suffice:

So moved: That the City Council hereby authorizes persons of legal age to possess and consume beer and wine during the Sunday evening concerts

in the summer of 2011 but only in the park where the concert is being held and only during the hours of the concert, and provided further that no person shall offer for sale or be under the influence of any intoxicating liquor at such places and at such times.

III. Location

Several of us involved in arranging the concerts have been discussing where the best place to hold the concerts is. We need electrical power, for keyboards and guitars and sound systems. Some kind of stage would be nice. We are open to suggestions. Right now the best place seems to be Tighe-Schmitz Park, either in the small picnic shelter on the east end or in the hockey rink on the west end. Another possibility is Dellwood Beach, and one of our groups has expressed a preference for that location. With either Dellwood or Tighe-Schmitz we can run power from the old warming house near the hockey rink.

Weather is a concern, of course. We are sure to have bad weather some Sunday nights over the course of the summer. Our thinking is that if we are not able to postpone the concert, we will move it into the City Hall. That will likely keep down the number of people who can attend, but we see no alternative.

IV. Promotions

We are open to ideas for promoting the concerts. We can put the list up on the City's webpage. We can provide information to the White Bear Press. We can put signs around the community on the weekend of the concert, like we do with the Plant Exchange and other community events. Word of mouth, however, will be crucial.

V. Musicians Committed

We already have four groups committed to play. Here's what we have so far:

June 5	Any Day Now (a six member band from North St. Paul)
June 19	Joe and Roxy Cruz
June 26	Men in Black (an a capella group of five)
July	Date to be set – a string ensemble
August 14	Harmonic Relief (a men's vocal group, many of whom are 3M retired)

Other Sundays over June, July, and August are open but we are working on lining up additional groups.

Michael Lien has volunteered to help with lining up the musicians and John Lund has been helping with the physical arrangements. We appreciate any guidance the Council can provide and we welcome any other Birchwood residents who would like to help on any of the arrangements or have suggestions for musicians.

SmartZone Communications Center

bwclerk@comcast.net

± Font size ±

summer parks help

From : bbcn@comcast.net

Thu May 05 2011 9:26:20 AM

Subject : summer parks help**To :** bwclerk@comcast.net

Hello Dale,

If you could please put this in the May meeting packet for approval that would be great.

I would like this position advertised on the website and posted in the bulletin board.

The City of Birchwood Village is currently accepting applications for a seasonal summer park attendant for the park system throughout the City of Birchwood Village. This position is approx. 45 hours spread out through the months of June, July and August. Applicant must possess good communication skills, and be able to lift 40lbs. This paid position will work under the direction of the City Clerk with guidance from the Parks Committee Chairperson. Keeping Birchwood Village free of litter, weeds and assist in general maintenance will be the main duties. For a job application please call Birchwood Village Clerk at 426-3403 or download a job application off our website. Completed applications must be received by June 15, 2011.

Dale, if you could work on a job description that would be great, the parks attendant would work with gloves, paint brush, paint (MDS of paint type will be provided, parks committee volunteers have only used water base paint so far in our projects), rakes, shovels, weed wrenches, sandpaper and paint scrapers. Basically, no power tools or lawnmowers.

Thanks,

Barb Carson

**CITY OF BIRCHWOOD VILLAGE
JOB DESCRIPTION
SEASONAL PARKS MAINTENANCE WORKER**

GENERAL STATEMENT OF DUTIES

Provides care for the City's parks and open space.

SUPERVISION RECEIVED

Line supervision is from the City Clerk; work direction is received from the Parks Commission Chair.

ESSENTIAL JOB FUNCTIONS

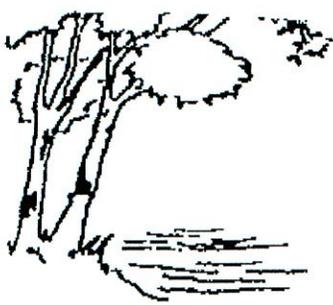
- Maintain the City's parks and open space by mowing, trimming, and weeding.
- Use a variety of non-motorized tools such as paint brush, rake, shovel, weed wrench, sandpaper, and paint scraper.
- Making sure all work is performed in accordance with all federal, state and local laws, rules, and regulations for safety standards.
- Maintaining excellent customer service in communications with supervisors and citizens.
- Referring public inquiries and complaints to the City Clerk and/or Parks Commission Chair.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES

- Ability to follow safety guidelines such as the required use of ear protection, eye protection, and other safety precautions, when appropriate.
- Basic knowledge of general work hazards, safety procedures, and public safety matters.
- Ability to operate a wide variety of non-motorized tools such as paint brush, rake, shovel, weed wrench, sandpaper, and paint scraper.
- Ability to read and write and follow written or oral instructions.
- Ability to establish and maintain effective working relationships with supervisors, employees, and the general public.
- Ability to complete required work with minimal supervision.

OTHER REQUIREMENTS

- Must be at least 17 years of age.
- Work shirt, long pants, and leather work shoes or boots are required.
- Must be able to work a schedule determined by the Parks Commission Chair.



