



AGENDA OF THE WORKSHOP AND
REGULAR MEETING OF THE CITY
COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 11, 2017
6:30 AND 7:00 P.M.

CITY COUNCIL WORKSHOP – 6:30PM

CALL TO ORDER

CITY BUSINESS – WORKSHOP AGENDA

- A. Council Photo Shoot
- B. Meet the Treasurer Candidate

ADJOURN

REGULAR CITY COUNCIL MEETING – 7:00PM

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Spring Leaf Pickup – April 17 & 24* (p. 4)
- B. Fire Hydrant Flushing – between April 10-21
- C. Plant Exchange on June 3, 2017 at 10am
- D. Garage Sale / Giveaway on June 10, 2017

PLANNING COMMISSION

- A. Variance Case No. 17-01-VB for 191 Wildwood Ave* (pp. 5-18 & supplement**)

* Denotes items that have supporting documentation provided

** Denotes items that have materials that will be uploaded to the website later and will be provided at the Council meeting

- B. Variance Case No. 17-02-VB for 441 Lake Ave* (pp. 19-44 & supplement**)

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting Minutes from January 10, 2017* (pp. 45-53)
- B. Approval of Regular Meeting Minutes from March 14, 2017 – To Come (supplement**)
- C. Approval of Treasurer’s Report* (pp. 54-64)
- D. Approval of Revised Airfresh Contract* (pp.65-67)
- E. Approve Council Assignments* (p. 68)
- F. Approval of Resolution 2017-11: Allowing Beer and Wine Consumption at Music in the Park Summer Evening Concerts* (pp.69-70)
- G. Approval of Resolution 2017-12: Hiring and Appointing Bailey Beckman to Serve as City Treasurer-Deputy Clerk* (pp. 71-73)
- H. Approval of Resolution 2017-13: Hiring and Appointing Dennis Sonnek to Serve as Office Support Worker* (pp. 71 & 74-76)
- I. Approval of Resolution 2017-14: Approving Coverage for City Workers’ Compensation Insurance Policy* (pp. 77-86)
- J. Approve MS4 Public Hearing for May Council Meeting – Storm Water Pollution Prevention Program* (p. 87)
- K. Sheriff Report* (pp. 88-89)
- L. Dog Park Committee Update/Minutes* (pp. 90-91)
- M. I.P.A.D. Response* (pp. 92-119)

CITY BUSINESS – REGULAR AGENDA

- A. Roads Committee Update and Recommendations* (pp. 120-125)
1. Street Repair
 2. Resignation, Appointment, and Recommendations
- B. Lawn Care Bids* (pp. 126-132)
- C. Music in the Park – 2017 Funding* (pp. 133-134)
- D. Parks Committee – Call for Member Applications and Details* (p. 135)
- E. Rescheduling of May Council Meeting* (p. 136)

* Denotes items that have supporting documentation provided

** Denotes items that have materials that will be uploaded to the website later and will be provided at the Council meeting 2

- F. Dog Park Committee Bylaws* (pp. 137-141)
- G. 302.045 Structure Height Amendment* (pp. 142-144)
- H. Feasibility Study – Review Draft and Set Public Hearing* (pp. 145-149)
- I. Public Forum Procedures – Continue March 30 Discussion* (pp. 150-152)
- J. Council Member Reports:
 - 1. Mayor Wingfield:
 - 2. Councilmember LaFoy:
 - a. Kayak Rack Enforcement* (p. 153)
 - 3. Councilmember Malvey:
 - 4. Councilmember Woolstencroft:
- K. City Administrator’s Report
 - 1. Cable Commission Resignation* (p. 154)
 - 2. Tighe-Schmitz Park – Water Main Clean Up* (pp. 155-156)
 - a. Water Main Clean Up
 - b. Cutting Burm – Quote To Come
 - 3. Consumer Confidence Report* (pp. 157-163)
- L. City Attorney Report
 - 1. Kay Beach Update
 - 2. Flushable Wipes Class-action Law Suit Update
 - 3. Sewer Lining Valuation Update

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council & Residents
FROM: Tobin Lay, City Administrator
SUBJECT: Spring Leaf Pick Up



Birchwood Village

-- ANNOUNCING --

The City will hold its spring leaf pick up on Monday April 17 and 24. The pricing will remain the same as the Fall pick up - \$40/small piles, \$75/large piles, and mega piles will be charged on a case-by-case basis. There will also be a \$2 service charge for adding the fee to your utility bill. Signs will be posted at the entrances to town prior to the event as a reminder. Thanks!

A large graphic with a dark, textured background of leaves. In the upper left, the text "Birchwood Village Leaf Pickup" is written in a white, sans-serif font. In the center-right, there is a white rectangular sign with black text and a small version of the Birchwood Village logo. At the bottom of the graphic, there is another white rectangular box with black text.

**Birchwood Village
Leaf Pickup**

**When: Monday
April 17 & 24**

**Cost: \$40 / small pile
\$75 / large pile**

Plus \$2 service charge.

**fee will be added to your utility bill.*

Send email address to info@cityofbirchwood.com to make sure you don't miss any important Birchwood events (like the leaf pickup)

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Variance Case No. 17-01-VB



Birchwood Village

Dear Mayor and Council Members,

Brian Stepan with Rust Architects has filed a Variance Case No. 17-01-VB in behalf of Steve & Nancy Ferry, residents of 191 Wildwood Ave.

The purpose of the variance request is to seek approval of a 6 foot 9½ inch variance from the 10 foot side yard setback requirement to demolish and construct a new deck. This variance will also be requesting the property to have 31.8% impervious surface where the Code requirement allows for a max of 25%. The existing impervious surface on this lot is 32.9%, so this variance would represent a 1.1% improvement.

The Planning Commission has reviewed and conditionally approved this case for Council's consideration. A report of the Planning Commission's review and condition will be provided at the April Council meeting but for now, staff is including the variance application for review.

Thanks!

Regards,
Tobin Lay

REQUEST FOR VARIANCE

1. Date of Application: _____

(Requests for variances submitted prior to the 15th of the month will be considered by the Planning Commission at its next meeting on the first Tuesday of the month. Requests submitted after the 15th will be considered at the following meeting. All final decisions on variance applicants are made by the city council, which meets on the second Tuesday of every month.)

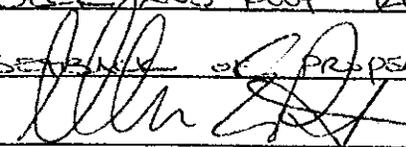
2. Name of Applicant(s) Bill Rist, RIST ARCHITECTS
Address 4744 WASHINGTON SQUARE
City WHITE BEAR LAKE, MN 55110
Business Phone 651.425.1913 Home Phone _____

3. Address of Property Involved if different from above
191 KILDWOOD AVE

4. Name of Property Owner(s) if different from above and describe applicant's interest in the property.
STEVE AND NANCY FERRY (HOMEOWNERS)

5. Specific Code Provision from which Variance is Requested. 302.020 SETBACKS

6. Describe in narrative form what the applicant is proposing to do that requires a variance.
REMOVE / DEMO OF EXISTING DECK + LANDSCAPE FEVERS.
NEW DECK AND ROOF AWNING TO EXISTING
STRUCTURE. NEW DECK AND ROOF WILL
ENCROACH ASSUMED SETBACK OF PROPERTY LINE.

SIGNATURE OF APPLICANT(S) 
ARCHITECT

Variance Application

Page 2

7. Type of Project

- New Construction (empty lot) _____
 - Addition _____
 - Demolition _____
 - Landscaping _____ X _____
 - Repair or removal of nonconforming structure _____
 - Other (describe) _____ X _____
- DECK AND ROOF RAISING

8. Type of Structure Involved

- | | | | |
|-----------------|---------------|----------------------------|-------|
| Single Dwelling | _____ X _____ | Double Dwelling | _____ |
| Garage | _____ | Addition | _____ |
| Tennis Court | _____ | Pool | _____ |
| Grading/Filling | _____ | Other Accessory (describe) | _____ |

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

CURRENT PROPERTY HAS A NARROW LOT WIDTH AND
IS AN UNDERSIZED LOT. EXISTING CONSTRAINTS ON
WHAT CAN BE BUILT/ACHIEVED ON LOT. LODED
DECK WIDTH ALLOWS FOR SPACES OF GRILL
W/OUT FRONT PRIVATE AND PUBLIC VIEW.

10. Describe any measures the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

EXISTING LANDSCAPE BARRIERS ARE BEING
REMOVED. DECK EXPANSION/NEW DECK
WILL DECREASE IMPERVIOUS SURFACES.

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

BUILDING NEW DECK TO CORNER OF
EXISTING STRUCTURE AND NOT ENCRANCHING
BEST PROPERTY LINE SETBACK.

12. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No
13. Does the proposed change bring any other nonconforming use into conformity with the city building code? Yes No

If yes, explain N/A

14. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No
If yes, please identify the regulations.
-

15. Please provide the applicable information in the following Table

	Existing	Proposed	Change
1. Total Square Footage of Lot	UNKNOWN	UNKNOWN	N/A
2. Maximum impervious surface (25% of item 1)	↓	↓	↓
3. Roof Surface	↓	↓	↓
4. Sidewalks	↓	↓	↓
5. Driveways	↓	↓	↓
6. Other impervious surface	↓	↓	↓
7. Total of items 3-6	↓	↓	↓
8. Percent impervious surface	↓	↓	↓

16. Please attach the following:
- Legal description of property
 - Plot Plan drawn to scale showing existing and proposed structures on the lot. Also show structures on adjacent lots.

2. Criteria for Granting a Variance. Variances may only be granted in Minnesota Statutes, Chapter 462.

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

- a. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- b. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- c. The variance is proved necessary in order to secure for the applicant the right or rights that are enjoyed by other owners in the same area of the district.
- d. The granting of a variance will result in no increase in the amount of water draining from the property.
- e. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- f. No variance shall be granted simply because there are no objections or because those who do not object out number those who do.
- g. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

FERRY RESIDENCE DECK ADDITION

191 WILDWOOD AVE
WHITE BEAR LAKE, MN 55110

PROJECT NOTES

GENERAL NOTES:

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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CONSTRUCTION NOTES

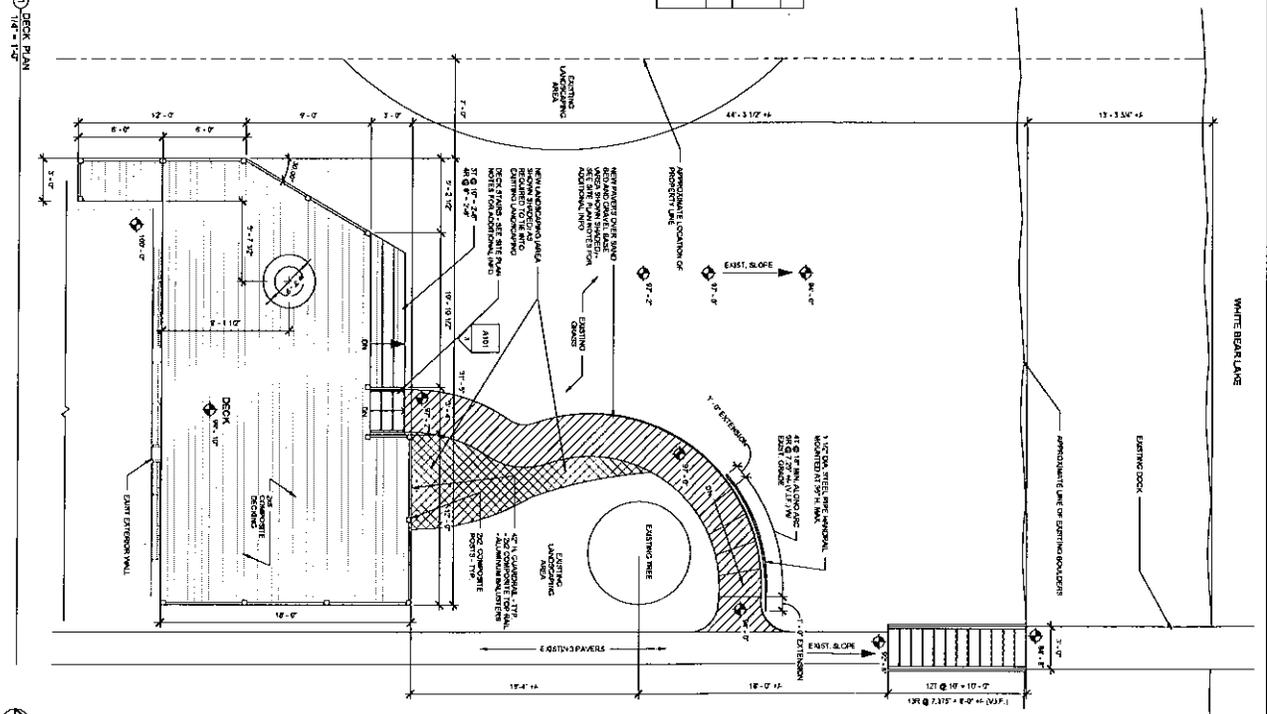
CONSTRUCTION NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
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Sheet Number	Sheet Name
A100	TITLE SHEET / SITE PLAN
A101	DEMOLITION, FRAMING PLAN AND DETAILS

DRAWING SCHEDULE

- ### SITE PLAN GENERAL NOTES
1. THE PROJECT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE BOOK (IRC) AND THE INTERNATIONAL BUILDING CODE (IBC).
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.
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A100 DECK PLAN 1/8" = 1'-0"	FERRY RESIDENCE - DECK TITLE SHEET / SITE PLAN	I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota. Date: _____ License No.: _____	RUST ARCHITECTS, P.A. 4744 WASHINGTON SQUARE WHITE BEAR LAKE, MINNESOTA 55110 PHONE (651) 429-1813 FAX (651) 429-7581 www.rustarchitects.com
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FERRY RESIDENCE DECK ADDITION

191 Wildwood Avenue
Birchwood, MN 55110

PROJECT NOTES

GENERAL NOTES:

1. ITEMS LISTED BELOW ARE APPLICABLE TO ALL CONTRACTORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

CONSTRUCTION NOTES:

1. THE SET OF DOCUMENTS IS NOT ALL INCLUSIVE AND IS MEANT TO SHOW THE CONTRACTOR THE GENERAL CONCEPTS AND APPROXIMATE DIMENSIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

CONTRACTOR TO COMPLETE CONSTRUCTION NOTES FOR HOME, GARAGE, PORCH, PATIO, DECK, AND OTHER OUTDOOR AREAS:

1. ALL CONTRACTORS AND SUBCONTRACTORS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

DRAWING SCHEDULE

Sheet Number	Sheet Name
A100	TITLE SHEET / SITE PLAN
A101	DEMOLITION, FRAMING PLAN AND DETAILS
A102	CERTIFICATE OF SURVEY
A103	DECK FURNITURE PLAN

IMPERVIOUS / PERVIOUS SURFACE CALCULATION

ITEM	EXISTING	PROPOSED	CHANGE
1. TOTAL SQUARE FOOTAGE OF LOT	1183 SQ. FT.	N/A	NO CHANGE
2. IMPERVIOUS SURFACE (EXISTING)	2298 SQ. FT.	2298 SQ. FT.	NO CHANGE
3. IMPERVIOUS SURFACE (PROPOSED)	2298 SQ. FT.	2298 SQ. FT.	NO CHANGE
4. IMPERVIOUS SURFACE (NET CHANGE)	N/A	N/A	N/A
5. OTHER IMPERVIOUS SURFACE	N/A	N/A	N/A
6. PERVIOUS SURFACE	3389 SQ. FT.	3389 SQ. FT.	0% CHANGE
7. TOTAL PERVIOUS SURFACE	3389 SQ. FT.	3389 SQ. FT.	0% CHANGE
8. PERCENT IMPERVIOUS SURFACE	32.8%	31.8%	1.1%

LEGAL DESCRIPTION

SECTION: LAKESIDE HOME, 1ST DIVISION
 BLOCK: 3
 PLAN: 3029A, 21, 2023
 TRACT: 7020

SITE PLAN GENERAL NOTES

1. THE ARCHITECT SHALL HAVE NO RESPONSIBILITY FOR THE DISCOVERY OF NEARBY UTILITIES OR OBSTRUCTIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.

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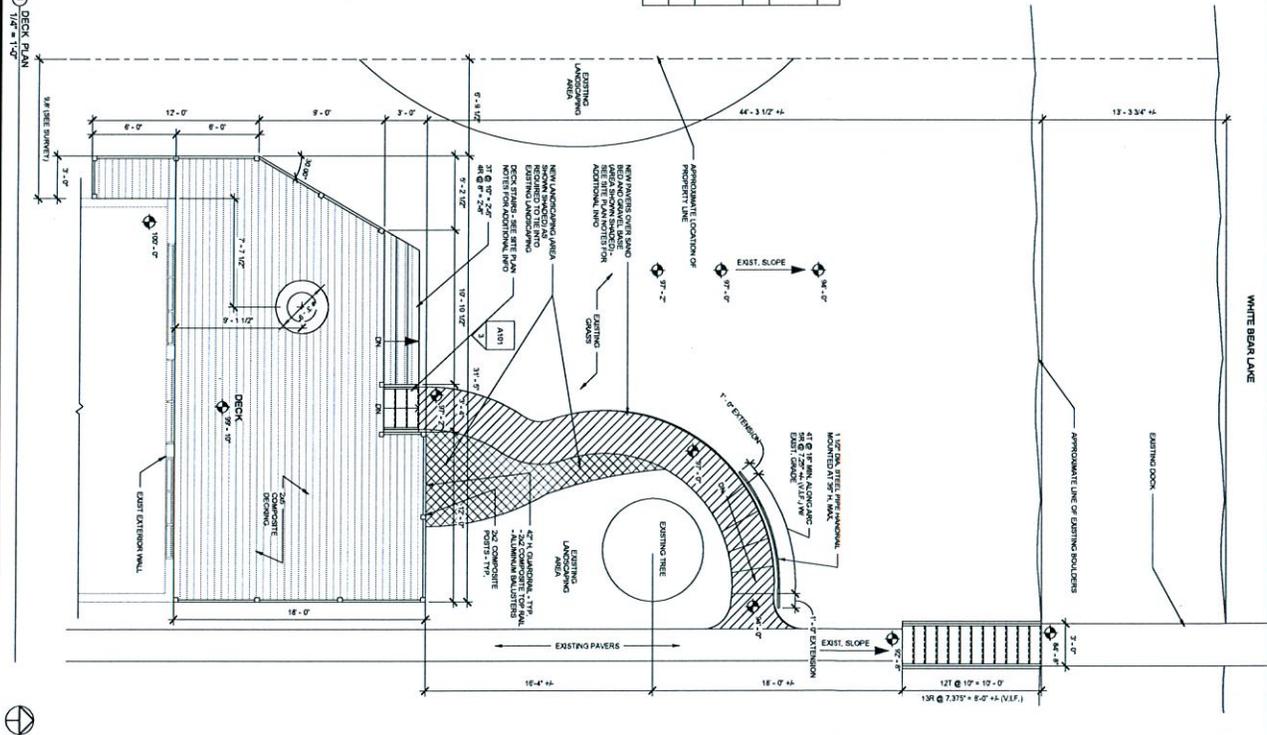
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1 DECK PLAN
 1/8" = 1'-0"

A100

DRAWN BY: BKS
 DESIGNED BY: WER
 PROJECT NUMBER: RA16011

FERRY RESIDENCE - DECK
 TITLE SHEET / SITE PLAN

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.
 Date: _____ License No. _____

RUST ARCHITECTS, P.A.
 4744 WASHINGTON SQUARE
 WHITE BEAR LAKE, MINNESOTA 55110
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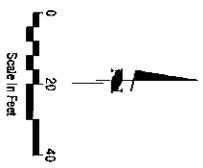
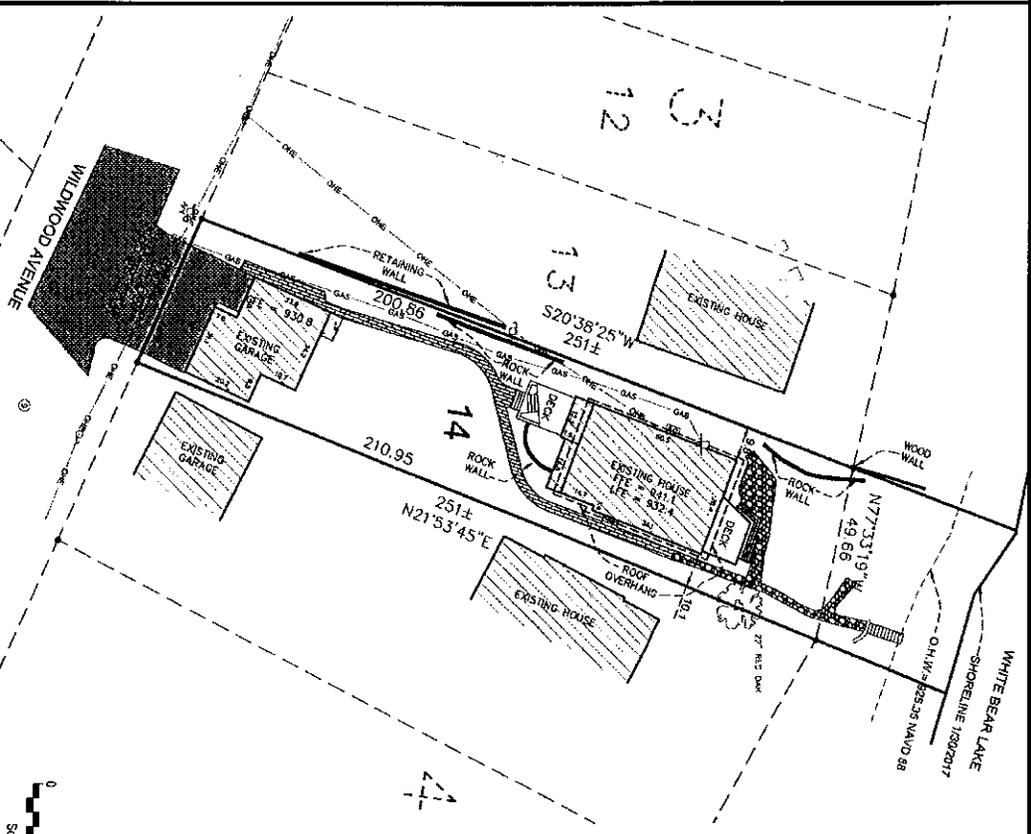
CERTIFICATE OF SURVEY

DESCRIPTION
 Lot 14, Block 3, LAKEWOOD PARK 1ST DIVISION, Washington County, Minnesota.

SURVEY NOTES:

1. The orientation of this bearing system is based on the Washington County Coordinate System NAD 83.
2. A Gopher One Call Ticket was submitted for boundary survey. Ticket No. 170250879.
3. The vertical datum is NAVD 88. On the bench mark, Top Top BM Inset at S. W. corner of property = 855.317.
4. Existing Parcel 191 Wildwood Avenue, City of Duluth, MN 55810, Parcel ID: 30.001.21.0023

APPROX. TOTAL LOT AREA = 11,020 S.F. ± TO 0.4 W.
 EXISTING HOUSE = 1,100 S.F.
 EXISTING DRIVEWAY = 526 S.F.
 EXISTING DETACHED GARAGE = 800 S.F.
 PAVERS AND FLAGSTONE = 980 S.F.
 EXISTING TOTAL IMPERVIOUS = 3,406 S.F.
 PERCENT IMPERVIOUS = 31%
 MAINT BUILDING FOOT = 1,500 S.F.

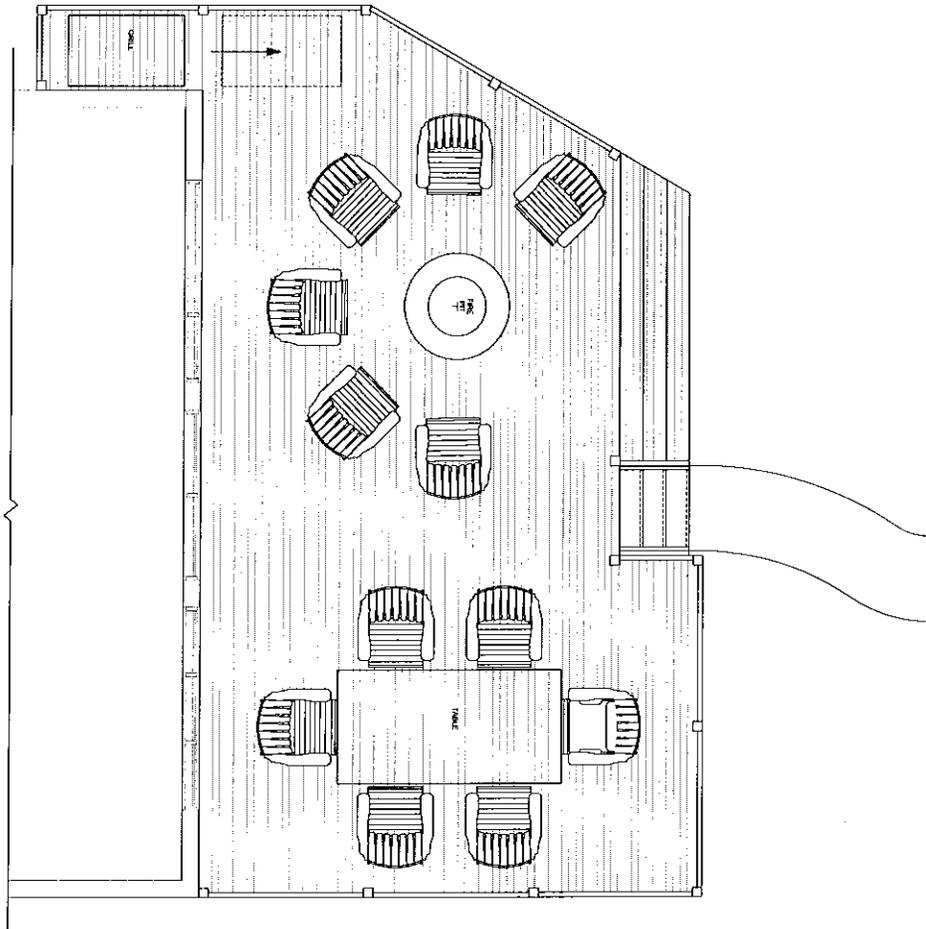


LEGEND

- ☼ WATER HYDRANT
- ⊙ ELEC POLE
- ⊕ GAS METER
- ⊕ SANITARY MANHOLE
- ⊕ AC UNIT
- FOUND IRON PIPE MONUMENT
- OVERHEAD ELECTRIC
- UNDERGROUND GAS
- FLAGSTONE
- ▨ PAVERS
- ▨ BUILDING
- ▨ BITUMINOUS SURFACE
- ▨ CONCRETE SURFACE

DATE	12/15/2017	BY	WESLEY A. SMITH
SCALE	AS SHOWN	PROJECT	FERRY RESIDENCE - DECK
PROJECT	LAKEWOOD PARK 1ST DIVISION	CLIENT	WESLEY A. SMITH
NO. OF SHEETS	1	DATE	12/15/2017
<p>WIDSETH SMITH NOLLING ENGINEERS, ARCHITECTS & SURVEYORS 1000 WASHINGTON AVENUE, SUITE 100 DULUTH, MINNESOTA 55810 TEL: 218.825.1111 FAX: 218.825.1112</p>			

① DECK FURNITURE PLAN
1/2" = 1'-0"



A103

21
DWG

DRAWN BY: BKS
DESIGNED BY: BKS
PROJECT NUMBER: RA16011

FERRY RESIDENCE - DECK
DECK FURNITURE PLAN

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of
William E. Rust
Date _____ License No. _____

RUST ARCHITECTS, P.A.
4744 WASHINGTON SQUARE
WHITE BEAR LAKE, MINNESOTA 55118
PHONE (651) 429-1913 FAX (651) 429-7561
www.rustarchitects.com



FERRY RESIDENCE DECK ADDITION

191 Wildwood Avenue
Birchwood, MN 55110

PROJECT NOTES

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF BIRCHWOOD, MINNESOTA.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE STATE OF MINNESOTA.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
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- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.

CONSTRUCTION NOTES

- 1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF BIRCHWOOD, MINNESOTA.
- 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE STATE OF MINNESOTA.
- 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
- 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
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- 7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
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- 9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
- 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.

DRAWING SCHEDULE

Sheet Number	Sheet Name
A100	TITLE SHEET / SITE PLAN
A101	DEMOLITION, FRAMING PLAN AND DETAILS
A102	CERTIFICATE OF SURVEY
A103	DECK FURNITURE PLAN

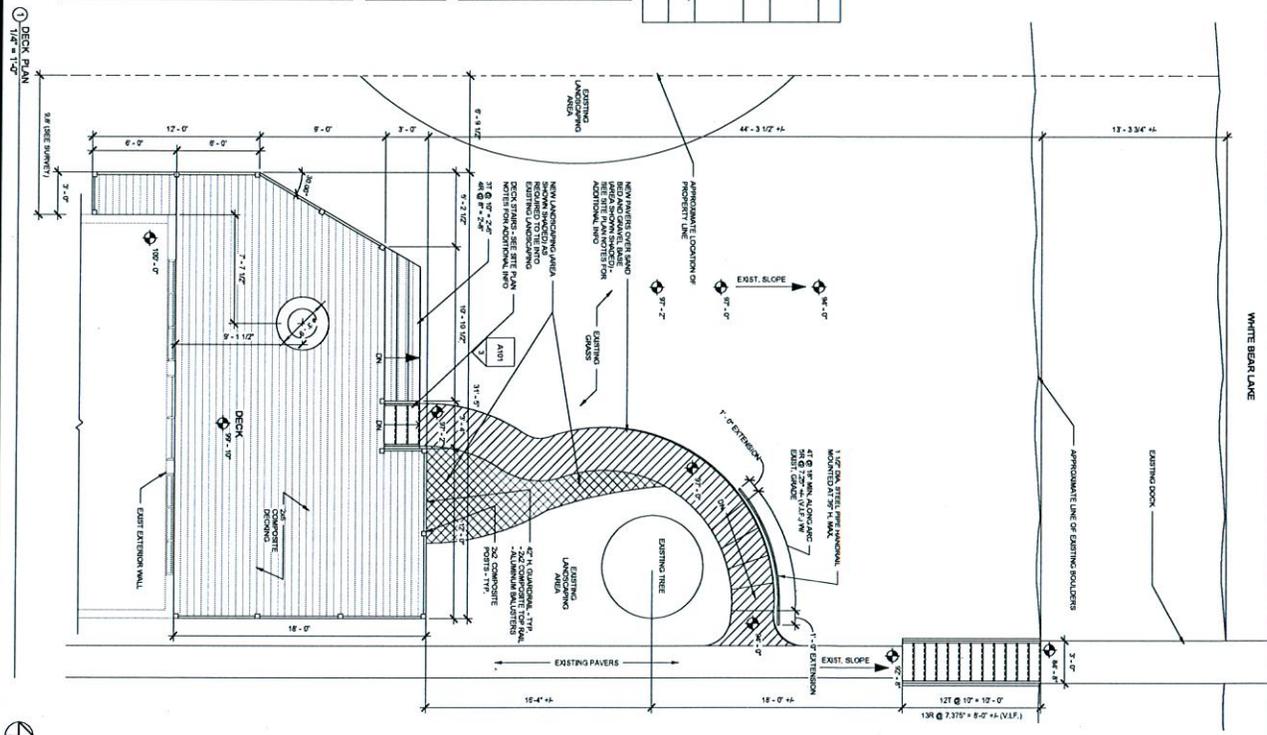
IMPERVIOUS / PREVIOUS SURFACE CALCULATION

EXISTING	IMPERVIOUS	CHANGE
1. TOTAL SQUARE FOOTAGE OF LOT: 14,529 SQ. FT.	N/A	NO CHANGE
2. MAXIMUM IMPERVIOUS SURFACE: 2,799 SQ. FT.	2,799 SQ. FT.	NO CHANGE
3. IMPERVIOUS SURFACE: 2,799 SQ. FT.	2,799 SQ. FT.	NO CHANGE
4. DRIVEWAYS: 888 SQ. FT.	796 SQ. FT.	-127 SQ. FT.
5. OTHER IMPERVIOUS SURFACE: 529 SQ. FT.	529 SQ. FT.	NO CHANGE
6. TOTAL IMPERVIOUS SURFACE: 3,800 SQ. FT.	3,800 SQ. FT.	-28 SQ. FT.
7. PERCENT IMPERVIOUS SURFACE: 26.1%	26.1%	0.7%

LEGAL DESCRIPTION

SUBDIVISION: LAKENWOOD PARK OF THOMPSON
BLOCK: 31
LOT: 30
SECTION: 30
TOWNSHIP: 142 N
RANGE: 102 W

- ### SITE PLAN GENERAL NOTES
1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF BIRCHWOOD, MINNESOTA.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE STATE OF MINNESOTA.
 3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ADJACENT PROPERTY OWNERS.
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A100

FERRY RESIDENCE - DECK

TITLE SHEET / SITE PLAN

I hereby certify that this plan, specification, or report was prepared by me, or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

William E. Rust License No. _____ Date _____

RUST ARCHITECTS, P.A.
474 WASHINGTON SQUARE
WHITE BEAR LAKE, MINNESOTA 55110
PHONE (651) 429-1913 FAX (651) 429-7561
www.rustarchitects.com

Tobin Lay

From: Nancy Calderon [nancyjcalderon@icloud.com]
Sent: Sunday, March 05, 2017 5:12 PM
To: Tobin Lay
Subject: 191 Wildwood Ave. Variance

To the Birchwood Planning Commission,

I have received notice for a variance request at 191 Wildwood Ave. Their deck plans sound great and I have no concerns or objections. I wish the Ferrys well on their home improvements.

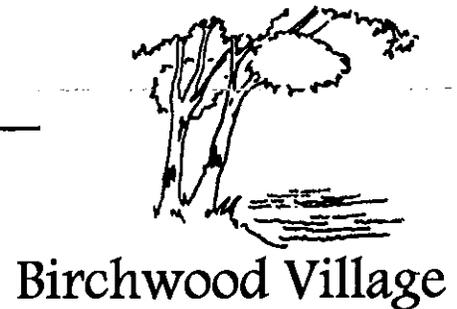
Respectfully,

Nancy Calderon
195 Wildwood Ave.

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Variance Case No. 17-02-VB



Dear Mayor and Council Members,

Tom and Lisa McKeown, residents of 441 Lake Ave, have filed Variance Case No. 17-02-VB.

The purpose of the variance request is to seek Council's approval for a 16 foot variance from the 40 foot municipal street setback requirement to demolish and construct a new garage. The existing garage is approximately 3 feet from the municipal street and the prevailing setback on that street is 21.7 feet.

This variance also proposes to drop the existing impervious surface on the lot from 29.07% to below the 25% maximum allowed under code 302.050. This variance would bring the garage into closer alignment with the City's setback requirement and is within the prevailing setback for the area. This variance would also bring the lot's impervious coverage into alignment with City Code.

This request was originally submitted in December 2016 but was found by the Planning Commission to be incomplete. The McKeowns have subsequently resubmitted the application along with the missing elements.

The Planning Commission has reviewed and conditionally approved this case for Council's consideration. A report of the Planning Commission's review and condition will be provided at the April Council meeting but for now, staff is including the variance application, original and revised, for review.

Thanks!

Regards,
Tobin Lay

**CURRENT
VARIANCE
APPLICATION**

REQUEST FOR VARIANCE

1. Date of Application: _____

(Requests for variances submitted prior to the 15th of the month will be considered by the Planning Commission at its next meeting on the first Tuesday of the month. Requests submitted after the 15th will be considered at the following meeting. All final decisions on variance applicants are made by the city council, which meets on the second Tuesday of every month.)

2. Name of Applicant(s) Thomas D. McKeown
Address 441 Lake Ave
City Birchwood Village
Business Phone 651-429-0900 Home Phone 651-276-7600

3. Address of Property Involved if different from above
N/A

4. Name of Property Owner(s) if different from above and describe applicant's interest in the property.
N/A

5. Specific Code Provision from which Variance is Requested: 302.020 ; 302.050

6. Describe in narrative form what the applicant is proposing to do that requires a variance.
See Attached

SIGNATURE OF APPLICANT(S) 

Variance Application
Page 2

7. Type of Project

- New Construction (empty lot) _____
- Addition _____
- Demolition _____
- Landscaping _____
- Repair or removal of nonconforming structure _____
- Other (describe) _____

8. Type of Structure Involved

- Single Dwelling _____
- Garage _____
- Tennis Court _____
- Grading/Filling _____

- Double Dwelling _____
- Addition _____
- Pool _____
- Other Accessory (describe) _____

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

See Attached

10. Describe any measures the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

See Attached

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

Variance Application

Page 3

12. Can an emergency vehicle (Fire Truck or Ambulance) access all structures on the property after the proposed change? Yes No

13. Does the proposed change bring any other nonconforming use into conformity with the city building code? Yes No

If yes, explain N/A

14. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No
If yes, please identify the regulations.

N/A

15. Please provide the applicable information in the following Table

	Existing	Proposed	Change
1. Total Square Footage of Lot	26,561	26,561	0
2. Maximum impervious surface (25% of item 1)	6,640	6,640	0
3. Roof Surface	3,457	1,163	(2,294)
4. Sidewalks	1,010	1,010	0
5. Driveways	2,926	3,305	+ 379
6. Other impervious surface	329	329	0
7. Total of items 3-6	7,722	5,807	(1,915)
8. Percent impervious surface	29.07*	21.86*	(7.21%)

16. Please attach the following:

- a. Legal description of property
- b. Plot Plan drawn to scale showing existing and proposed structures on the lot. Also show structures on adjacent lots.

* see attached addendum dated March 23, 2017

March 23, 2017

Addendum explaining the differences in numbers from the Survey and the Variance Application:

Explanation of #15

For the numbers, which went into question 15 on the variance application, please use the numbers on my application versus the numbers on the survey.

Existing Impervious surface-

The percentage number on the survey for the existing impervious surface was calculated incorrectly and I have asked the survey company to re-calculate based on the square footage numbers they provided.

Proposed Impervious surface-

The numbers shown on the survey for the proposed impervious surface only includes the new garage and re-routed driveway and does not include the capturing and re-routing of the rain water from the house and new garage.

Future rain gardens:

Please also note that the current survey shows the area of the 2 rain gardens near the house to be on a slope. Those areas would be flattened out as part of converting the space into rain gardens.

Tobin Lay

From: Tom McKeown [tom.mckeown@broadrch.com]
Sent: Thursday, March 23, 2017 3:01 PM
To: Tobin Lay
Subject: Addendum to the McKeown Survey and the Variance Application
Attachments: Addendum to the McKeown Survey and the Variance Application.docx

Hi Tobin,

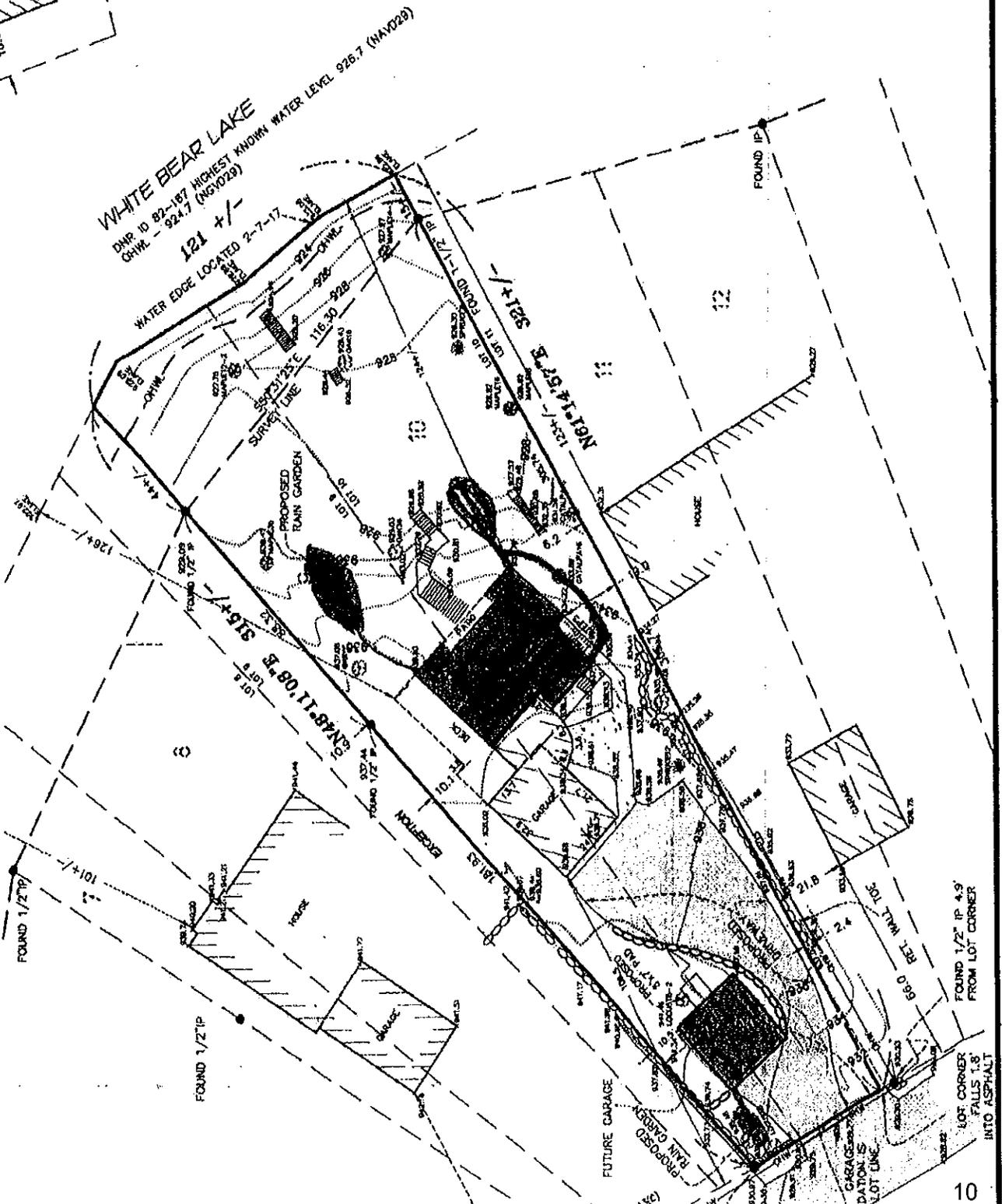
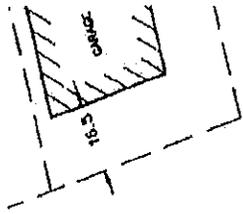
Here is the explanation. As it turns out, my numbers were correct and his on the survey were wrong. As I was writing it up, I did the math on the numbers to make sure it didn't affect the other numbers and it appears, 29.07% is the correct number for the existing impervious and I did the math myself versus just copying his numbers.

Please let me know if you need anything else.

Tom McKeown
651-276-7600 cell

PROPOSED IMPROVEMENTS - showing

SCALE: 1"=30'



**ORIGINAL
VARIANCE
APPLICATION**



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 tel
651-426-7747 fax
info@cityofbirchwood.com

December 29, 2016

Thomas McKeown
441 Lake Avenue
Birchwood, MN 55110

RE: VARIANCE REQUEST

Dear Mr. McKeown,

I am writing to inform you that upon an initial review of your variance request, the City finds the request incomplete as presented. The following items should be submitted to supplement your request before the variance proceeds to a full review by the Planning Commission:

- An official certificate of survey as described in 304.020 in the code that includes all of the existing and proposed buildings, existing and proposed setbacks, and existing and proposed coverage.
 - "304.020. PETITIONS FOR VARIANCES. The owner or owners of land to which the variance relates may file a petition for a variance with the Clerk. The petition shall be made on forms provided by the City Clerk. The petition shall be accompanied by plans described below and by all required fees. *The City may require the petitioner to submit a certificate by a registered professional land surveyor verifying the location of all buildings, setbacks and building coverage, and certifying other facts that in the opinion of the City are necessary for evaluation of the petition.*"

- A stormwater analysis that shows satisfaction of the criteria laid out in 304.040 2.d. This analysis should show that with the proposed best management practices, your plan will result in no increase in the amount of water draining from the property from the current conditions. This analysis could also include consideration of other steps that would use existing impervious surface or mitigate/reduce existing impervious surface.
 - "304.040. VARIANCE REQUIREMENTS AND CRITERIA. Petitions for Variances must include all Required Information and demonstrate that Criteria for each Variance are met.
2. Criteria for Granting a Variance. Variances may only be granted in Minnesota Statutes, Chapter 462.
Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

d. The granting of a variance will result in no increase in the amount of water draining from the property.”