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

MEMORANDUM

DATE: May 4, 2011
TO: City Council
FROM: Dale Powers, MA, AICP, City Clerk
RE: 501 Wildwood Avenue – Home Occupation

=====

Upon my return from Boston and Montreal on Friday, April 15, I reviewed several complaints about the noise emanating from 501 Wildwood Avenue. The property is owned by Karen Charpentier. Her significant other, Roger Kropelnicki, constructs cabinets on the property in the detached garage.

This is not the first time the City received complaints about noise; the file indicates that the situation existed in 2009. At that time, the City looked at Section 616 (Excessive Noise) and specifically Section 616.040 (Specific Prohibitions) that prohibited between 10:00PM and 7:00AM certain activities that are generally known to generate noise. Kropelnicki claims that Council Member Barb Carson advised him that noise before 10:00PM and after 7:00AM would not be an issue. However, Section 616.030 (General Prohibition) states that "no person shall make or cause to be made any distinct and loud noise that unreasonably annoys, disturbs, injures, or endangers the comfort, repose, health, peace, safety, or welfare of any person, or precludes their enjoyment of property or adversely affects their property's value. This general prohibition is not limited by the specific prohibitions of the following paragraph (which is 616.040). While I am not certain of this, I believe 616.030 might be considered "arbitrary and capricious" by a court if challenged.

What I believe is different about the situation that presents itself now is the admission by Kropelnicki that he indeed is running a cabinet-making business at 501 Wildwood Avenue. Roger stated he has a contractor's license from the State and is in the process of receiving federal and state tax ID numbers. This admission, I believe, allows the City to consider Section 306.070 (Home Occupations) as a regulating ordinance.

Under Section 1 of 306.070, allowed home occupations are listed, and then there are 2 subsections - complying, and uses requiring a Conditional Use Permit. Section 4 details the requirements and standards for home occupations that, if adhered to, mean that the subject home occupation does not need to secure a CUP. The caveat in the Complying Uses subsection is "any home occupation which...is an allowed home occupation", while the caveat in the second subsection (Uses Requiring a Conditional Use Permit) is "any home occupation which...is an allowed home occupation or is not a prohibited home occupation..." The plain language of the ordinance contemplates that no prohibited uses could obtain a CUP. Since cabinet-making is not listed expressly as either an allowed home occupation or a prohibited home occupation, one could argue that Roger could apply for a CUP since it is not a prohibited home occupation.

One impediment prohibiting the CUP is the definition of "home occupation" in the ordinance: "A lawful occupation carried on solely or primarily within a dwelling unit. The occupation is clearly incidental and secondary to the use of the building for dwelling purposes, and does not change the character of the dwelling or accessory structure." In this situation, the garage in which Roger performs the home occupation has ceased to be a structure accessory to the main dwelling. The garage is used almost exclusively (I say almost because I have not been inside it) for the home occupation. The definition of "accessory use or structure" as "a use or structure subordinate to the principal use or structure on the same lot and serving a purpose customarily incidental thereto" , in my opinion, can not apply to the garage that Roger is using for the cabinet-making business, since there is no other use for the structure.

Suppose there is a finding that the garage used for the home occupation is considered "accessory" and meets the ordinance definition of "home occupation." Then the City would need to make findings and determine whether cabinet-making is allowed or prohibited. I have dealt with land use ordinances for close to 20 years. In my time, I have never seen an ordinance that exhaustively lists every possible occupation in its home occupation ordinance. It has been customary for a comparative analysis to be performed on the proposed home occupation to ascertain whether the characteristics of the subject home occupation are closer to those of the allowed home occupations or the prohibited home occupations. I believe cabinet-making would fall closer to the prohibited home occupations of "body shops, machine shops, welding, ...sale, lease, trade, transfer, repair or manufacture of major appliances, internal combustion engines, motor vehicles, watercraft...." which have a distinguishing characteristic of objectionable noise - - as opposed to the allowed home occupations of "telecommuting, home office, art studio that does not involve a foundry or welding, dressmaking and tailoring, secretarial services, licensed family day care, foster care, catering, instruction of no more than two pupils at a time..." which do not have objectionable noise as a distinguishing characteristic.

Another factor is the differences between uses requiring a CUP and uses that do not need a CUP. The only difference between the two is number of patrons per visitation and number of visitations per day. This language further reinforces my belief that the City Council did not anticipate cabinet-making as an allowed use, and restricted the prohibited home occupations to only those listed in the ordinance is unnecessarily restrictive.

I have talked to Kropelnicki about this situation, and advised him that it will be on the May 10, 2011 Council agenda for discussion. Kropelnicki has been advised that he will have an opportunity to be heard by the Council on this matter.

Staff recommends that the matter be referred to the Planning Commission for review of the following questions, and subsequent recommendation to the Council:

1. Is cabinet-making an allowed home occupation or a prohibited home occupation? Or is it neither allowed nor denied?
2. Is the garage inside which the home occupation takes places considered to be accessory to the principal use of the property as residential?

Upon Council referral to the Planning Commission, staff will contact the Commission to schedule a meeting in as expeditious a manner as possible.