When ordering a certificate of survey from a surveyor, it is recommended that you request a full survey, as that usually includes all of the elements required by the City to accurately determine the proposed coverage and setbacks affecting the proposed project. Your full survey should include at least the following:

- Neighboring property garage front and Lake Avenue property lines on lots that will be used for averaging, with distance from garage to property line (average prevailing setback).
- Location of property boundaries for your property.
- Location of all structures on your property, including retaining walls, along with takeoff of the areas.
- Location of paving surfaces and other impervious surfaces, along with takeoff of the areas.
- Existing location of detached garage.
- New garage location, with existing and revised topographic conditions around garage to establish accurate average grade plane.

Please contact me at (651) 426-3403 if you have any questions. Thanks!

Tobin Lay
City Administrator

1. Date of Application: 12-15-2014

(Requests for variances submitted prior to the 15th of the month will be considered by the Planning Commission at its next meeting on the first Tuesday of the month. Requests submitted after the 15th will be considered at the following meeting. All final decisions on variance applications are made by the city council, which meets on the second Tuesday of every month.)

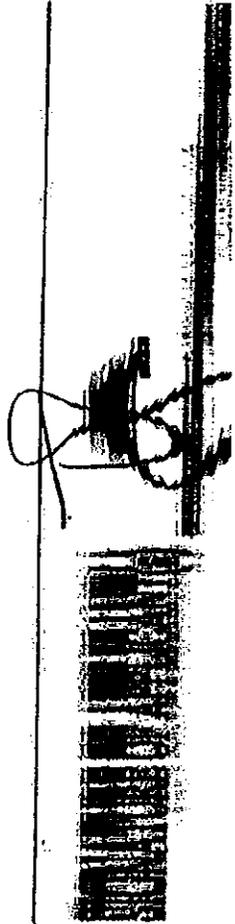
2. Name of Applicant(s) Thomas D. McKeown
Address 441 Lake Avenue
City Birchwood Village
Business Phone 651-429-0900 Cell Phone 651-276-7600

3. Address of Property Involved if different from above
N/A

4. Name of Property Owner(s) if different from above and describe applicant's interest in the property.
N/A

5. Specific Code Provision from which Variance is Requested 302.020, 302.050

6. Describe in narrative form what the applicant is proposing to do that requires a variance.
See attached



Variance Application
Page 2

7. Type of Project

- New Construction (empty lot) _____
- Addition _____
- Demolition
- Landscaping _____
- Repair or removal of nonconforming structure _____
- Other (describe) _____

8. Type of Structure Involved

- Single Dwelling _____
- Garage _____
- Tennis Court _____
- Grading/Filling _____
- Double Dwelling _____
- Addition _____
- Pool _____
- Other Accessory (describe) _____

9. Using the criteria in the city code for a variance (set forth in the attached sheet), explain why a variance is justified in this situation and describe what hardship would result from denial of the variance.

See attached

10. Describe any measures the applicant is proposing to undertake if the variance is granted, including measures to decrease the amount of water draining from the property.

See attached

11. Describe any alternatives the applicant considered (if any) that do not require a variance.

Variance Application
Page 3

12. Can an emergency vehicle (fire, police, or ambulance) access all structures on the property after the proposed change? Yes No

13. Does the proposed change bring any other nonconforming use into conformity with the city building code? Yes No

If yes, explain: _____

14. Are there other governmental regulations that apply to the proposed action, including requirements of the Rice Creek Watershed District? Yes No
If yes, please identify the regulations. _____

15. Please provide the applicable information in the following table:

	Existing	Proposed	Change
1. Total Square Footage of Lot	19,216	19,216	0
2. Minimum impervious surface (25% of item 1)	4,804.50	4,804.50	0
3. Roof Surface	3,468	3,282	186
4. Sidewalks	220	220	0
5. Driveways	5,000	2,450	2,550
6. Other impervious surface	150	150	0
7. Total of items 3-6	6,838	6,102	736
8. Percent impervious surface	35.5%	31.7%	3.8%

16. Please attach the following:

- a. Legal description of property
- b. Plot Plan drawn to scale showing existing and proposed structures on the lot. Also show structures on adjacent lots.

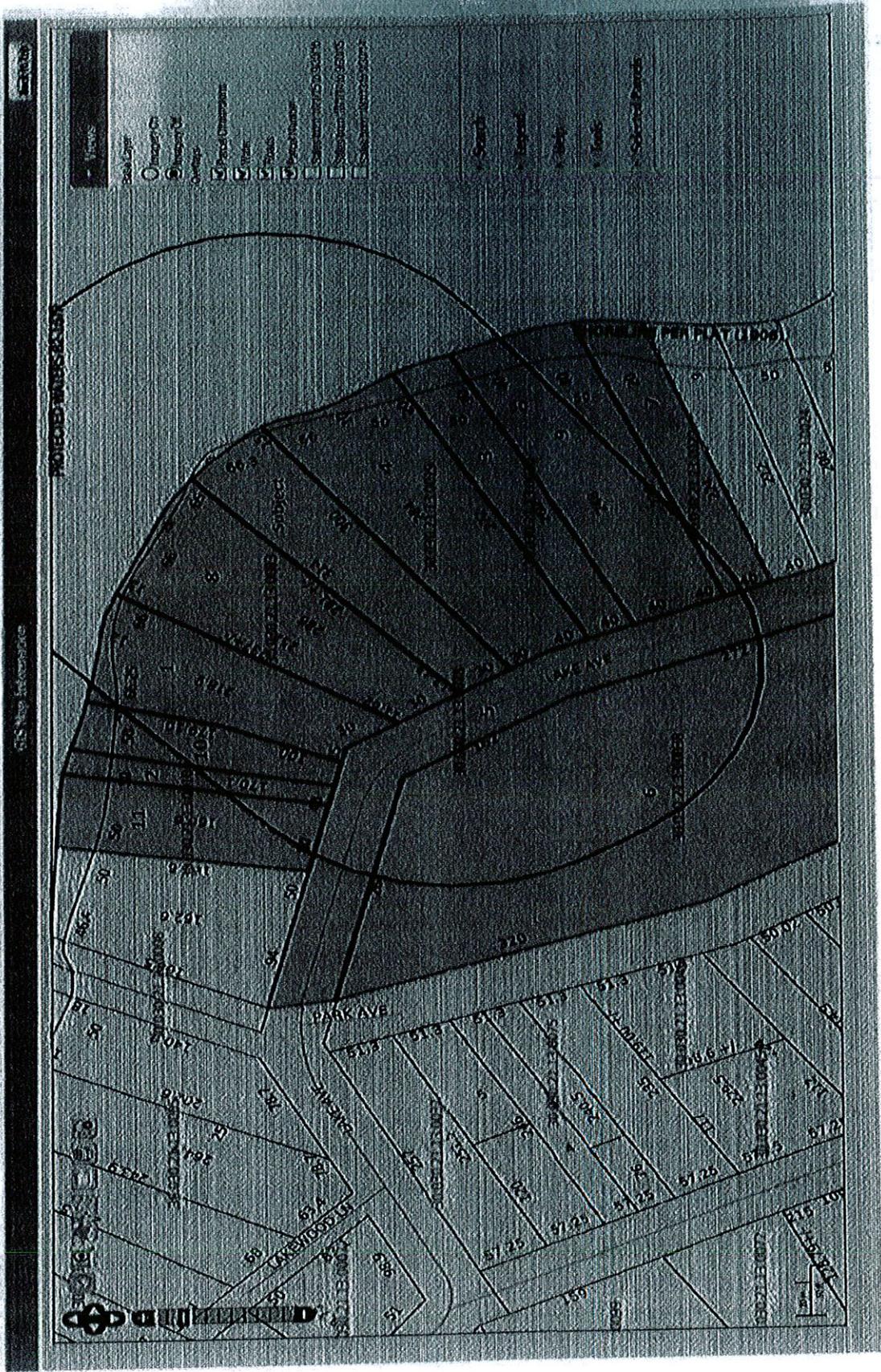
Request for Variance

Thomas D. McKeown
441 Lake Avenue
Birchwood Village, MN 55110
PIN: 30.030.21.13.0018

Narrative response(s):

- 6) There are two items in our proposal which will require a variance. The first one is the setback (302.020) from the road which per code is set at 40 feet. Our current garage is about 3 feet from the road and we are proposing to build our new building with a 20-foot setback. The second variance request is regarding the Impervious surface (302.050) coverage of the lot. We are currently over the 25% and our proposal will lower the Impervious surface from 35.5% to 31.7% impervious on our lot.
- 9) There are a few hardships that will be caused by not granting this variance. The first is to extend the garage length, which would allow me to store my boat indoors, and not have it stored on the outside in the driveway or away from my house. Secondly, if we were to place the new structure 40 feet off of Lake Ave. it would continue to increase the amount of driveway needed which can increase the amount of impervious surface as well as limit the amount of space available for a rain garden. The 3rd, is that this space is needed for me to have a home office which is away from the hustle and bustle of my family. I need space and quiet for me to continue to work and have a balanced life and maintain my work.
- 10) If the variance is granted, I am willing to install a pervious driveway between the new structure and the public roadway. I am also willing to create and integrate a rain garden and/or a Cistern or rain barrels to collect rain water from my new structure and keep it from running off my lot.

Map showing properties within 200' buffer of the subject property (see detailed list pg. 3)



Corresponding properties within 200' buffer (see Map pg. 2)

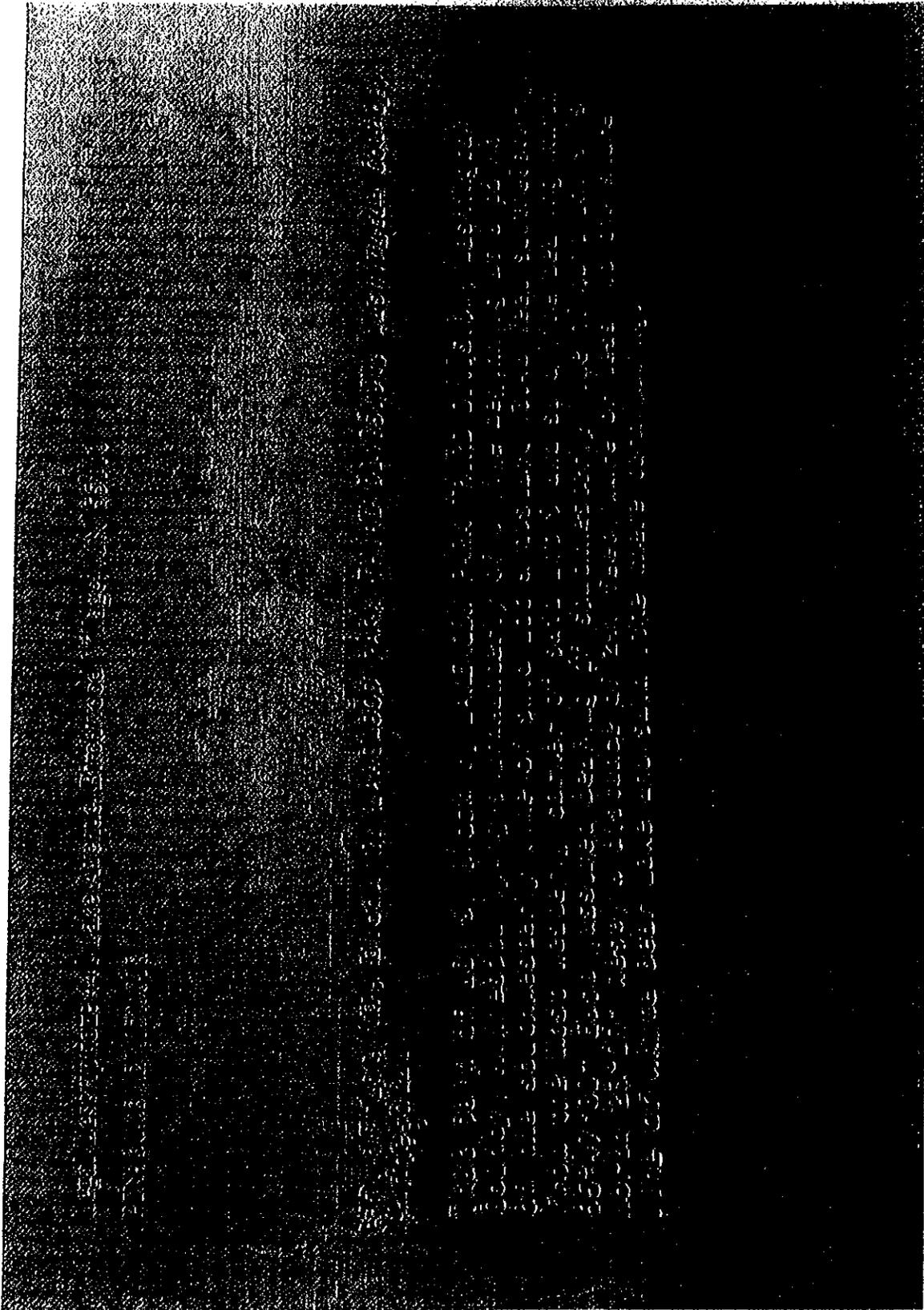
SUBJECT PROPERTY

3003021130018	MCKEOWN THOMAS D & LISA A JR	441	LAKE AVE	BIRCHWOOD	MN	55110
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PROPERTIES WITHIN 200' OF SUBJECT PROPERTY

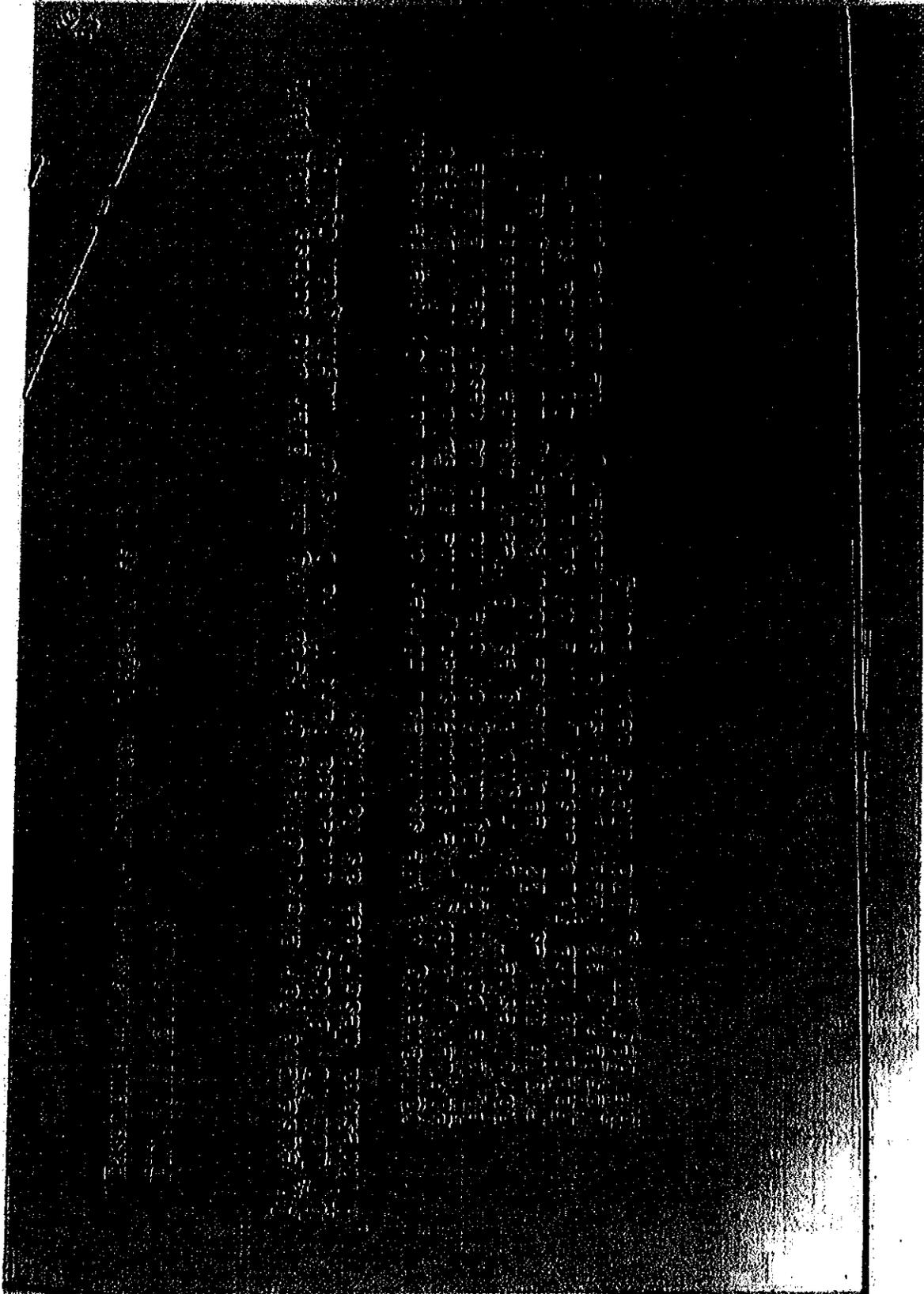
	PIN	OWNER	HOUSE	STREET	CITY	STATE	ZIP
1	3003021130014	BARBARA A WINTERS TRS	429	LAKE AVE	BIRCHWOOD	MN	55110
2	3003021130011	DAVIDSON COYLEEN H			BIRCHWOOD		
3	3003021130020	SCHREINER MARGARET M & DOLORES SCHREINER	453	LAKE AVE	BIRCHWOOD	MN	55110
4	3003021130019	TRS AGR TOADD & DENELLE A HAWKINS	445	LAKE AVE	BIRCHWOOD	MN	55110
5	3003021130078	CITY OF BIRCHWOOD			BIRCHWOOD		
6	3003021130038	CITY OF BIRCHWOOD			BIRCHWOOD		
7	3003021130022	BARTHEL JAMES H	469	LAKE AVE	BIRCHWOOD	MN	55110
8	3003021130083	WICKUM DAREN & JESSICA	433	LAKE AVE	BIRCHWOOD	MN	55110
9	3003021130021	ANDERSON KENNETH L ETAL	461	LAKE AVE	BIRCHWOOD	MN	55110
10	3003021130012	DAVIDSON COYLEEN H	425	LAKE AVE	BIRCHWOOD	MN	55110
11	3003021130010	MADORE DONALD R & KATHLEEN E	413	LAKE AVE	BIRCHWOOD	MN	55110

Date of Application: Dec. 15, 2016



7

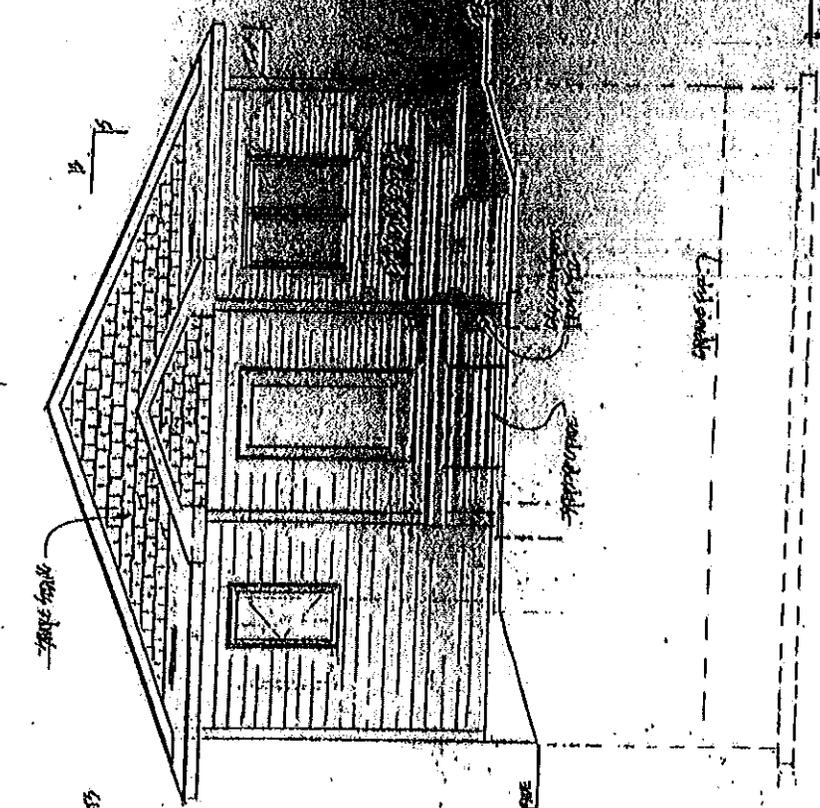
Date of Application: Dec. 15, 2016



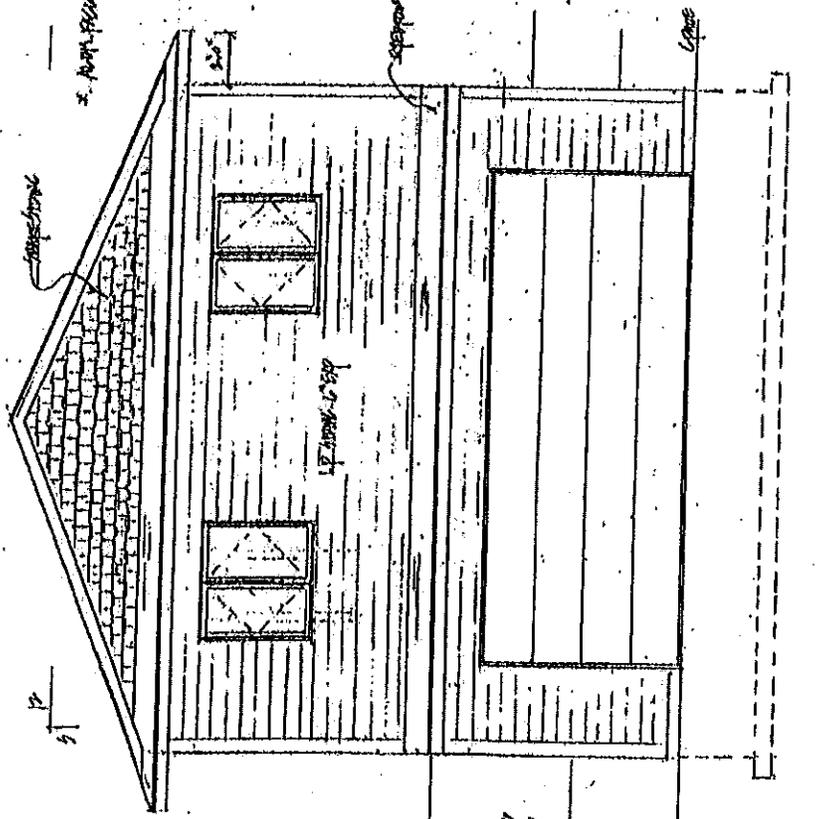
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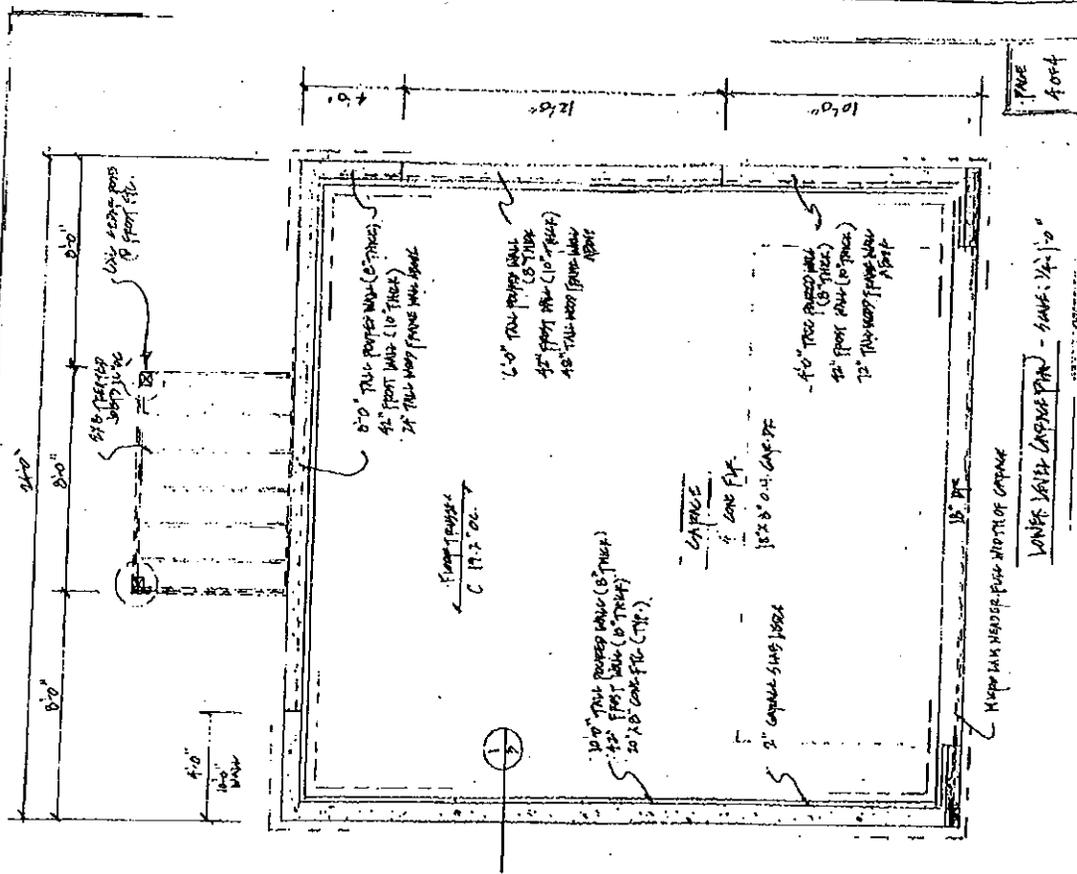
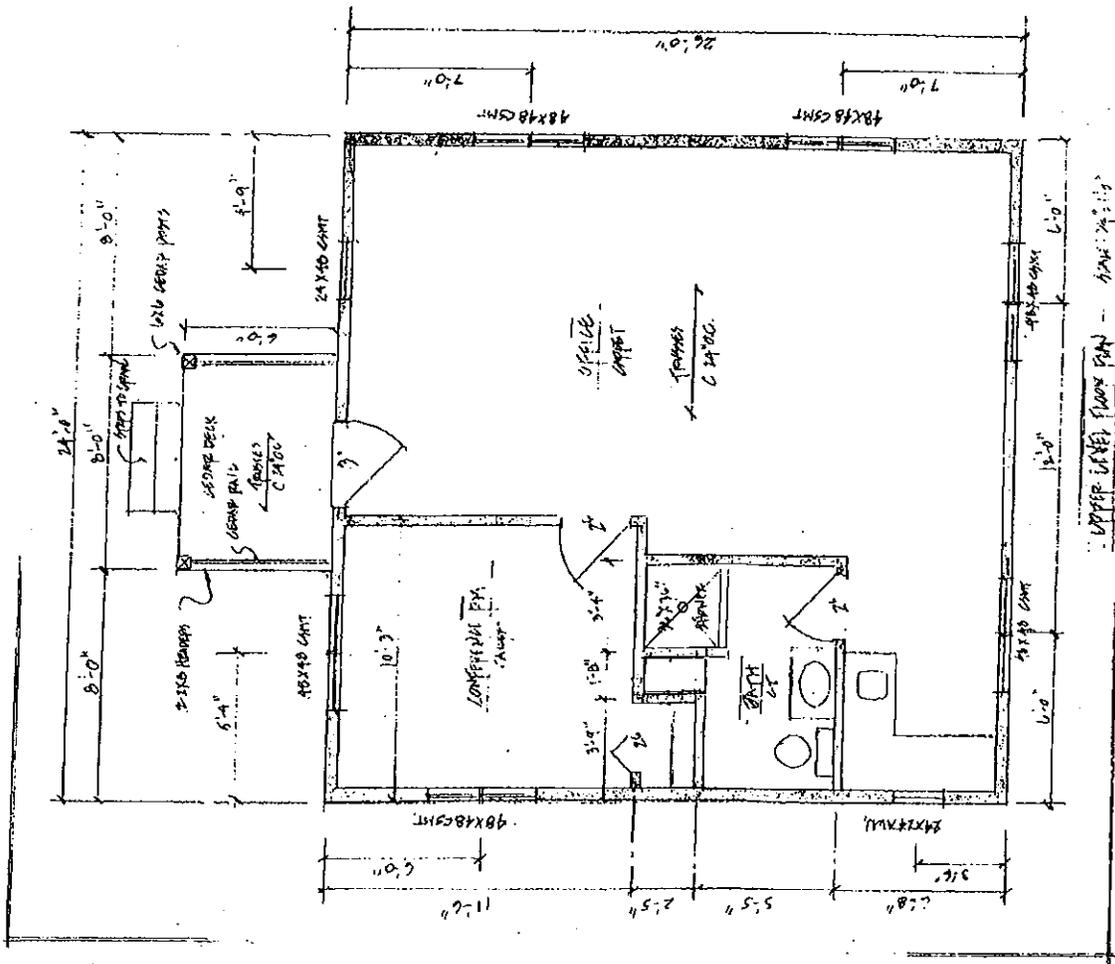
OWNER: TOM WILSON
 ADDRESS: 111 LARKSPRING
 BIRMINGHAM, ALA. 35202

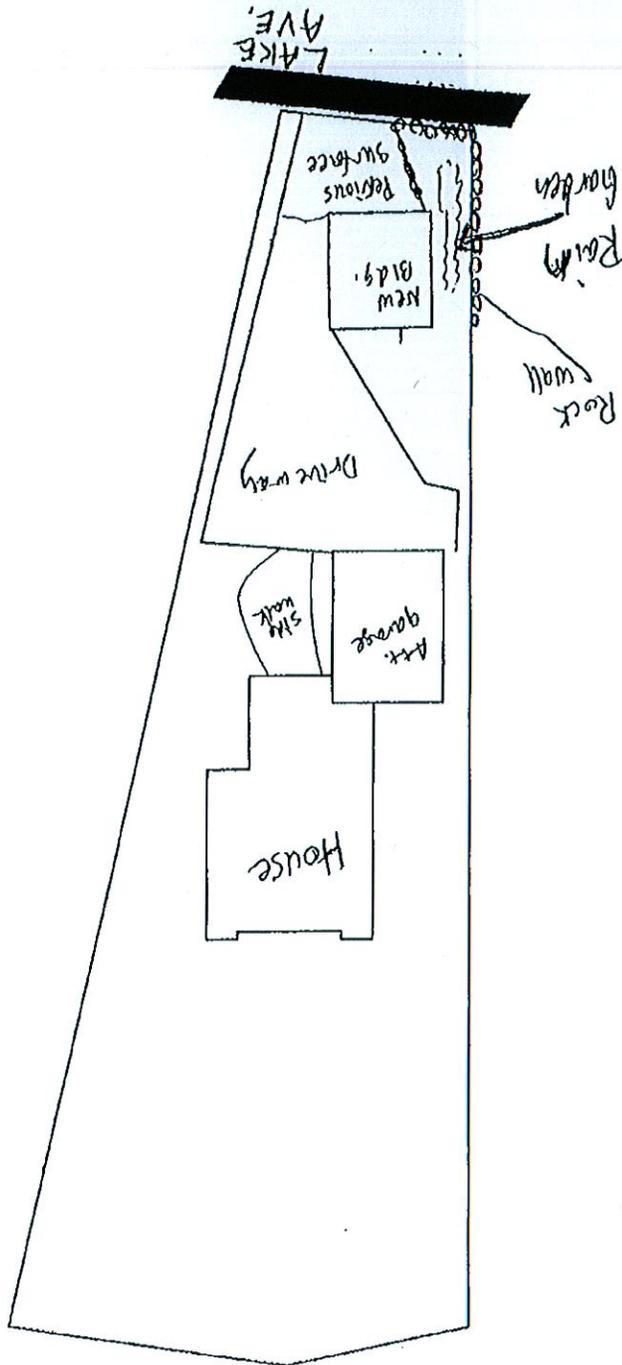
REAR ELEVATION
 SCALE: 1/4" = 1'-0"



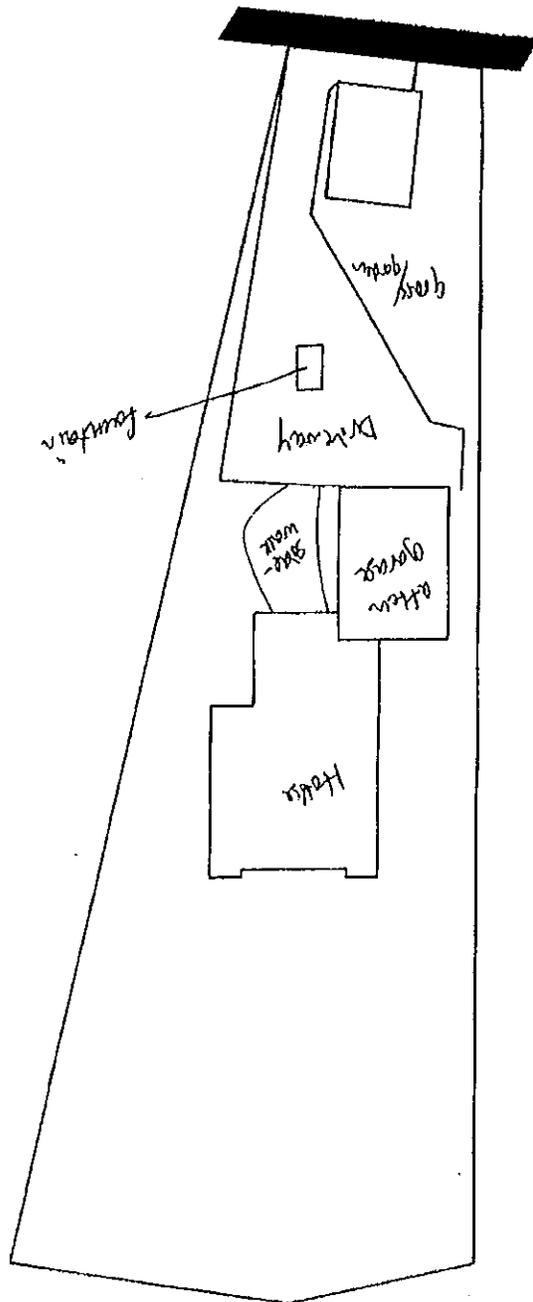
FRONT ELEVATION (EAST SIDE)
 SCALE: 1/4" = 1'-0"







PROPOSED -
 TOWN OF BURLINGTON
 441 Lake Avenue
 Burlington, VT 05401
 P.L.C. 10/02/17 1018



EXISTING
 THOMAS D. MCKAY
 4114 1/2 AVENUE
 BIRMINGHAM, ALABAMA 35210
 205-988-1100

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
January 10, 2017**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson, Randy LaFoy and Megan Malvey.

STAFF PRESENT: Alan Kantrud, City Attorney and Tobin Lay, City Administrator.

OTHERS PRESENT: Steve Huntley, Kathy Blegen-Huntley, James Nelson, Trilby White, Tami Heart and others.

Mayor Wingfield called the regular meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

Mayor Wingfield: Added Resolution 2017-06 to accept Mark Anderson's resignation and declare the Council vacancy.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

Mayor Wingfield: Added update from Roads Committee after the consent agenda.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

OPEN PUBLIC FORUM:

Steve Huntley (620 Birchwood Ave): He offered observations about the warming house and ice rink and recommendations for improvements to them. He also offered his time as a volunteer.

Kathy Blegen-Huntley (620 Birchwood Ave): She provided an update from a recent meeting of expired Park Committee members and residents. She offered recommendations from the group for Council's consideration.

Administrator Tobin Lay: Upon Council's request, he provided an update and status of the Parks Committee and its members. City records show that the Parks Committee currently has no active members. The last Council reappointments to that committee were in August 2013, for three (3) year terms.

Mayor and Council Members: They deliberated over the status of the Parks Committee.

James Nelson (256 Wildwood Ave): He cited many things the City is doing well and thanked Mayor and Council Members for their efforts.

ANNOUNCEMENTS:

Mayor Wingfield: She made the following announcements:

- A. Tim Lessard Retirement Open House will be Held Jan 31, 5-7pm, at City Hall.
- B. Common Table Pot Luck will be Thursday Jan. 19, 5:30pm, at City Hall.
- C. February City Council Meeting will be Held on Valentine's Day.

RECOGNITION

Mayor and Council Members: They recognized Len Pratt for his years of service on the Planning Commission. Len stepped down from the Commission in Dec. 2016.

CITY BUSINESS – CONSENT AGENDA

- A. Request to Table Approval of Regular Meeting December 13, 2016 Minutes to February.
- B. Resolution 2017-01 Designating White Bear Press as the Official Newspaper for Publication.
- C. Resolution 2017-02 Naming U.S. Bank and the 4M Fund as Official Depositories of Municipal Funds.
- D. Resolution 2017-04 Accepting a Cash Donation from Artists Group Members.
- E. Approval of Treasurer's Report
- F. Airfresh Contract
- G. Whiter Bear Township JPA – Water System Supervision
- H. Sheriff Report

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

- A. Resolution 2017-06: Accepting Mark Anderson's Resignation and Declaring a Council Vacancy

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ACCEPT COUNCILMEMBER ANDERSON'S RESIGNATION, EFFECTIVE JANUARY 11, 2017. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2017-06, DECLARING A COUNCIL VACANCY. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PUBLISH THE COUNCIL VACANCY IN THE JANUARY NEWSLETTER AND TO ALLOW APPLICATIONS FOR THE SEAT UNTIL FEBRUARY 7, 2017. ALL AYES. MOTION PASSED.

- B. Roads Committee Update

Gene Ruehle (Committee Chair): He recommended, on behalf of the Committee, that the City provide additional sand/salt barrels at strategic locations around town, to aid in fighting icy

roads. The Committee will not be able to use the Sheriff's road counter during the winter and will have to wait until spring to count the traffic.

C. Resolution 2017-03 Authorizing RWSCC to Broadcast and Re-Broadcast City Council Meetings

Councilmember LaFoy: He checked with the RWSCC and there is no need to pass another resolution for this. The resolution passed when the relationship began with the RWSCC is enough.

D. NYFS Partnership Agreement

Councilmember Malvey: She asked about the services provided by the NYFS.

Mayor and Council Members: Discussed the NYFS and requested Administrator Lay invite a representative from the organization to attend a future Council meeting to explain their services. Discussion about approving the partnership agreement will be postponed until the NYFS visit.

E. Swearing in of Mayor & Council Members

Administrator Lay lead Mayor Wingfield and Councilmember LaFoy and Malvey in the Oath of Office and they each signed corresponding Oath documents.

F. Council Assignments

Mayor and Council Members: They talked about keeping the current assignments until the topic is discussed at an upcoming workshop; Councilmember Malvey would take on Councilmember Hullsiek's assignments until then.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO HAVE EACH COUNCIL MEMBER KEEP THE CURRENT ASSIGNMENTS GIVEN THEIR SEAT UNTIL DISCUSSED FURTHER AT AN UPCOMING WORKSHOP. ALL AYES. MOTION PASSED.

G. Dog Park Update

Administrator Lay: He provided a list of residents interested in serving on the new Dog Park committee - eight (one couple) submitted letters of interest by the cutoff date. Two (2) residents applied after the cutoff.

Mayor and Council Members: They discussed whether to have a Dog Parks Committee or to re-staff the Parks Committee with the assignment of pursuing a Dog Park.

Trilby White (Dog Park Committee Candidate): She would be willing to take on all the Parks issues but would also support the limited charge of just establishing a Dog Park as well.

Tami Heart (Dog Park Committee Candidate): She introduced the motive behind having a Dog Park in Birchwood – the family of the late David Reynolds, a Birchwood resident known for

loving dogs, has offered to donate money towards a Dog Park. She pointed out that Birchwood has spent money on worthy causes before, like building the warming house, and should continue that tradition by creating a dog park.

Councilmember Malvey: She said she wants to hear from the community at large about the kind of dog park wanted – whether it be a new park or a repurposed park. Assigning this task to the Parks Committee would provide the broader perspective needed. She supports delaying the formation of a Dog Park Committee until after the Council has determined what to do with the Parks Committee.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ESTABLISH A DOG PARK COMMITTEE THAT WOULD FOLLOW THE BYLAWS OF THE PARKS COMMITTEE WITH THE PURPOSE OF PURSUING A DOG PARK BY RESEARCHING AND ESTABLISH WHAT THE COMMUNITY WANTS TO DO WITH A DOG PARK AND APPROVE THE NAMES PRESENTED AS MEMBERS OF THE DOG PARK COMMITTEE, WITH THE EXCEPTION OF TRACY SCHAD. FOUR AYES. COUNCILMEMBER MALVEY OPPOSING. MOTION PASSED.

H. First Reading of Ordinance 2017-01-01 Amending Impervious Surface Requirements in City Code

Administrator Lay: He provided background and introduced the amendment as recommended by the Planning Commission. 300.020 would be left unchanged and 302.050 amended as provided in the packet.

Mayor, Council Members, and Attorney Kantrud: They discussed whether the ordinance must be reviewed by the DNR.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO HAVE FIRST READING OF ORDINANCE 2017-01-01 NOW AND THEN FORWARD IT TO THE DNR FOR REVIEW AND APPROVAL; KEEPING THE PLANNING COMMISSION COPIED FOR THEIR REVIEW AND APPROVAL OF THE DNR'S APPROVAL. SECOND READING TO TAKE PLACE AFTER THE DNR'S AND PLANNING COMMISSION'S SUBSEQUENT APPROVALS. ALL AYES. MOTION PASSED.

I. Dock Ass'n / Boat Length – Status

Administrator Lay: He informed Council that the Dock Ass'n has requested this agenda item be removed until further notice.

J. Interim Plan / Zoning Reviewer – TKDA Contract has Expired

Administrator Lay: He informed Council that the TKDA contract has expired and presented three (3) options to choose from going forward. He requested Council's approval to seek additional plan reviewer options for Council's consideration at a later date.

Mayor and Council Members: They discussed whether or not to re-contract with TKDA for plan review services. Council Member LaFoy supports continuing to use TKDA for plan reviewer

services on a case-by-case basis. Council Member Anderson and Woolstencroft said they would prefer to use the existing City Engineer instead.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER ANDERSON TO USE THATCHER ENGINEERING FOR INTERIM PLAN REVIEW SERVICES WHILE ADMINISTRATOR LAY SEARCHES FOR ALTERNATIVE PLAN REVIEWER OPTIONS. THREE AYES. COUNCILMEMBER LAFOY OPPOSING AND COUNCILMEMBER MALVEY ABSTAINING. MOTION PASSED.

K. Shoreland Overlay Ordinance – Request Comprehensive Review by DNR

Administrator Lay: He introduced an email from the DNR regarding a new model shoreland overlay ordinance. The DNR recommends updating the City's shoreland overlay ordinance to follow the model ordinance.

Mayor and Council Members: They asked City Administrator Lay to forward the City's existing shoreland overlay ordinance to the DNR for comprehensive review and analysis.

L. City Sewer Lining – Request Advice from City Engineer

Mayor Wingfield: She informed Council that several sections of sanitary sewer system were left out of the last sewer upgrades. She asked Council's approval to invite City Engineer Thatcher to present to Council at a future Council meeting what things should be considered with upgrading these sections now and the cost estimates for such.

Mayor and Council Members: They discussed this item and asked Administrator Lay to invite Mr. Thatcher as requested by Mayor Wingfield. They also requested a map be provided of residents who might be affected by an assessment.

M. Local Water Plan Representative – Request for Appointment

Administrator Lay: He informed Council that the City is required to create and submit a Local Water Plan to Rice Creek Watershed. He asked for a representative from the community to work with Rice Creek and spearhead this plan.

Councilmember LaFoy: He volunteered to work with Administrator Lay on this plan.

N. Planning Commission Vacancy

Mayor and Council Members: They acknowledged the vacancy on the Planning Commission and called for applications to fill the position. This will also be posted in the January newsletter.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PUBLISH THE PLANNING COMMISSION VACANCY AND ACCEPT APPLICATIONS UNTIL FEBRUARY 7, 2017. ALL AYES. MOTION PASSED.

O. Council Member Reports:

1. Councilmember Malvey:

a. Parks Committee Status & Hall Rental Refund

Councilmember Malvey: She explained that the City Parks are an important subject to her and other residents. She has many ideas for improving and maintaining the parks and believes that re-staffing the Parks and Natural Resources Committee is a necessary step for making these changes. The now expired members of the Parks Committee posted notice and held a meeting recently at City Hall to discuss the status of the Parks and the Parks Committee. The group was charged the reservation fee for using the City Hall. She believes the Council should reappoint the last members of the Parks Committee, that the Parks Committee should have oversight of the dog park project, and that the group should be refunded the City Hall reservation fee that was paid.

Administrator Lay: He provided background on the committee member status and the charge.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO REFUND THE RESERVATION FEE. ALL AYES. MOTION PASSED.

Mayor and Council Members: They discussed the history and purpose of the Parks Committee and the possibility of tabling this topic until a workshop.

MOTION WAS MADE BY COUNCILMEMBER MALVEY TO ALLOW RESIDENTS TO APPLY FOR THE PARKS AND NATURAL RESOURCES COMMITTEE BY FEBRUARY 7, 2017. NO SECOND. MOTION FAILED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO TABLE THIS TOPIC UNTIL A WORKSHOP. ALL AYES. MOTION PASSED.

b. Request for Ice Rink Info

Councilmember Malvey: She requested an update on the ice rink / warming house because it has been closed a lot this season.

Administrator Lay: He read an email from Ice Rink Manager Scott Howe regarding the warming house closures. There have been an unusual number of warm weather days, causing the warming house to be closed.

Mayor and Council Members: They discussed the need to provide notice of closure and asked about other warming house issues.

Administrator Lay: He informed Council that he already spoke to Mr. Howe about posting notice of closures. He thanked the residents who had offered to assist with the warming house and said he would speak to Mr. Howe about ways to use them.

c. School District realignment Survey

Councilmember Malvey: She wants to learn what interest there is in the community to move school districts from White Bear to Mahtomedi. She requested residents contact her about this.

Mayor and Council Members: They discussed how difficult this boundary change would be, including requiring both school districts and Cities to approve, as well as state legislation. Councilmember LaFoy has looked into this idea before and volunteered to work on it again with Councilmember Malvey.

Attorney Kantrud: He recommended that the County Commissioners be involved as well.

- d. Council Member Email Addresses:** She requested that Council use City email addresses in an effort to be more professional. She provided information on cost and what surrounding communities do.

MOTION WAS MADE BY COUNCILMEMBER MALVEY TO PROVIDE A CITY EMAIL ADDRESS FOR THE MAYOR AND EACH COUNCIL MEMBER. NO SECOND. MOTION FAILED.

P. City Administrator's Report

1. City Council Public Hearing Policy

Attorney Kantrud: He said that he and Administrator Lay have not been able to complete the Council's December meeting request to investigate Planning Commissioner Doug Dank's complaint. He and Administrator Lay will provide an answer at the next Council meeting.

2. Update on Social Media Profiles

Administrator Lay: He informed Council that he had created a City Facebook and Twitter profile as was approved by Council in December.

3. Council Workshop for Orientation, Capital Improvement, and Goals

Administrator Lay: He recommended Council hold several workshops, including an orientation workshop. He asked for available February dates.

Mayor and Council Members: They briefly discussed February availability and asked that Administrator Lay follow up on a date via email.

4. Change Office Hours to 9:30am

Administrator Lay: He requested the office hours be changed from 9:00am to 9:30am.

Mayor and Council Members: They discussed the request and had no issues with the change.

5. Resolution 2017-05 Interim Treasurer Extension

Administrator Lay: He presented Resolution 2017-05 to extend Cynthia Govan's role as Interim City Treasurer until March 15.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2017-05 TO EXTEND THE INTERIM CITY TREASURER POSITION UNTIL MARCH 15, 2017. ALL AYES. MOTION PASSED.

6. City Safe Quotes

Administrator Lay: He provided an update on quotes for retrofitting the City safe.

Mayor and Council Members: They recommended Administrator Lay contact Kat-Keys for a quote.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE ADMINISTRATOR LAY TO SPEND UP TO \$640 ON THE CITY SAFE RETROFIT. ALL AYES. MOTION PASSED.

7. Ice Rink Emergency Repairs

Administrator Lay: He informed Council of an emergency repair that took place at the ice rink during the month and that Mayor Wingfield had approved the expenditure after speaking to Ice Rink Manager Scott Howe. The repairs did not include LED upgrades, which is planned for this summer.

8. Birch Easement Rain Garden

Administrator Lay: He informed Council that he, the Mayor, and resident Mary Sue Simmons met with the County at Birch Easement to discuss an alleged mishandling of that rain garden. The County found no evidence of mishandling but will work with Rice Creek Watershed to provide the City with best practices for maintaining the City's rain gardens.

9. Tree Inspection Procedure – Giving Notice

Administrator Lay: He informed Council that the Sheriff contacted him about complaints regarding the tree inspector entering yards without notice. He asked the Council what changes they would like to make to the tree inspection procedures to improve relations with the community.

Attorney Kantrud: He informed Council that state law allows for official tree inspectors to enter private property without notice.

Mayor and Council Members: They discussed the tree inspection process and past notice practices. They considered possible changes. They asked Administrator Lay to determine how many residents complained, find the early notification list employed in the past, and check procedures used by other Cities.

10. SL-Serco Contracts – Water Meter Reads and Repairs

Administrator Lay: He presented water meter read and repair contracts with SL-Serco. He highlighted the increase in the fee from previous years and the justification for the increase. He will check with St. Anthony Village to see if Birchwood can use SL-Serco under their contract.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE ADMINISTRATOR LAY TO CONTRACT WITH SL-SERCO FOR WATER METER READING AND REPAIRS, EITHER UNDER THE CITY OF ST. ANTHONY VILLAGE OR DIRECTLY. ALL AYES. MOTION PASSED.

11. MAMA Membership

Administrator Lay: He requested Council approve payment of his membership in the Metropolitan Area Management Association (MAMA).

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE PAYMENT OF ADMINISTRATOR LAY'S MEMBERSHIP FEES TO THE METROPOLITAN AREA MANAGEMENT ASSOCIATION. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER ANDERSON AND SECONDED BY MAYOR WINGFIELD TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:33 P.M.

ATTEST:

Mary Wingfield
Mayor

City Administrator-Clerk
Tobin Lay

For the Period : 3/14/2017 To 4/7/2017

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$601,558.13	\$514.12	\$11,073.48	\$590,998.77
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$4,365.02	\$0.00	\$0.00	\$4,365.02
Library	\$0.00	\$0.00	\$0.00	\$0.00
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
Reimbursed Contracted Services	\$0.00	\$0.00	\$0.00	\$0.00
General Debt Service (Identify)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,194.03)	\$0.00	\$0.00	(\$25,194.03)
Sewer Re-hab 2008 Debt	\$8,424.62	\$0.00	\$0.00	\$8,424.62
Capital Improvement Projects	\$78,758.91	\$0.00	\$0.00	\$78,758.91
Municipal State Aid Streets - Construction	\$0.00	\$0.00	\$0.00	\$0.00
Open Spaces Acquisition (Optional)	\$0.00	\$0.00	\$0.00	\$0.00
Water	(\$4,922.40)	\$7,904.93	\$5,565.77	(\$2,583.24)
Sewer	\$71,859.68	\$13,407.18	\$759.13	\$84,507.73
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$734,849.93	\$21,826.23	\$17,398.38	\$739,277.78

City of Birchwood Village

Receipts Register

4/7/2017

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
03/14/2017	Felt, J	1918	Kayak/Canoe Permit X2	(03/14/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							<u>\$ 20.00</u>
03/14/2017	Klump, D	1919	Kayak/Canoe Permit X2	(03/14/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							<u>\$ 20.00</u>
03/14/2017	Kuehn, S	1920	Basement Permit	(03/14/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 84.75
							<u>\$ 84.75</u>
03/14/2017	Heart, T	1921	Kayak/Canoe Permit X2	(03/14/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							<u>\$ 20.00</u>
03/16/2017	Arika Quick - Cash	1925	Dog License	(03/16/2017) -	N Animal Licenses	100-32240-	\$ 10.00
							<u>\$ 10.00</u>
03/17/2017	Residents - via St. Anthony Village	1936	Utility Billing - SAV	(03/17/2017) -	N Water Fee	601-34110-	\$ 3,233.82
							\$ 2.61
							\$ 106.51
							\$ 7.66
							\$ 5,809.55
							<u>\$ 9,160.15</u>
03/23/2017	Ben Creagh - Cash	1926	Kayak/Canoe Permit	(03/23/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							<u>\$ 10.00</u>
03/24/2017	River City Plumbing Co	1927	Permit	(03/24/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 31.00
							<u>\$ 31.00</u>
03/24/2017	Katherine Cavanor	1928*	Kayak/Canoe Permit x2	(03/24/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							<u>\$ 20.00</u>
03/24/2017	Residents - via St. Anthony Village	1933	Utility Billing - SAV	(03/24/2017) -	N Water Fee	601-34110-	\$ 528.85

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
03/24/2017	Residents - via St. Anthony Village	1934	Utility Billing - SAV	(03/24/2017) -			
					Penalty - Late Water/Sewer	601-34160-	\$ 11.06
					State and Misc fees	601-34170-	\$ 12.60
					Penalty - Late Water/Sewer	605-34160-	\$ 8.19
					Sewer Fee	605-34190-	\$ 683.27
							\$ 1,243.97
					N Parking Permits	100-32250-	\$ 40.00
					Parking Permits	100-32250-	\$ 2.85
					Water Fee	601-34110-	\$ 1,009.26
					Penalty - Late Water/Sewer	601-34160-	\$ 4.00
					State and Misc fees	601-34170-	\$ 37.15
					Penalty - Late Water/Sewer	605-34160-	\$ 8.91
					Sewer Fee	605-34190-	\$ 2,022.92
							\$ 3,125.09
03/24/2017	Residents - via St. Anthony Village	1935	Utility Billing - SAV	(03/24/2017) -			
					Miscellaneous	100-36140-	\$ 41.99
					Water Fee	601-34110-	\$ 513.45
					Penalty - Late Water/Sewer	601-34160-	\$ 1.15
					State and Misc fees	601-34170-	\$ 17.49
					Penalty - Late Water/Sewer	605-34160-	\$ 2.58
					Sewer Fee	605-34190-	\$ 842.16
							\$ 1,418.82
03/28/2017	Residents - via St. Anthony Village	1932	Utility Billing - SAV	(03/28/2017) -			
					N Water Fee	601-34110-	\$ 987.17
					Penalty - Late Water/Sewer	601-34160-	\$ 0.92
					State and Misc fees	601-34170-	\$ 31.81
					Penalty - Late Water/Sewer	605-34160-	\$ 2.89
					Sewer Fee	605-34190-	\$ 1,641.88
							\$ 2,664.67
03/31/2017	Residents - via St. Anthony Village	1930	Utility Billing - SAV	(03/31/2017) -			
					N Parking Permits	100-32250-	\$ 115.00
					Parking Permits	100-32250-	\$ 8.19
					Water Fee	601-34110-	\$ 697.95
					Penalty - Late Water/Sewer	601-34160-	\$ 1.39
					State and Misc fees	601-34170-	\$ 25.44
					Penalty - Late Water/Sewer	605-34160-	\$ 3.91
					Sewer Fee	605-34190-	\$ 1,181.28

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/31/2017	Residents - via St. Anthony Village	1931	Utility Billing - SAV	(03/31/2017) -	N Parking Permits	100-32250-	\$ 75.00
					Parking Permits	100-32250-	\$ 5.34
					Water Fee	601-34110-	\$ 661.23
					Penalty - Late Water/Sewer	601-34160-	\$ 1.17
					State and Misc fees	601-34170-	\$ 19.90
					Penalty - Late Water/Sewer	605-34160-	\$ 5.65
					Sewer Fee	605-34190-	\$ 1,186.33
							\$ <u>1,954.62</u>
04/05/2017	Scott Howe - Check #1193	1929	Dog License	(04/05/2017) -	N Animal Licenses	100-32240-	\$ 10.00
							\$ <u>10.00</u>
							\$ <u>21,826.23</u>

Total for Selected Receipts

City of Birchwood Village

Disbursements Register

4/7/2017

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/14/2017	Washington County	29550*	Snow/Salt Ice Control - 2/6/17	N	Ice and Snow Removal	100-43125-210-	\$ 457.40
	Total For Check	29550					\$ 457.40
03/14/2017	TSE, INC	29551*	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 25.00
	Total For Check	29551					\$ 25.00
03/14/2017	Menards - Oakdale	29552	Supplies	N	Supervision	100-45201-220-	\$ 39.29
	Total For Check	29552					\$ 39.29
03/20/2017	Payroll Period Ending 03/17/2017	29553		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
	Total For Check	29553					\$ 1,575.80
03/20/2017	PERA	EFT032017	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	Total For Check	EFT032017					\$ 274.40
03/30/2017	Steve Dean Tree Trimming	29554	Water Main Break Storage	N	Wtr/Swr Emergency	601-43185-220-	\$ 400.00
	Total For Check	29554					\$ 400.00
03/30/2017	PERA	EFT033017	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	Total For Check	EFT033017					\$ 274.40
04/01/2017	Payroll Period Ending 03/31/2017	29555		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
	Total For Check	29555					\$ 1,575.80
04/01/2017	Payroll Period Ending 04/01/2017	29571		N	Clerk - Treasurer	100-41401-100-	\$ 349.40
	Total For Check	29571					\$ 349.40
04/06/2017	Manship Plumbing & Heating Inc	29556	Monthly Standby/locates/services	N	Water Utility	601-43180-305-	\$ 790.00
	Total For Check	29556					\$ 790.00
04/06/2017	Gopher State One Call	29557	Locates (4 Tickets)	N	Utility Locates	100-42805-305-	\$ 5.40
	Total For Check	29557					\$ 5.40

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
04/06/2017	Ronnan, Kenny	29558	Council Meeting Services 3/14/17	N	Cable Eqpmt and Service	100-41950-305-	\$ 78.75
			Special Council Meeting Services 3/30/17				
		29558				100-41950-305-	\$ 67.50
		29558	Total For Check				\$ 146.25
04/06/2017	Thatcher Engineering, Inc	29559	General Services	N	Engineer Service	100-41650-300-	\$ 1,360.00
		29559	Total For Check				\$ 1,360.00
04/06/2017	Integra	29560	Analog Phone Line	N	Phone/IT	100-41955-320-	\$ 37.38
		29560	Total For Check				\$ 37.38
04/06/2017	AirFresh Industries, Inc.	29561	Rental Monthly Units x1	N	Supervision	100-45201-305-	\$ 81.25
		29561	Total For Check				\$ 81.25
04/06/2017	White Bear Township	29562	Lift Station Check / Repairs (1/27/17- 3/2/17)	N	Sewer Utility	605-43190-305-	\$ 759.13
		29562	Total For Check				\$ 759.13
04/06/2017	Anderson, Nicholas	29563	***VOID\$0.00*** ***VOID\$45.00*** operation for council Meeting (2 hours)	Y	Cable Eqpmt and Service	100-41950-305-	\$ -
		29563	Total For Check				\$ -
04/06/2017	Anderson, Nicholas	29564	Cable operation for council Mtg-2 hrs-2/21	N	Cable Eqpmt and Service	100-41950-305-	\$ 45.00
			Cable operation for council Mtg-3.5 hrs-3/16				
		29564				100-41950-305-	\$ 78.75
		29564	Total For Check				\$ 123.75
04/06/2017	Birch	29565	Snow Plow Services	N	Ice and Snow Removal	100-43125-305-	\$ 450.00
		29565	Total For Check				\$ 450.00
04/06/2017	TSE, INC	29566	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 25.00
		29566	Total For Check				\$ 25.00
04/06/2017	Metropolitan Area Management Assoc.	29567	MAMA Membership - Monthly Meeting	N	Data Processing	100-41920-433-	\$ 20.00
		29567	Total For Check				\$ 20.00

Fund Name: All Funds

Date Range: 03/14/2017 To 04/07/2017

<u>Date</u>	<u>Vendor</u>	<u>Total For Check</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
04/06/2017	Teresa M. Klippen	29567	29568	Partial Transcript of the Birchwood City Council Meeting - 3/29/2017	N	Legal Services	100-41601-305-	\$ 20.00
		Total For Check	29568					\$ 400.00
04/06/2017	City of White Bear Lake Fire	29569	29569	Fire Srvc - March 2017	N	Fire	100-42201-305-	\$ 1,599.84
		Total For Check	29569					\$ 1,599.84
04/06/2017	Lay, Tobin	29570	29570	Reimbursement - Election & Cleaning Supplies	N	Recording and Reporting	100-41420-200-	\$ 44.76
		Total For Check	29570					\$ 8.60
		Total For Check	29570					\$ 53.36
04/06/2017	Xcel Energy	EFT040617A	EFT040617A	Electric for Lift Stations/Warminghouse	N	General Government Buildings and Plant	100-41940-380-	\$ 805.78
		Total For Check	EFT040617A					\$ 805.78
04/06/2017	Xcel Energy	EFT040617B	EFT040617B	Gas for Generator	N	Street Lighting	100-43160-380-	\$ 27.99
		Total For Check	EFT040617B					\$ 27.99
04/06/2017	Xcel Energy	EFT040617C	EFT040617C	Electric for Street Lights	N	Street Lighting	100-43160-380-	\$ 831.18
		Total For Check	EFT040617C					\$ 831.18
04/07/2017	Metropolitan Council Env. Service	29572	29572	Wastewater Service	N	Sewer Utility	601-43190-217-	\$ 4,275.77
		Total For Check	29572					\$ 4,275.77
04/07/2017	Office Depot	29573	29573	Print Copies	N	Recording and Reporting	100-41420-200-	\$ 64.50
		Total For Check	29573					\$ 64.50
04/07/2017	Lund, John	29574	29574	Birch Easement Trees	N	Tree Removal	100-43135-305-	\$ 400.00
		Total For Check	29574					\$ 400.00
04/07/2017	Lay, Tobin	29575	29575	Reimbursement - Office & Cleaning Supplies	N	Recording and Reporting	100-41420-200-	\$ 70.31
		Total For Check	29575					\$ 70.31
		Total For Selected Checks						\$ 70.31
								\$ 17,398.38

As on 4/7/2017

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	100.00	100.00
Total Acct 322	0.00	100.00	100.00
Total Revenues	0.00	100.00	100.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Total Acct 451	0.00	200.00	(200.00)
Total Disbursements	0.00	200.00	(200.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		4,465.02	
Total Receipts and Other Financing Sources		100.00	
Total Disbursements and Other Financing Uses		200.00	
Cash Balance as of 04/07/2017		4,365.02	

As on 4/7/2017

Capital Improvement Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Total Disbursements	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		78,758.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>0.00</u>	
Cash Balance as of 04/07/2017		78,758.91	

As on 4/7/2017

Water	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	17,273.13	17,273.13
Penalty - Late Water/Sewer	0.00	56.82	56.82
State and Misc fees	0.00	521.32	521.32
Total Acct 341	0.00	17,851.27	17,851.27
Total Revenues	0.00	17,851.27	17,851.27
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Professional Services: Medical and Dental Fees	0.00	1,818.18	(1,818.18)
Total Acct 415	0.00	1,818.18	(1,818.18)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	147.62	(147.62)
Professional Services: Medical and Dental Fees	0.00	11,186.15	(11,186.15)
Miscellaneous (431 through 499)	0.00	562.00	(562.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	500.00	(500.00)
Professional Services: Medical and Dental Fees	0.00	14,083.82	(14,083.82)
Sewer Utility			
Sewer - Wastewater Charge	0.00	17,103.08	(17,103.08)
Total Acct 431	0.00	43,582.67	(43,582.67)
Total Disbursements	0.00	45,400.85	(45,400.85)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		24,966.34	
Total Receipts and Other Financing Sources		17,851.27	
Total Disbursements and Other Financing Uses		45,400.85	
Cash Balance as of 04/07/2017		(2,583.24)	

As on 4/7/2017

Sewer	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	115.99	115.99
Sewer Fee	0.00	27,552.79	27,552.79
Total Acct 341	0.00	27,668.78	27,668.78
Total Revenues	0.00	27,668.78	27,668.78
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	125.34	(125.34)
Total Acct 414	0.00	125.34	(125.34)
Sewer Utility			
Professional Services: Medical and Dental Fees	0.00	1,074.88	(1,074.88)
Utility Services (381 through 389)	0.00	1,872.83	(1,872.83)
Total Acct 431	0.00	2,947.71	(2,947.71)
Total Disbursements	0.00	3,073.05	(3,073.05)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		59,912.00	
Total Receipts and Other Financing Sources		27,668.78	
Total Disbursements and Other Financing Uses		3,073.05	
Cash Balance as of 04/07/2017		84,507.73	

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Revised Airfresh Contract



Birchwood Village

Dear Mayor and Council Members,

During the January Council meeting, the Council approved a contract with Airfresh for portable toilets. I was recently informed that the version of the contract that was approved was not the most current version and that the attached "revised" version correctly includes a monthly rate rather than a 28 day rate and also includes an extra portable toilet for July 4 celebrations.

Staff requests council approve the revised contract, as attached, and authorize City Administrator Lay to endorse accordingly.

Thanks!

Regards,
Tobin Lay



P.O. Box 24, Stillwater, MN 55082
 Tel (651) 430-0916 • Portable Restroom Rental
 Tel (651) 775-1489 • Septic Design/Inspection Services
 Fax (651) 433-9934 • www.AirFreshIndustries.com
 MPCA License #2114/Insured
 CERT Certified SBE/WBE
 DBE/TGB Certified

Original

August 30, 2016
 City of Birchwood
 Attn: Mike Anderson, City Administrator
 207 Birchwood Ave.
 Birchwood, MN 55110

Thank you for the opportunity to provide you with a Portable Restroom Rental quote for the City of Birchwood Village. Our portable restrooms include handsanitizers and would be placed and picked up on your requested dates. AirFresh Industries *does not* add hidden charges such as "Environmental Disposal Fees" or "Fuel Surcharges."

CITY OF BIRCHWOOD VILLAGE, MN

Portable Restrooms Skid Units (Includes Dropoff/Pickup/Service 1x/week):

- | | |
|--|--------------------------------|
| 1. Toilet w/Deodorizer & Handsanitizer | \$ <u>75.00</u> /unit/28-days |
| 2. ADA Accessible Toilet w/ Deodorizer & Handsanitizer | \$ <u>125.00</u> /unit/28-days |

Miscellaneous:

- | | |
|---|--------------------------|
| 1. Chemical Hand Sanitizer/Unit (included) | \$ <u>0.00</u> /28 days |
| 2. Extra Service or Tip-Over/Unit (provided upon request) | \$ <u>25.00</u> /service |

Delivery/Pickup/Move Charges:

- | | |
|--------------------------------------|--------------------------|
| 1. Delivery/Unit | \$ <u>0.00</u> /delivery |
| 2. Pickup/Unit | \$ <u>0.00</u> /pickup |
| 3. Move/Unit (provided upon request) | \$ <u>25.00</u> /move |

TOTAL = \$150.00/2-units/28-days
 Sales tax (if applicable) not included in above pricing.

[Signature] Administrator 1-11-2017

 Signature/Title Date
 City of Birchwood Village

NO Pickup or Delivery Charges
NO Damage Waivers
NO Disposal or Hidden Fees

 Signature/Title Date
 AirFresh Industries

For areas where environmental conditions or vandalism is of concern, our portable restrooms can be staked down or locked upon request at no additional charge.

AirFresh Industries is licensed (MPCA #2114) and insured. AirFresh Industries is certified as a **Disadvantaged Business Enterprise (DBE)** through the Minnesota Unified Certification Program (MnUCP) and is also certified through the Central Certification (CERT) Program as a **Small Business (SBE) and Women-Owned Business (WBE) Enterprise**. AirFresh Industries is certified through the Metropolitan Council Underutilized Businesses program (MCUB) as well as the Minneapolis Small and Underutilized Business Enterprise Program (SUBP). AirFresh Industries is additionally certified as a **Targeted Group Business (TGB)** thru State Admin and also has its Affirmative Action Plan registered w/MnDHR.

Sincerely,
Kelly Thommes

Kelly Thommes
 President/AirFresh Industries, Inc.
 P.O. Box 24
 Stillwater, MN 55082
 651-430-0916 (main)/651-775-1489 (cell)
 651-433-9934 (fax)
kellythommes@airfreshindustries.com
www.airfreshindustries.com



P.O Box 24, Stillwater, MN 55082
 Tel (651) 430-0916 • Portable Restroom Rental
 Tel (651) 775-1489 • Septic Design/Inspection Services
 Fax (651) 433-9934 • www.AirFreshIndustries.com
 MPCA License #2114/Insured
 CERT Certified SBE/WBE
 DBE/TGB Certified

September 7, 2016
 City of Birchwood
 Attn: Mike Anderson, City Administrator
 207 Birchwood Ave.
 Birchwood, MN 55110

Revised

Thank you for the opportunity to provide you with a Portable Restroom Rental quote for the City of Birchwood Village. Our portable restrooms include handsanitizers and would be placed and picked up on your requested dates. AirFresh Industries *does not* add hidden charges such as "Environmental Disposal Fees" or "Fuel Surcharges."

CITY OF BIRCHWOOD VILLAGE, MN

Portable Restrooms Skid Units (Includes Dropoff/Pickup/Service 1x/week):

- | | |
|--|------------------------------|
| 1. Toilet w/Deodorizer & Handsanitizer | \$ <u>81.25</u> /unit/month |
| 2. ADA Accessible Toilet w/ Deodorizer & Handsanitizer | \$ <u>135.42</u> /unit/month |

Miscellaneous:

- | | |
|---|-------------------------------|
| 1. Chemical Hand Sanitizer/Unit (included) | \$ <u>0.00</u> /28 days |
| 2. Extra Service or Tip-Over/Unit (provided upon request) | \$ <u>25.00</u> /service |
| 3. 4 th of July Parade extra regular unit (Dropoff/Pickup) | \$ <u>40.00</u> /regular unit |

Delivery/Pickup/Move Charges:

- | | |
|--------------------------------------|--------------------------|
| 1. Delivery/Unit | \$ <u>0.00</u> /delivery |
| 2. Pickup/Unit | \$ <u>0.00</u> /pickup |
| 3. Move/Unit (provided upon request) | \$ <u>25.00</u> /move |

TOTAL = \$162.50/2-units/month

Sales tax (if applicable) not included in above pricing.

NO Pickup or Delivery Charges
NO Damage Waivers
NO Disposal or Hidden Fees

Signature/Title	Date
City of Birchwood Village	
<i>Kelly Thommes</i>	<i>1-20-17</i>
Signature/Title	Date
AirFresh Industries	

For areas where environmental conditions or vandalism is of concern, our portable restrooms can be staked down or locked upon request at no additional charge.

AirFresh Industries is licensed (MPCA #2114) and insured. AirFresh Industries is certified as a **Disadvantaged Business Enterprise (DBE)** through the Minnesota Unified Certification Program (MnUCP) and is also certified through the Central Certification (CERT) Program as a **Small Business (SBE) and Women-Owned Business (WBE) Enterprise**. AirFresh Industries is certified through the **Metropolitan Council Underutilized Businesses program (MCUB)** as well as the **Minneapolis Small and Underutilized Business Enterprise Program (SUBP)**. AirFresh Industries is additionally certified as a **Targeted Group Business (TGB)** thru State Admin and also has its Affirmative Action Plan registered w/MnDHR.

Sincerely,

Kelly Thommes

Kelly Thommes
 President/AirFresh Industries, Inc.
 P.O. Box 24
 Stillwater, MN 55082
 651-430-0916 (main)/651-775-1489 (cell)/651-439-3065 (fax)
kellythommes@airfreshindustries.com
www.airfreshindustries.com

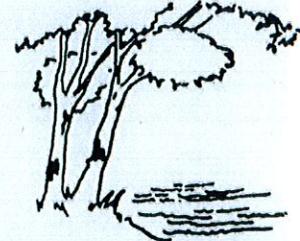
City Council Assignments

Mary Wingfield	Randy LaFoy	Megan Malvey	Tribby White	Kevin Woolstencroft
Water / Utility Committee	Acting Mayor	Parks Committee Liaison	Parks Committee Liaison	Dog Park Committee Liaison
Intergovernmental Relations	Public Safety	Capital Improvement Plan	Recycling & Garbage	Roads Committee Liaison
Volunteer Coordinator	Personnel Committee	Stormwater Drainage & Rain Gardens	City Buildings	Assistant Weed Inspector
Roads Committee	Cable Commission	Birchwood Dock Ass'n Liaison	Planning Commission Liaison & Comprehensive Plan	
Weed Inspector				
Personnel Committee				

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Resolution 2017-11



Birchwood Village

Dear Mayor and Council Members,

The purpose of Resolution 2017-11 is to allow beer and wine consumption by adults at this year's Music in the Park Summer Evening Concerts.

The Music in the Park concert series has been an ongoing event in Birchwood and the City Council has allowed beer and wine consumption at these events in previous years.

Accordingly, staff has been asked by event organizers to request Council's approval for beer and wine consumption at this year's concert series, as outlined in Resolution 2017-11.

Thanks!

Regards,
Tobin Lay

RESOLUTION 2017-11

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

**A Resolution Authorizing Persons of Legal Age to Possess and Consume Beer and Wine
during 2017 Music in the Park Summer Evening Concerts**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, April 11, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Trilby White, the Birchwood City Council resolved:

WHEREAS, each summer, the City of Birchwood Village sponsors Sunday evening concerts located within City parks; and

WHEREAS, City Code Section 607.641 allows the Birchwood City Council to authorize the use and consumption of beer and wine in public park spaces during designated times; and

WHEREAS, the Birchwood City Council has approved similar resolutions for possession and consumption of beer and wine during previous year's concert series.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby authorizes persons of legal age to possess and consume beer and wine during 2017 summer evening concerts.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11th day of April, 2017.

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Resolutions 2017-12 and 2017-13



Dear Mayor and Council Members,

During the March 21, 2017 Special Council Meeting, the Council approved the following staffing changes:

- Restructuring City Treasurer position to City Treasurer-Deputy Clerk
- Increasing City Treasurer-Deputy Clerk position to 36 hours/month
- Creation of a new position of Office Support Worker, to work up to 20 hours/month, as needed
- Council will re-evaluate the Office Support Worker position in 90 days to determine need

Resolution 2017-12 requests Council's approval to hire and appoint Bailey Beckman as City Treasurer-Deputy Clerk as defined above. Her resume is attached.

Resolution 2017-13 requests Council's approval to hire and appoint Dennis Sonnek as Office Support Worker as defined above. His resume is attached.

Both candidates were interviewed and selected by both City staff and a member of the Personnel Committee and have successfully completed a thorough background and reference check.

Accordingly, staff requests Council approve Resolutions 2017-12 and 2017-13.

Thanks!

Regards,
Tobin Lay

RESOLUTION 2017-12

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

**APPROVING THE HIRING AND APPOINTMENT OF BAILEY BECKMAN AS
CITY TREASURER-DEPUTY CLERK, EFFECTIVE APRIL 12, 2017.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, April 11, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Trilby White, the Birchwood City Council resolved:

WHEREAS, The City of Birchwood Village will employ Bailey Beckman as City Treasurer-Deputy Clerk for 36 hours/month; and

WHEREAS, The City of Birchwood Village will compensate Bailey Beckman at a rate of pay of \$16.50/hour; and

WHEREAS, Bailey Beckman agrees to enroll in a Master's degree program within one year of this appointment; and

WHEREAS, This is an at-will agreement, allowing both parties to terminate this agreement upon 30 days notice under any conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby approves the hiring and appointment of Bailey Beckman as City Treasurer-Deputy Clerk, effective April 12, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11th day of April, 2017.

Mary Wingfield, Mayor

Attest:

Tobin Lay
City Administrator-Clerk

Bailey Beckman

Summary

Passionate employee with demonstrated ability to communicate and efficiently organize daily work. I am a supportive and helpful worker that is willing to go above and beyond the requirements of my position. I am innovative and driven to create a welcoming environment that enables the success of all around me.

Education

University of Minnesota

Minneapolis, MN

Bachelor of Arts, Philosophy and Political Science

Graduation date: May 2017

GPA 3.81, Dean's List for four semesters

East Central Secondary School

Finlayson, MN

Valedictorian of Class of 2014

Graduation date: May 2014

GPA 4.4

Work Experience

Courtyard Marriott Downtown

Minneapolis, MN

Guest Service Representative

February 2015- Present

- Greeted guests with a smile and checked them into their rooms in an efficient manner
- Developed interpersonal communication skills
- Awarded Courtyard Marriott Associate of the Month- October 2016

Guest Service Manager

November 2016- Present

- Supervised co-workers during shifts, ensuring a positive work experience
- Provided service recovery options for guests that were unhappy, meeting their requests for a better stay

Nanny

Minneapolis, MN

Child Supervisor

Summer 2015- Present

- Provide daily care for two young children, developing time management and organizational skills
- Scheduled activities to stimulate development and encourage curiosity in the children

Activities

She's the First- Volunteer Student Group

September 2014- September 2016

- Promoting girls' education in underdeveloped countries
- Raising money to fund several girls' education
- Several volunteer activities that highlight the need for education and awareness

RESOLUTION 2017-13

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

**APPROVING THE HIRING AND APPOINTMENT OF DENNIS SONNEK AS
OFFICE SUPPORT WORKER, EFFECTIVE APRIL 12, 2017.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, April 11, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Trilby White, the Birchwood City Council resolved:

WHEREAS, The City of Birchwood Village will employ Dennis Sonnek as Office Support Worker for up to 20 hours/month; and

WHEREAS, The City of Birchwood Village will compensate Dennis Sonnek at a rate of pay of \$20.00/hour; and

WHEREAS, This position will expire and the City Council re-evaluate need 90 days after approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby approves the hiring and appointment of Dennis Sonnek as Office Support Worker, effective April 12, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11th day of April, 2017.

Mary Wingfield, Mayor

Attest:

Tobin Lay
City Administrator-Clerk

DENNIS SONNEK

Mahtomedi, MN 55115

cellular

Objective

Assist entities and organizations that are in need of financial expertise in banking, borrowing, accounting and strategic planning.

Personal summary

Financial professional with extensive experience in public finance, lending, banking and capitalization. Managed programs essential to growth and continuous improvement. Strong background in asset-backed securitization, strategic development, investor relations, accounting, financial reporting, treasury, and merger and acquisition. Bring a positive attitude to the office along with strong technical and communication skills.

Professional experience

2000 – 2014 Banking

U.S. Bank, Wells Fargo and Associated Bank

Vice President Government and Institutional Banking

Relationship Manager to Public and Non-profit entities in Minnesota and Wisconsin

Responsible for selling bank products into a specialized market. Products included general account services, credit facilities brokerage, investments and bank deposits.

Negotiated and underwrote credit facilities for governmental and non-profit entities in Midwest. Credit agreements range from \$200,000 to \$50 million. Diverse customer base included school districts, non-profit organizations, public utilities, hospital districts, cities, counties, states and development agencies.

Award winner for sales and service expertise.

Managed largest government portfolio in the Midwest. Large customers; State of Minnesota, Hennepin County, Anoka County, Ramsey County, YMCA of St. Paul, YMCA of Minneapolis, Greater Twin Cities United Way, Figge Foundation and multiple cities and school districts.

Excellent working relationship with bond council, bank attorneys, investment bankers, financial advisors, trustees, CPA's, Agency Directors and Executives. Have been complimented for thinking and negotiating pragmatically

1994-2000 Non-profit management

Community Reinvestment Fund, Inc., Minneapolis MN

Chief Financial Officer; Vice President-Finance and Administration

Responsible for the financial management and office administration of a growing financial organization. Managed \$50 million in annual revenues. Total assets \$120 million.

Negotiated covenants and all provisions of debt instruments. Responsible for the securitization of over \$90 million in economic development loans.

Responsible for cash management, banking and investor relations. Negotiated all terms and conditions of debt instruments.

Developed and implemented strategies that surpassed annual growth rates of over 33%. Restored financial awareness and accounting to the organization. Automated month end reporting and completely revised accounting procedures and policies. Reworked cash management procedures and installed a formal budgeting process.

1985-1993 Manufacturing

Pentair, Inc., St. Paul MN

Vice President of Finance; Specialty Products Group

Responsible for the financial management of three manufacturing subsidiaries, Porter Cable Tools, Delta Tools and Myers Pumps.

Oversaw and managed the financial aspects of all capital spending programs. Allocated resources to manufacturing, MIS, product development and administration projects.

Fully involved in business acquisition and disposition activities. Duties included research and financial analysis, proforma modeling, due diligence, drafting of offering statements and organization assimilation.

Served as interim Vice President of Finance for Myers Pumps; a wholly-owned subsidiary.

1983-1985 Certified public accounting

McGladrey and Pullen, Rochester, MN

Certified Public Accountant

Senior Auditor on the offices' two largest clients; Kahler Hotel and Waters Instruments as well as many other midsize and small clients.

Education

University of St. Thomas, St. Paul MN - M.B.A. Management 1992

Mankato State University, Mankato, MN - B.A. Accounting 1982

Miscellaneous

Enjoy golf, fishing, reading and coaching youth sports. Active in church and family matters. Consultant with Junior Achievement; Business Economics Program. Adjunct professor at Saint Thomas University; Graduate School of Business. Past Board of Director President Ashland Productions; Former Board Member of Community Hero Institute and Mahtomedi Youth Baseball

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Resolution 2017-14



Dear Mayor and Council Members,

Each year the City is required to renew its Worker's Compensation Insurance Policy 30 days prior to the expiration of the current policy. The City's policy is currently through the League of Minnesota Cities and expires on June 12, 2017.

Staff requests Council approve Resolution 2017-14 to renew the City's Worker's Compensation Insurance Policy through the League of Minnesota Cities. The terms of the policy are attached.

Thanks!

Regards,
Tobin Lay

RESOLUTION 2017-14

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

**APPROVING COVERAGE FOR CITY WORKERS' COMPENSATION
INSURANCE POLICY**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, April 11, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Trilby White, the Birchwood City Council resolved:

WHEREAS, the City of Birchwood Village has workers' compensation insurance coverage through the League of Minnesota Cities; and

WHEREAS, the City's workers' compensation insurance policy must be renewed by June 12, 2017.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village, pursuant to Minnesota Statute 176.011, subd. 9(6), the Minnesota Workers' Compensation Act, members of the following groups are included in the City's worker's compensation coverage:

1. Members of the Birchwood City Council;
2. Members of all Birchwood advisory commissions; and,
3. Volunteers working for the City of Birchwood Village.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11th day of April, 2017.

Mary Wingfield, Mayor

Attest:

Tobin Lay
City Administrator-Clerk

Tobin Lay

From: Meyer, Barb [bmeyer@lmc.org]
Sent: Friday, April 07, 2017 11:10 AM
To: Tobin Lay
Cc: THAILE@BEARENCE.COM
Subject: Renewal Application for LMCIT Workers' Comp Coverage: City of Birchwood Village
Attachments: Birchwood Village.docx; BIRCHWOOD VILLAGE, CITY OF_0200063931_20160612.pdf; 3-Certification of non-smoking-FINAL.docx

It's time to renew the workers' compensation coverage for the City of Birchwood Village. In the past, this information had been sent by U.S. mail, but we are now sending this information to agents and members via email.

Attached you will find:

- The renewal application form for workers' compensation coverage
- A copy of your previous year's coverage and premium information (*if applicable*)
- The certification of non-smoking status for police and fire department members form

What you need to do

- Complete the attached renewal application and certification of non-smoking status
- Submit your completed forms 30 days prior to your current coverage's expiration to LMCIT Underwriting

Technician Barb Meyer:

Email: bmeyer@lmc.org

Fax: (651) 281-1298 (Attn: Barb Meyer)

Mail: League of Minnesota Cities Insurance Trust, Attn: Barb Meyer, 145 University Ave. W., St. Paul, MN 55103

Special notes for renewals January 1, 2016 and after:

- Elected and appointed officials of covered entities will be considered "employees" for the purposes of workers' compensation unless the member directs LMCIT to decline coverage. This is a change from the previous practice where elected and appointed officials were not considered "employees" unless the member affirmatively elected that option and passed a resolution or ordinance reflecting that intent.
- Ancillary Volunteer Accident Coverage will be provided automatically all members for no additional premium charge.

After you submit your information, you will receive a premium quote based on the coverage and premium options you chose and can make your final coverage selections at that time.

Questions?

- Get a comprehensive explanation of coverage and premium options in the information memo "LMCIT Workers' Compensation Coverage Guide," available as a PDF at www.lmc.org/wcguide
- Contact Barb Meyer, LMCIT Underwriting Technician, at (651) 215-4173 or bmeyer@lmc.org

Thank you for your continuing participation in the LMCIT workers' compensation program!

Barb Meyer | Underwriting Technician
Tel: (651) 215-4173 | Fax: (651) 281-1298
bmeyer@lmc.org | www.lmc.org
League of Minnesota Cities
145 University Ave. West | St. Paul, MN 55103

League of Minnesota Cities Insurance Trust

Group Self-Insured Workers' Compensation Plan

145 University Avenue West St. Paul, MN 55103-2044 Phone (651)215-4173

Information Page

1. The "City" RENEWAL Agreement No.: 0200063931
 BIRCHWOOD VILLAGE, CITY OF
 207 BIRCHWOOD AVE "City" is: City
 BIRCHWOOD MN 55110-1610 Joint Powers Entity
 Other (describe)

2. The Agreement Period is from 12:01 a.m. 6/12/2016 to 12:01 a.m. 6/12/2017 at the "City's" address.

3. A. Workers' Compensation Coverage: Part One of the Agreement applies to the Workers' Compensation Law of any state of the United States of America and the District of Columbia.

B. Employers Liability Coverage: Part Two of the Agreement applies to work in each state listed in item 3.A.
 The limits of our liability under Part Two are: Bodily Injury-Each Occurrence \$1,500,000
 Bodily Injury by Disease-Agreement Limit \$1,500,000

C. Part Three of the Agreement applies to Infectious Disease Diagnostic Testing.

D. Part Four of the Agreement applies to Peace Officers' Posttraumatic Stress Syndrome Benefit.

E. This Agreement includes these amendments and schedules:
 LM4660(01/16) LM4670(01/16) LM4680(08/99)

4. Retro-rating option selected? Yes No

5. Coverage for elected and appointed officials of the entity or entities listed in #1 above? No

6. The premium for this Agreement will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans. All information required below is subject to verification and change by audit.

Premium Basis	Rates	Code	Entries in this item, except as specifically provided elsewhere in this Agreement; Do not modify any of the other provisions of the Agreement	Estimated Annual Premium
Estimated Total Annual Remuneration	Per \$100 of Remuneration	No.		

SEE ATTACHED SCHEDULE FOR DETAILS

			Manual Premium	340.
			Credit/Debit Plan	.90 34.
			Standard Premium	306.
			Deductible Credit	.0 % .
			Premium Discount	.
Agent: 202217323	6.12		Net Deposit Premium	306.
00796 BEARANCE MANAGEMENT GROUP LLC				
2010 CENTRE POINTE BLVD				
MENDOTA HEIGHTS MN 55120-1200				

League of Minnesota Cities Insurance Trust
Group Self-Insured Workers' Compensation Plan
 145 University Avenue West
 St. Paul, MN 55103-2044
 (651)215-4173

The "City"

BIRCHWOOD VILLAGE, CITY OF
 207 BIRCHWOOD AVE
 BIRCHWOOD MN 55110-1610

Agreement No.: 0200063931
 Agreement Period From: 6/12/2016
 To: 6/12/2017

CONTINUATION SCHEDULE FOR INFORMATION PAGE

REMUNERATION	RATE	CODE	DESCRIPTION	EST. PREM
49319.	.69	8810	CLERICAL OFFICE EMPLOYEES NOC	340.
			Manual Premium	340.

Agent: 202217323
 00796 : BEARANCE MANAGEMENT GROUP LLC
 2010 CENTRE POINTE BLVD
 MENDOTA HEIGHTS MN 55120-1200



Questions? Contact Barb Meyer, LMCIT Underwriting Technician:
(800) 925-1122, (651) 215-4173, or bmeyer@lmc.org

Renewal Application for Workers' Compensation Coverage

Covered party:

Birchwood Village, City of

Agreement No.:

Application Due On: 5/15/17

Agreement Expires: 6/12/17

Your coverage under the LMCIT Self-Insurance Workers' Compensation Program will expire soon.

- Please complete and submit this renewal application 30 days prior to your coverage expiration; you will receive a premium quote based on the coverage and premium options you select on this application and can make your final coverage selections at that time.
- A copy of your previous year's selected coverage and premiums is included for your reference; see "Information Page" document.
- For a comprehensive explanation of coverage and premium options, see the information memo "LMCIT Workers' Compensation Coverage Guide," available at www.lmc.org/wcguide.

Contact Information

City/Organization _____

Mailing Address _____

City/State/Zip _____ County _____

Phone _____ Fax _____

Contact Person _____ Title _____

Contact Email _____

2010 Census Population _____ Current Estimated Population _____

Does the city participate in a state-certified managed care organization (MCO) for workers' compensation benefits?

No Yes > If Yes, provide MCO name: _____

FEIN (Federal Employer Identification Number) for covered city/organization _____

Insurance Agency of Record _____

Mailing Address _____

City/State/Zip _____

Phone _____ Fax _____

Agency Contact _____

Agency Contact Email _____

Date Agency Appointed (by Council Resolution or Contract) _____

Agent Compensation (choose one)

2% City compensates agent directly Other Please specify: _____

Employees of Separate Administrative Boards and Commissions

Unless specifically named in the Information Page or by endorsement, the following entities and their employees are not covered entities. Indicate any of the following types of entities you want included as covered entities under this coverage.

- | | |
|---|--|
| 1. <input type="checkbox"/> Utility or utility commission | 4. <input type="checkbox"/> Hospital or nursing home board or commission |
| 2. <input type="checkbox"/> Port authority | 5. <input type="checkbox"/> Joint powers board |
| 3. <input type="checkbox"/> Housing and redevelopment authority | 6. <input type="checkbox"/> Other: |

Elected and Appointed Officials of the City and Board Members of Separate Administrative Boards and Commissions*

For renewals January 1, 2016 and after, elected and appointed officials and board members of covered entities will be considered "employees" for the purposes of this coverage, unless you direct LMCIT to exclude coverage for the elected and appointed officials. This is a change from the previous practice where elected and appointed officials were not considered "employees", unless the member affirmatively elected that option and passed a resolution or ordinance reflecting that intent. The 2016 manual premium for coverage for all elected and appointed officials will be \$72.80 in total. Please make a note below if you wish to exclude workers' comp coverage for elected and appointed officials.

We would like to exclude coverage for elected and appointed officials.

*The types of appointed officials governed by the statute that allows workers' comp for elected and appointed officials include members of planning commissions, park boards, utility commissions, and similar entities but generally not members of organizations such as a city celebration committee. The Minnesota Supreme Court has defined public officers as individuals who have "independent authority under law, either alone or with others of equal authority, to determine public policy or to make a final decision not subject to the supervisory approval or disapproval." Note, however, limited medical, disability, impairment and death benefits are available for members of purely advisory (those without independent decision-making authority) city boards and committees under the ancillary LMCIT Volunteer Accident Coverage.

Workers' Compensation Payroll Rating Information

Employee payroll information is required to calculate your premiums.

- Indicate the estimated payroll for city employees for the coming coverage year.
- Sick, holiday, and vacation pay must be included in the payroll amounts.
- Employee contributions to flexible benefit plans must be included in the payroll amounts (e.g., cafeteria plan, Section 125 plan, or flexible reimbursement account); do not include the city contribution to these plans in the payroll amount.

Payroll Description	Code	Payroll Amount	Payroll Description	Code	Payroll Amount
Ambulance Services (Not Volunteer)	7380	\$ _____	Sewage Plant	7580	\$ _____
Ambulance Services (Volunteer)	7381	\$ _____	Off Sale Liquor Store	8017	\$ _____
Building Operations	9015	\$ _____	Street and Road Construction	5506	\$ _____
City Shop and Yard	8227	\$ _____	Waterworks	7520	\$ _____
Clerical Office	8810	\$ _____	Other: _____	_____	\$ _____
Electric and Steam Power	7539	\$ _____	Other: _____	_____	\$ _____
Firefighters (Not Volunteer)	7706	\$ _____	Other: _____	_____	\$ _____
*Firefighters (Volunteer)	7708	pop _____	Other: _____	_____	\$ _____
Municipal Employees	9410	\$ _____	Other: _____	_____	\$ _____
Parks	9102	\$ _____	Other: _____	_____	\$ _____
Police	7720	\$ _____	Other: _____	_____	\$ _____
Restaurant and Bars (on sale)	9084	\$ _____	Other: _____	_____	\$ _____

*For Volunteer Firefighters, indicate population served

Workers' Compensation Premium Options

Select any premium options for which your city would like to receive a quote. Once you receive the quote, the city can choose only one of these options for the coming coverage year.

Regular Premium Option

The regular premium option is a "fully insured" option; premium payments are the city's only responsibility or liability.

Deductible Premium Option

Under a deductible option, the city pays a lower premium in return for agreeing to reimburse LMCIT for paid medical losses up to the deductible; the deductible applies per occurrence to medical costs only.

Deductible	Premium credit
\$250	0.9%
\$500	1.7%
\$1,000	2.9%
\$2,500	5.0%
\$5,000	7.5%
\$10,000	11.0%
\$25,000	16.5%
\$50,000	22.5%

Retrospective Rating Premium Option

The city's final premium under this option reflects the city's own actual loss experience for the year. This option is available to any city with regular premiums of \$25,000 or more.

Volunteer Accident Coverage

For renewals January 1, 2016 and after, ancillary Volunteer Accident Coverage will be provided automatically all members for no additional premium charge.

Please submit this completed renewal application 30 days prior to the expiration of your current coverage.

Email:

Barb Meyer
LMCIT Underwriting Technician
bmeyer@lmc.org

Fax:

(651) 281-1298
Attn: Barb Meyer

Mail:

League of Minnesota Cities Insurance Trust
Attn: Barb Meyer
145 University Avenue West
St. Paul, MN 55103-2044



Worker's compensation premium reduction for non-smoking police and fire department members

The League of Minnesota Cities Insurance Trust (LMCIT) allows cities a 10 percent reduction in the premium charged for workers' compensation coverage for police and fire departments, if the city can certify that at least 90 percent of the department's members are non-smokers.

To certify non-smoking status, cities must ask police and fire department staff to fill out a form indicating that they do not smoke. This information is private employee data. LMCIT recommends that police and fire department members be provided with appropriate information about the request when it is made of them—known as a Tennessen warning.

It is the city's responsibility to provide appropriate information about why this private data is being requested from the employee, and also to maintain the information correctly. To help you with this process, LMCIT is providing a sample non-smoking certification that includes a Tennessen warning to the employee, which can be copied for city use.

LMCIT will also accept other certification that the city might choose to submit from police or fire department staff. Please keep in mind the need to provide employees with information about why the request is being made, what the data will be used for, and who will have access to the data submitted.

**Notice to Police and Fire Department Members
Regarding Certification of Non-Smoking Status**

City of _____

Police Department _____ or Fire Department _____

The League of Minnesota Cities Insurance Trust (LMCIT) allows cities a 10 percent reduction in workers' compensation premium for police and fire departments, if the city can certify that at least 90 percent of department members are non-smokers.

The information below is requested in order for your city to receive this discount.

The information will be submitted by the city to LMCIT, where it will be used to determine premium discount status. You are not required to provide this information at this time. If you refuse to supply the information, you will face no disciplinary action as a result of the refusal. However:

- If you provide false or misleading information, it may be used by the city to impose discipline against you, including dismissal; and
- At some point in the future, the city may choose to require you to provide this information. At that time, you will be provided another advisory telling you of the requirement and the consequences for refusing.

Other persons or entities who are authorized by law to receive this information are: employees, agents, and officials of the city who have need to know about the information in the course of their duties or responsibilities, the person who is the subject of the data about him- or herself, people who have permission from the subject of the data, and LMCIT. If it is reasonably necessary to discuss the information at a city council or board meeting, it will be available to members of the public.

Advisory provided to _____ by _____
(employee) (city contact)

on _____ at _____
(date) (time)

EMPLOYEE COMPLETES THIS PORTION:

I acknowledge receiving this advisory.

I do not smoke and have not smoked within the past six months.

(signature)

(date)

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: MS4 Public Hearing



Birchwood Village

Dear Mayor and Council Members,

Each year the City is required to hold a public hearing regarding MS4 – Storm Water Pollution Prevention Program.

Staff proposes and requests Council approve this public hearing be held during the May 9 City Council meeting. Staff also asks Council's approve to publish info regarding this public hearing accordingly.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Sheriff's Report



Birchwood Village

Dear Mayor and Council Members,

Here is the Washington County Sheriff's report for March 1-31, 2017:

Date	Time	ICR #	ID#	Street Name	Complaint
3/01/17	0:12:10	117006819	1202	BIRCHWOOD CT	EXTRA PATROL
3/02/17	0:10:08	117006956	1205	BIRCHWOOD CT	EXTRA PATROL
3/02/17	13:06:26	117007028	0100	OAKHILL CT	OFFICER INFORMATION
3/04/17	3:26:37	117007265	1264	BIRCHWOOD CT	EXTRA PATROL
3/04/17	16:18:57	117007295	1211	LAKE AV	WELFARE CONCERN **RST
3/05/17	3:31:53	117007329	1264	BIRCHWOOD CT	EXTRA PATROL
3/06/17	2:14:33	117007392	1264	BIRCHWOOD CT	EXTRA PATROL
3/06/17	13:46:33	117007470	0063	HALL AV	WELFARE CHECK
3/06/17	18:17:04	117007524	0197	WILDWOOD AV	AUDIBLE ALARM
3/08/17	6:37:17	117007715	1202	BIRCHWOOD AV	SAFETY CONCERN
3/08/17	14:47:52	117007781	0095	WILDWOOD AV	LOW HANGING POWER LINE
3/09/17	17:34:51	117007914	0100	BIRCHWOOD AV	BURGLARY **RESTACK 21--NIC
3/10/17	0:13:31	117007939	1202	BIRCHWOOD CT	EXTRA PATROL
3/12/17	1:09:19	117008131	1264	BIRCHWOOD CT	EXTRA PATROL
3/13/17	4:44:43	117008186	1264	BIRCHWOOD CT	EXTRA PATROL
3/13/17	4:47:49	117008191	1264	BIRCHWOOD	DIRECTED PATROL: WINTER PARKIN
3/13/17	8:47:16	117008214	0115	EAST CO LINE RD	MEDICAL LEVEL 1
3/14/17	1:26:05	117008332	1264	BIRCHWOOD CT	EXTRA PATROL
3/14/17	10:16:44	117008362	0115	CEDAR ST	DRONE COMPLAINT
3/15/17	4:29:44	117008482	1202	BIRCHWOOD AV	AUD PANIC ALARM **CANC PRIOR
3/15/17	16:48:43	117008577	0093	BIRCHWOOD AV	FOUND DOG
3/15/17	23:44:40	117008604	1202	BIRCHWOOD CT	EXTRA PATROL
3/16/17	8:56:23	117008630	0081	BIRCHWOOD LN	PUBLIC ASSIST 21 SAM >>>>>>
3/16/17	11:01:57	117008651	0081	WILDWOOD AV	ANIMAL ASSIST
3/17/17	0:47:06	117008737	0999	OAKVIEW CT	FIRE ALARM
3/17/17	8:55:48	117008765		HALL AV	RECEIPT# 170001223
3/17/17	9:02:14	117008766		HALL AV	RECEIPT# 170001224
3/17/17	10:34:04	117008779	0197	CEDAR ST	PROPERTY DAMAGE
3/17/17	17:27:41	117008840	0118	WILDWOOD AV	RES BURG ALARM
3/17/17	21:04:59	117008868	0079	LAKE AV	MISSING CAT INFORMATION **RS
3/18/17	0:07:11	117008879	1202	OAKRIDGE DR	MISSING DOG
3/18/17	13:06:58	117008903	0100	WILDWOOD AV	INFORMATION
3/20/17	22:07:35	117009124	0118	WILDWOOD AV	ALARM-UNKNOWN SITUATION
3/23/17	21:51:51	117009502	0170	WILDWOOD AV	AUD ALARM
3/27/17	5:12:31	117009783	1202	HALL AV	DIRECTED PATROL
3/27/17	11:41:30	117009824	0085	WILDWOOD AV	THEFT REPORT
3/27/17	17:20:44	117009889	0079	WHITE PINE LN	DISTURBANCE

3/27/17 22:35:01 117009913 1264 WILDWOOD AV RES BURG ALARM
3/28/17 23:09:25 117010041 0066 BIRCHWOOD LN THREATS REPORT
3/29/17 8:49:19 117010069 1217 OAKHILL CT 911 ABAN/MEDICAL LEVEL 3

Total ICRs Processed: 40

Regards,
Tobin Lay

DRAFT MEETING MINUTES

DATE: Tuesday, April 4, 2017

TIME: 6:00 PM

LOCATION: Birchwood City Hall

Call to Order Birchwood Dog Park Committee

Schad called meeting to order at 6:03 PM

Meeting to Discuss:

Summary of City Council workshop, determination of process to accomplish our purpose

Attendee Names

Kathy Blegen-Huntley, Tami Hart, Kellie Lund, Kelly Paradise, Steve Schad, Trilby White

Attendees Not Present

Chris Rollinger

Approval of Previous Minutes

Blegen-Huntley moved to approve March minutes; Paradise seconded; passed unanimously

Reports

No public comment received.

Schad and White reviewed City Council workshop information relevant to our committee process regarding open meeting laws. We cannot conduct discussion outside committee meetings in any form with more than 3 of us at a time, and need to be cautious of serial communication. Draft minutes will be sent by secretary to chair who will send them to committee members for review and to City Clerk for posting. Draft minutes will be approved at next meeting. Secretary will then send final minutes to City Clerk for posting as final minutes.

Process for achieving our committee purpose was discussed and determined:

1. Members visit Birchwood open spaces (map on City website)
2. Members share visions and brainstorm ideas
3. Information gathering: possible survey/s, possible expert input (example – dog behavioral expert)
4. Determine top ideas for off-leash dog recreation area/s
5. Hold public workshop to share ideas and gather input, seek public input via survey
6. Create proposal for off leash dog recreation area/s to submit to City Council

Themes/ideas that emerged from discussion:

- Space/s well-integrated into the character of Birchwood
- Intended only for use by Birchwood residents

Unfinished Business - Action Steps

White will communicate City Council's decision about who will be our Council liaison when known.

Council received draft of committee bylaws, will review and likely amend prior to finalizing. We are to follow draft bylaws until then.

Motions

Schad moved to amend agenda to receive public comment just prior to adjournment of this and future meetings. Hart seconded; motion died

Schad moved to add summary of City Council Workshop relevant to our work to this meeting agenda. Seconded by Lund. Passed unanimously.

Approval of final agenda moved by White; seconded by Blegen-Huntley; passed unanimously.

New Business

Committee member homework prior to May 2nd meeting:

- Visit all Birchwood public spaces
- Send thoughts about spaces and dog recreation area options to Tobin Lay by 4/25 for compilation and circulation to committee prior to next meeting

Announcements

To fulfill our purpose as a committee we are obligated to review and consider all public spaces in the community. We are committed to a process that will include community member input and opportunities for discussion. Those opportunities will be clearly communicated with full community participation encouraged.

Other Business

- Next meeting Tuesday May 2, 2017 6:00-7:30 PM at City Hall
- Next meeting draft agenda to include:
 - Call to order
 - Finalize agenda
 - Approve April minutes
 - Receive public comment
 - Discuss ideas generated by review of public spaces
 - Revise committee vision statement
 - Develop June meeting agenda
 - Adjourn

Adjournment

Blegen-Huntley motioned to adjourn; White seconded; passed unanimously at 7:30 PM

SECRETARY APPROVAL:

**Prepared by Secretary
Kellie Lund**

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: I.P.A.D. Response



Birchwood Village

Dear Mayor and Council Members,

The purpose of this memo and attachments is to update the Council on the City's response to the I.P.A.D. investigation.

On March 16, 2017, the City was notified by the Minnesota Department of Administration's Information Policy Analysis Division (I.P.A.D.) that it had accepted a request from Birchwood resident Alan Mitchell to investigate and opine on an allegation of an Open Meeting Law violation.

During a Special Council Meeting held on March 21, 2017, the Council approved hiring a third-party law firm to represent the City in its response to I.P.A.D.'s investigation and paying for a professional transcription of relevant portions of the Council meeting in question. The Council also created a committee consisting of Mayor Wingfield, Council Member White, and Administrator Lay to select a law firm and transcription service.

During a Special Council Meeting held on March 30, 2017, the Council authorized the committee to work with the hired third-party attorney in responding to I.P.A.D. by the April 7, 2017 deadline.

The third-party attorney drafted the attached response letter and submitted to I.P.A.D. on April 7, 2017 along with the attached transcription.

I.P.A.D.'s opinion will be issued by Dept. of Admin. Commissioner Matt Massman by May 4, 2017.

Thanks!

Regards,
Tobin Lay

E RICKSON,
B ELL,
B ECKMAN &
Q UINN, P.A.

1700 West Highway 36
Suite 110
Roseville, MN 55113
(651) 223-4999
(651) 223-4987 Fax
www.ebbqlaw.com

James C. Erickson, Sr.
Caroline Bell Beckman
Charles R. Bartholdi
Kari L. Quinn
Mark F. Gaughan
James C. Erickson, Jr.
Erich J. S. Hartmann
Natalie B. Staeheli
Robert C. Bell
(1926 - 2014)

April 6, 2017

Ms. Stacie Christensen
Minnesota Department of Administration
Information Policy Analysis Division
200 Administration Building
50 Sherburne Avenue
Saint Paul, MN 55155

VIA ELECTRONIC MAIL
AND U.S. MAIL

Re: City of Birchwood Village Re: IPAD OML Advisory Opinion Request
Our File No.: 6311-00001

Dear Director Christensen:

By letter dated March 16, 2017, your office served notice upon Birchwood Village of its intent to issue an advisory opinion regarding a potential Open Meeting Law (“OML”) violation occurring some two years ago. Birchwood Village has retained the undersigned to respond to the Information Policy Analysis Division (“IPAD”) in accordance with your request. This correspondence serves as Birchwood Village’s response.

Specifically, your notice states that the Commission of Administration will address the following issue:

Did the City of Birchwood Village City Council comply with the Open Meeting Law, Minnesota Statutes, Chapter 13D, when it closed a portion of its meeting on September 8, 2015, on the basis of attorney-client privilege?

The answer to this question is “Yes.” Further, even if IPAD opines that a technical violation of the OML did occur two years ago, the record is clear that the Council did not do so intentionally.

Factual Background

This matter arises from a zoning code violation several years ago in Birchwood Village. A contractor/builder of a residential construction project located at 407 Lake Avenue was given apparent approval for the project by the City’s building inspector. After construction had commenced, at least two city code violations were discovered: (1) the project’s plans were not

submitted for approval to the City Clerk and Planning Commission Chair to verify conformity with city code; and, (2) the height of the structure was found to exceed zoning code maximums. When city officials ordered a halt to the continued construction pending approval of a variance, the contractor/builder warned that “there would be repercussions” if the project was not permitted to continue. The contractor/builder was, at the time, the City’s Planning Commissioner Chair.

Thereafter, the matter of code violations at 407 Lake Avenue was the subject of a regular City Council meeting on September 8, 2015. The meeting was broadcast on local television and recorded. (A professionally-produced transcript of relevant portions of the meeting is attached to this response. An on-demand viewing of the meeting can be found at: http://www.cityofbirchwood.com/index.asp?SEC=8D050F7B-9131-4A0E-B5EA-96A174761B7E&Type=B_BASIC.) At the meeting the members of the City Council openly discussed the matter at length. The public discussion also included a representative from the DNR discussing in open session the fact that City Code did not have proper vetting by the DNR for shoreline residences (which included 407 Lake Avenue). The Council also openly discussed the scheduling of a special meeting to address a potential moratorium on such construction projects pending amendment to the City’s zoning code.

Near the end of the meeting, the City Attorney recommended that the Council close the meeting pursuant to the attorney-client privilege. According to the transcript and video recording of the meeting, the City Attorney states, “And that this is a closure for attorney-client privilege information re--,” at which point the television technician cut the audio recording of the meeting. The video camera remained on, clearly capturing on-going discussions between the City Attorney and the Council in open session. According to Mayor Mary Wingfield, the City Attorney went on to explain, in open session, that the meeting was being closed pursuant to attorney-client privilege and the subject of the closure was code violations at 407 Lake Avenue. Further, according to Wingfield, the City Attorney instructed her to repeat this information herself in open session. The Mayor recalls the awkwardness of repeating the attorney’s statements.

At that time, the Council conferred in closed session with the City Attorney. There, the Council sought advice from the City Attorney regarding the pursuit of legal action against the contractor/builder. Upon re-opening the meeting to the public, the City Attorney described to the public that “we did talk generally about what the City’s options are with respect to zoning codes and things like that.”

Ultimately, the City did not pursue legal action against the contractor/builder, instead choosing to amend its building height requirements and also passed a conflict of interest policy.

Legal Analysis

All meetings of a public body must be open to the public. Minn.Stat. §13D.01, subd. 1 (2016). There are statutory exceptions to this mandate, however. Minn.Stat. §13D.01, subd. 2; Minn.Stat. §13D.05, subds. 2 and 3 (2016). Prior to closing a meeting, the public body must: (1) state on the record the specific grounds permitting the meeting to be closed; and, (2) describe the subject to be discussed. Minn.Stat. §13D.05, subd. 3 (2016). Among other exceptions, a meeting may be closed to the public pursuant to the attorney-client privilege. Minn.Stat. §13D.05, subd. 3(b) (2016).

Caselaw and IPAD advisory opinions have addressed the statement-on-the-record requirement within the context of closure pursuant to the attorney-client privilege. In *Free Press, Inc. v. County of Blue Earth*, a county board facing an EEOC charge by an employee closed its public meeting “under the attorney-client privilege to discuss pending litigation.” 677 N.W.2d 471, 473 (Minn.App. 2004). The Court of Appeals found that this statement correctly asserted the grounds (“attorney-client privilege”) for closure, but only *identified* (“pending litigation”)—rather than *described*—the subject to be discussed. *Id.* at 476.

In Advisory Opinion 14-005, a county board closed a meeting to discuss on-going zoning matters involving a proposed silica sand mine on a particular property. There, the Commissioner found an appropriate description of the closed meeting subject because the particular property was identified, together with the fact that legal issues surrounding its land uses. (Advisory Opinion 14-005, pp. 3-4.)

In the present case, the Council appropriately stated in open session that it was going into closed session for attorney-client privilege information regarding code violations at 407 Lake Avenue. That is to say, the Council publicly stated the grounds for closure and described the subject to be discussed in closed session. Under appellate caselaw and IPAD guidance, therefore, the Birchwood Village City Council properly closed the September 8, 2015, meeting.

The analysis does not end here, however. According to the Minnesota Supreme Court, the scope of the attorney-client privilege is narrower for public bodies than it is for private clients. *Prior Lake American v. Mader*, 642 N.W.2d 729, 737 (Minn. 2002). Invocation of the attorney-client privilege is proper if balancing the purpose of the privilege against the purpose of the OML dictates the need for absolute confidentiality. *Id.* at 739. As described in *Prior Lake*, the “attorney-client privilege exists to encourage the client to confide openly and fully in (its) attorney without fear that the communications will be divulged and to enable the attorney to act more effectively on behalf of his (or her) client.” *Id.* at 738-739 (Minn.2002) (quotation omitted). Meanwhile, the OML serves to: (1) prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed concerning a public body’s decisions or to detect improper influences; (2) assure the public’s right to be informed; and, (3) afford the public an opportunity to present its views to the public body. *Id.* at 735. Even though the Supreme Court has previously cautioned that the privilege “is to be employed or invoked cautiously and seldom in situations other than in relation to threatened or pending

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litigation,” *Minneapolis Star and Tribune Co. v. Housing & Redev. Auth.*, 251 N.W.2d 620, 626 (Minn.1976), IPAD has highlighted the fact that the Court has never adopted a bright-line rule. (Advisory Opinion 14-017, p 3.) Therefore, according to IPAD, the privilege “does not automatically apply when a public body is threatened with or engaged in active litigation; conversely, the privilege is not always prohibited prior to pending or threatened litigation.” (Id.)

In the present case, the Birchwood City Council faced not only a threat (from their then-Chair of the Planning Commission) of “repercussions” if his project was not permitted to continue, but also with the question of initiating legal action against a contractor/builder for a project given improper approval by a building official. Importantly, the decision to close the meeting followed significant public discussion and participation on the substance of the matter. This is a case that tips the scale in favor of candid communications between a public body and its attorney without additional public intrusion. Therefore, the Birchwood Village City Council properly closed the September 8, 2015, meeting.

Finally, mention must be made of the intentions of the City Council. Nowhere in the record is there any evidence of an intent to violate the mandates of the OML. The Council followed the recommendations of the City Attorney, as evidenced by the transcript in this matter as well as the Mayor following his instructions to repeat the grounds and subject of the closed meeting herself. The City hopes IPAD takes sincere recognition of its intent to follow the requirements of the OML in this matter.

Conclusion

Based on the foregoing, the City of Birchwood Village complied with the Open Meeting Law, Minnesota Statutes, Chapter 13D, when it closed a portion of its meeting on September 8, 2015, on the basis of the attorney-client privilege. Even if the Commissioner opines that a violation of the OML did occur, such violation was unintentional.

Respectfully submitted,

ERICKSON, BELL, BECKMAN & QUINN, P.A.

/s/ Mark F. Gaughan

Mark F. Gaughan, (320729)
Caroline Bell Beckman, (192107)

MFG/kmw

cc: Ms. Mary Wingfield
Mr. Tobin Lay

BIRCHWOOD VILLAGE CITY COUNCIL MEETING

September 8, 2015

0:25 – 01:03

Mary Wingfield: So thank you all for coming. The next thing on the agenda is to approve the agenda. I have one addition that we can add and it is regarding 407 Lake Avenue and we will put that just before the building height code that we are looking into so that would be F2. Aside from that, are there any other additions or corrections? Need a motion?

Mark Anderson: Make that motion.

Kevin Woolstencroft: I'll second it.

Mary Wingfield: All those in favor?

All: Aye.

Mary Wingfield: Opposed? That carries.

38:15 – 1:16.35

Mary Wingfield: Now we are on F2 which is 407 Lake and Mike do you want to bring us up to speed and give people background on what is going on with that?

Mike Anderson: Yes, thank you Mayor and Council. Just to kind of step back the literature you had in front of you when you got here this evening was just a little history about 407 prior to my arrival here in Birchwood. Chris was nice enough to take some time out of his busy schedule in California to send that to me. So, 407 Lake Avenue – when I took over as Clerk here the building was already under construction and the actual structure was already up and built. After a few weeks, I started receiving some complaints about how high the structure was and some people were kind of concerned. At that time, I went to look for the building plans and the permit which I was unable to locate here at City Hall. After some phone calls, I was able to get a copy of that permit and the plans from our building official, Jack Kramer, which was just a couple of weeks ago. We did determine after sitting down and doing some calculations that the

overall structure height at that time was well over our 25-foot average structure height. They were sitting at about 29 feet or just over. After that, excuse me, I sat in several meetings with representatives from Pratt Homes along with Planning Commission member, Doug Danks, and we went over the plans and some ideas on how to get that structure height down and after multiple meetings between Pratt and Mr. Danks, some changes were made to the building plans and the calculations to determine the structure height which as of now seem to be the 25-foot average structure height. So that is currently where we are at. There is still a little dilemma with 407 and how the process came about and we are still trying to determine how to correct that error. And if you have any questions, I will be happy to answer those.

Bill Hullsiek: What changes did they make to the structure? Did they –

Mike Anderson: They did some grading changes to decrease the elevation height around the building.

Mary Wingfield: So I will add a little bit more because I too received the comments from people saying how does this fit into our community and I wasn't aware of the application to code so Doug Danks was kind enough to review the plan and in fact, like you said, well over the amount. Ummm and that basis then you, Mike, conferred with our City Attorney as to what the appropriate measure should be and at that point a red -- what do you call it -- a red tag or a red flag was put on the house?

Mike Anderson: Yep. We – we did stop their building process at that time. Yes.

Mary Wingfield: And it was for the second floor and above or something like that.

Mike Anderson: Yep. It was above the second floor.

Mary Wingfield: Alright. So that went on for a couple of days and I guess then at that point then a meeting was had with Doug and then the builder, Pratt, and the Pratt brothers, and then at that point a consensus was they were over by 1.1 feet on average all the way around?

Mike Anderson: Yes. It was roughly – they were at 26.1 feet at that time and I was told if I was going to keep with the correct term red flag, Alan?

Alan Kantrud: Halt the project.

Mike Anderson: Halt the project. If we were going to stick with that then they were going to take repercussions on the City and they just basically said we are going to keep building.

Mary Wingfield: And then after that then now they have reconfigured one roof and the front door roof as far as I can tell.

Mike Anderson: On the picture I showed you, I believe it was in front or just above the front door that sloped all the way to the top and that was the roof that they were using to calculate the average structure height.

Mary Wingfield: So, so how our code works -- it is not easy but then once you understand it, it makes sense. You take your box -- your house, and then you put your roof on top and then you don't get penalized the full height of your roof when you have a sloped roof because sloped roofs go high and they are not nearly as ummmm intrusive to your neighbor at the top end as they are the bottom so the code allows you to take the high and the low, cut that in half and say okay from this point you measure down to your average low point and that is your maximum building height -- 25 feet which our code allows. And so what's happened in this case then is that you have your box which is your house and you have your roof on top and then that is on the second floor and then you have your first floor where your door is and there is a little canopy roof -- a sub roof if you will, and so now what happened with the plan as being proposed is that sub roof is pitched up to the top to actually merge then in with the overall roof and now the argument is well now our low point of our roof is down at the first level instead of way here at the fascia board where it is all the way around.

Kevin Woolstencroft: Oh, come on now.

Mary Wingfield: So I guess we probably should figure out, you know with the advice of our attorney what we want to do. We can deal with that later. But that shows you -- the reason I bring that up is because with the code we have now you obviously have a really tortured application of this and then you say -- you may as well build whatever you want if that is the case.

Bill Hullsiek: Are they doing it on -- are they calculating the average height on all four sides?

Mary Wingfield: No. And that is an issue that --

Bill Hullsiek: -- or just on the front?

Mary Wingfield: Well, you know that is the question that we have to have ummm and how we analyze this –

Bill Hullsiek: -- because that house is built into a hill so I imagine that it is under on the high side of the hill.

Mary Wingfield: Oh right. You take the measurement on all four sides --

Bill Hullsiek: -- yeah because yeah and that's, you know --

Mary Wingfield: -- but the sub roof is only like ummmmmmm – let's just say five percent --

Bill Hullsiek: -- yeah the true roof –

Mary Wingfield: And it's not – it's a canopy.

Bill Hullsiek: Yeah. That's not a true roof.

Mary Wingfield: It doesn't actually even go over any of the dwellings. Again, I think we should push that off for --

Bill Hullsiek: -- yeah, we can't do – cover it in this meeting but we do need to –

Mary Wingfield: But – that show – I guess I bring that up because it shows that what we have is not really a very usable code and in fact Dellwood last fall had come away from that kind of application and went back I think to their old code or at least what looks very similar to our old code and in the course of that now Jen Sorensen is here and she is with the DNR and it turns out that our code that has been – is being applied in the last 10 or 15 years was never gone through the vetting process through the DNR. So Jen is here to speak a little bit about where we are and how it relates to the DNR's input.

Jen Sorensen: Hello. Nice to meet you City Council members. I have met Mayor Wingfield and spoke this morning again. The question that you just asked, Mayor, was about the code and the City's shore land ordinance was first approved by DNR in 1993 and that was shortly after shore land – state shore land rules came into place and communities were enacting shore land ordinances. Since then, I don't believe that the ordinance has been approved again as it has changed over time and so like you said, the language for what is – how the height is defined – building height is defined in the current ordinance is not the same language that was

approved in 1993 and ummmm shore land ordinances are to be approved by DNR when they are adopted or amended. Just an FYI. Um so –

Mary Wingfield: And that was 2000 where this code was first adopted.

Jen Sorensen: Okay.

Mary Wingfield: So um – I don't know if that means our code is even valid, but we have been applying it.

Jen Sorensen: Well, it's – it's not meeting it has not been approved by DNR. Put it that way. It is not that it is invalid or you cannot do things as a local government under your shore line ordinance. That is not what it means. What it means is that we would like to work with you to get it so that it is approved by DNR.

Mary Wingfield: And you know the last – we had this on our agenda in August and at that point I know that Doug Danks, who is here, and Len Pratt wanted to sit down and we did sit down and talk about the wording of that ordinance and um we talked about putting it on for a hearing and workshops and what not. I think -- I actually – I mean and that's our next item here but I specifically thought we should talk about 407 Lake so that people understood that, you know, having that code in the books is actually not helpful, I don't think, in terms of how we control that issue and how we govern that issue. As case in point. So umm – anyway --

Jen Sorensen: And I have – I have concerns too about the way that the process unfold as far as that a variance was not – the project wasn't reviewed properly – procedure wasn't followed and so now you are in the situation of well is a variance needed or not to this height of the building. How is the City going to proceed with this structure that is apparently not meeting height although then there was some discussion and changes to it sounds like grading and a little bit of design or whatever. You know it is difficult to lower a roof once it's on the house – you know, so it is really kind of nonsense that you can actually lower it by bringing fill in around it. That is not really the purpose of how the ordinance works in determination of height so – I guess I would ask or at least pose the question whether the City is going to look – the City Council is going to look at whether a variance is needed for this project or not. I know that it is already under progress but it does set a precedence in that by not pursuing a variance when it is needed and going through the process of determining whether a variance would be approved or not. It is kind of sub rooting the process of – the public process for following your ordinance language. Umm and

then also I would say through that process you get the opportunity to think about ways that the variance could be minimized and also think about opportunities for mitigation. So for instance maybe planting vegetation would be part of the mitigation for the variance for height. Um meaning planting vegetation to help screen the building. Of course, and you can determine what size trees are planted. They could be larger trees so that they will grow faster or -- Other opportunities for mitigation umm and then last, I suggest that the City look at a protocol thinking about a protocol for how to avoid this type of -- ummm issue in the future so for instance, the City could set up a protocol for review that makes sure that it gets in front of all of the people that it needs to before an application is accepted and/or something like a preapplication meeting which they do in other communities to help bring all of the people together that are involved in the project and really talk through it even before an application has been submitted. That helps to manage expectations and it also helps to clarify whether a variance is needed or not and under -- and it gives the developers -- the landowner -- the opportunity to think about redesign at that point even before they have submitted an application or then decide not to design things such that they don't need to submit an application.

Kevin Woolstencroft: Great.

Mary Wingfield: You know ummm you bring out -- forward like a lot of the stuff to talk about -- our meetings generally are like a half hour long so it is like okay -- we are going to go overtime tonight. Ummm so this protocol meeting, would that be with neighbors?

Jen Sorensen: Oh I think typically that would be with, for instance, the City Administrator, the building inspector, the DNR, ummm the landowner, the builders, and talk through the design. Look at the key perimeters for the shore line ordinance like height and impervious surface and setbacks and umm talk through those as far as whether -- where they are at in their -- they may be at a concept design at that point and then start to make everyone aware of what those perimeters are -- those dimensional standards and be able to then proceed with design going forward from then so they haven't -- they are anticipating that those are what they need to meet and then it is clear if they are not able to meet those standards -- those dimensional standards -- consider what that then will mean procedurally-wise as far as going through the variance process.

Mary Wingfield: So would that mean you would be the designee for the DNR and be involved in oversight?

Jen Sorensen: Well it is more like every – again, a preapplication meeting, getting together to talk through what would go into an application and where they are at design-wise. So if somebody is really looking at too big of a house for a smaller size lot, then you start – it gives you the opportunity to manage their expectations. That really that house size can't fit on a lot of, you know, a smaller lot without having these many variances and that the City is, you know, unwilling to proceed with a number of variances to get to that point.

Bill Hullsiek: So basically the planning, it sounds like the Planning Commission should probably under that kind of protocol would be reviewing all plans. That would be the opportunity for them to say –

Kevin Woolstencroft: As long as they are not involved with the building.

Bill Hullsiek: That – I am keeping that out of this discussion right now but I just – I – we may want to consider that as a Council.

Mary Wingfield: Is that a normal forum or is it just on office hours at City Hall?

Jen Sorensen: Umm sometimes communities will have like a site visit to the location and the Planning Commission member for that district could participate – attend – participate in that site visit and/or the discussion of the application. So that would be typical.

Mary Wingfield: So we just had a building permit tear down – rebuild come in today. So what kind of time frame do we have to turn around on that, Alan?

Alan Kantrud: Mayor and Council, generally speaking under zoning, all those zoning decisions are subject to a rule called the 1599 Rule which gives you 60 days assuming that the application is complete and gets told if there is something missing from the application but that is what is known in local government as the famous 60 Day Rule.

Mary Wingfield: So knowing that that has just come in today, can we implement some sort of policy that says that we need to have this reviewed and what would you recommend?

Alan Kantrud: Mayor and Council, what's the this?

Mary Wingfield: The plan – a plan has just come in and so we need to make sure we have, you know, all the ducks are in order?

Alan Kantrud: Mayor and Council, I think what the speaker is talking about is good which is essentially calling for a protocol that seems to have gotten lost along the way or maybe it never was in existence. The only thing I will offer a modification to the comments by saying that building permitting is not just a simple if then if it is too big then apply for a variance and everything will be great. It is just not as simple as that. You don't get variances just because you fill out some paperwork and pay something.

Jen Sorensen: Absolutely correct. And that is the point of having the discussion is to make that point to the applicant to the person who is looking at building on a lot or remodeling a home, etc. The whole point is to get the design such that it fits with the ordinance and so that there isn't the need for variances. Sometimes there is a need and then you look at minimizing the ordinance. But it is not – I certainly wasn't suggesting that there is – you know, you just apply for a variance and you get it. In fact, the opposite of that.

Bill Hullsiek: I think this would be a more active role for the Planning Commission in our – in our – because prior to this, they have only been reviewing variances.

Mary Wingfield: Well and in fact, our code specifically provides or requires that the City Clerk in consultation with the chairman of the Planning Commission shall make all administrative determinations as to compliance with the zoning code at the time the building permit is sought. So it is already in our code that says we expect this. So now we just need to make sure we get more players to the table –

Alan Kantrud: Right.

Mary Wingfield: -- so that it is a complete analysis.

Alan Kantrud: Right. And that you do that because technically you shouldn't have to have the Planning Commission or public input on a simple building permit. Not for a private residence. That is just not typically done. Now if you are talking about a large public project or multi-housing or something like that where there is a conditional use permit or if there is something more pressing there that is going to have a bigger impact on your community, yes, then you would run it through and get specific permission from a Planning Commission or some other similar body before it came for approval usually on some sort of development agreement before the City Council. You know, that is not typically done with small, single family building permits.

Mary Wingfield: You know but what happened in this case was it clearly was not in conformance – it didn't get – I mean it didn't go through this administrative process and what is troubling is the –

Bill Hullsiek: It happened ten years ago too.

Mary Wingfield: Well that too and I meant in fact we do have precedence in this town.

Bill Hullsiek: This is very cyclical in any large lake home property is typically the typical candidate and so it happened ten years ago when I was on the Planning Commission or maybe longer than that and then it has happened again.

Mary Wingfield: And so there is precedence in our town. In fact, it was litigated and come to some – it came to some conclusion short of trial, I believe. But the other troubling part is it was actually the plan was put forward by the Planning Commission Chair and therefore I don't know how you have that happen and not know that you are not in compliance when the code was adopted while you were on the Planning Commission. And therefore, that to me is like we shouldn't even be having this conversation and I think what I would like to see the Council do is ask the Chair to come in. I mean I want – I think we should have a full conversation about how do we get to this point because it seems – it seems that there are a lot of things that should not have happened that did. Another thing that happened was this was an applicant – the owner came in with the builder/applicant in November of last year and the Planning Commission turned down their variance request and then six months later, then the Chair of the Planning Commission becomes the builder and it's you know – you cannot as a public official make a profit off of your status in that position and that I think – now we need to have another policy that says you can't have that happen but like I say I think rather than – I think we should have an open hearing on that matter. I think we should invite Mr. Pratt to come in and have a conversation about that because it is troubling that we got to this point where – it shouldn't have happened and then we're are being challenged with repercussions if we don't follow through with their demands and umm it is like well if you are over, you are over. It is not our problem and we litigated this before and I did some research, I – and we had this same issue if you are the applicant it is – if the building inspector makes a mistake it is still your issue that you need to resolve. It is not something that falls on our feet. So, yeah, you bring up a lot of good points.

Jen Sorensen: Well and I would say that there is pressure on communities that are on White Bear Lake too – with this very same issue and I don't think it is something that – I think the best way to solve it is to have a plan – have a way to review what comes in and feel comfortable with the people who are reviewing it. That you are getting the proper analysis and assessment and that it doesn't come back that there was a misinterpretation or a lack of understanding of how to apply the ordinance language.

Mary Wingfield: Um-hmm.

Jen Sorensen: Oh and what I was talking about as far as like a preapplication, I mean that is just a suggestion but that may be something that the City Administrator may want to think about (1) as being new to the community; and (2) to just to work through the next couple that come in to make sure that the protocol that you set up for review is in place and is working. Once the process is in place and the proper analysis is being made, it is pretty straightforward to make that determination early on and evaluate. It is the position that the City is in now with this structure that is already constructed is much more problematic.

Mary Wingfield: Well it was framed in when we did the red tag. It was just framed in. There hadn't even been a framing inspection yet so it's not like all the water is over the dam.

Jen Sorensen: Oh, I thought there was a roof.

Mary Wingfield: There is a roof.

Jen Sorensen: Yeah.

Mary Wingfield: – framed in.

Jen Sorensen: Okay.

Mark Anderson: That is capped and closed so –

Mary Wingfield: Umm you know you bring up another point and that is it is one thing to say yep, we are all on the same page but then there has to be an analysis that says when changes are made, we need to make sure you are still in conformance and then we need to make sure that you build it according to the plans because there has been a lack of oversight that, you know. For instance on this property, if you look at the plans I think you know the retaining wall is this big – this long on the plans but now in reality, it is

going much further down to the lake and I don't – you know, supposedly it is under the amount of the impervious surface but when you have all these dynamic changes happening and walls are impervious surface. You know, additions and subtractions and the whole business, you know we don't have a base line anymore. We don't know, you know, it sounded good at the time but now we have no idea what in fact got built and so that too we are missing that oversight. We are missing that scrutiny. I am not sure we ever had it but –

Jen Sorensen: That part of the inspection process as far as once an application is approved, is the site inspected by a building inspector?

Alan Kantrud: Mayor and Council, it certainly should be. I mean that is what closes out permits is going through and making sure that you build to spec.

Mary Wingfield: But it is not.

Alan Kantrud: I don't know that, maybe so. But I am just saying that the usual process is the building official that signs off on the go ahead and do it is the one, you know, when she looks at it again says okay you did it right and signs off to say we're closed.

Mary Wingfield: Yeah. So that is – I don't know – the take away is we need to incorporate a better policy. Would you be able to assist Mike with that?

Jen Sorensen: Well, we can sure visit on it and talk about ways that you can look at reviewing who to bring in or those kinds of issues. Umm and where your concerns are and where things are going wrong and how to address it. But I am pretty confident that Mike can also take care of that. I just would provide some input basically.

Mary Wingfield: Sure.

Jen Sorensen: Kind of from my angle under the shore line ordinance and what I am thinking about.

Mary Wingfield: And then with regard to 407 then it is a matter of – I guess we have to analyze what our approach is and how we want to – I guess we need to make the determination as to what has been submitted and what gets approved at this point.

Jen Sorensen: Well, I guess – yes. How -- I mean things have – the project was approved then it was red taped and now it was started again and that is where I am a little confused as to really what the status of the project is.

Mary Wingfield: Um-hmm.

Mark Anderson: The original plans were for a remodel and there was three variances that we are talking about –

Mary Wingfield: Right. Right.

Mark Anderson: That's the plan that was cancelled – those three variances we said no and they came back with new plans and the new plans were all approved apparently except for we missed the height aspect of that plan. So it seems like simple checklist to verify to me – to me if I am reading this right that a simple checklist to make sure that all the possible ordinances are covered including the height of the building would be something that would be very simple to do.

Kevin Woolstencroft: Um-hmm. But it seems like –

Mark Anderson: The plans went through a weird process – I'm sorry, the plans went through a weird process it appears to they got delivered directly to the building inspector and then –

Mary Wingfield: Yeah. Right.

Mark Anderson: Jack is not doing on-site inspections?

Mary Wingfield: He is.

Mark Anderson: Okay.

Mary Wingfield: Um-hmm.

Mark Anderson: So that – that should clarify any issues with impervious surface stuff and everything like that. If he is not, then he needs to be rangled back into --

Kevin Woolstencroft: So what it comes down to is they are turning in a plan and then they are building something else or they are not putting the proper height on here and all of a sudden now it becomes our problem –

Mark Anderson: No, it appears that we approved the plans and they are building per the plans except that we did not catch the over height situation when the plans were approved.

Mary Wingfield: No.

Kevin Woolstencroft: No.

Mark Anderson: No?

Mary Wingfield: No.

Mark Anderson: They changed the plans on the fly?

Mary Wingfield: They changed the plan.

Kevin Woolstencroft: They changed the plan.

Mark Anderson: Okay.

Bill Hullsiek: And so any – basically if there is any change orders on a project they tentatively may need to go through approval again.

Mike Anderson: City Hall had the preliminary plans that were not approved down in the office area down there. The approved plans were the ones that we did not see.

Mary Wingfield: And you know what like –

Kevin Woolstencroft: And they were not submitted to the City? They were submitted to the building inspector which they should not have been.

Mary Wingfield: Right. Because you were told by the building inspector that you got to go and submit stuff to City Hall in order to get your permit --

Kevin Woolstencroft: Right.

Mary Wingfield: -- when you got your garage roof or your roof.

Kevin Woolstencroft: For the reroof. Yes.

Mary Wingfield: Yeah. So, you know, again maybe that is a conversation we need both with Jack at our next meeting, as well as Mr. Pratt at our next meeting to

say we need a conversation here because these are protocols we expect to be followed. We have an expectation here that is not being met and umm separate issue, but you know we can talk with both of them and continue this conversation next meeting. I think that makes sense. Sound good? All right? Which gets us to the building height code and I did submit that and send you a copy of that and your input on our new old code which is basically going back to what we had in place before. Your input is what?

Jen Sorensen:

Well, that was approved by DNR in 1993 and so we have no issues with that language as far as approving it as adopted by the City as a replacement for the current language.

Mark Anderson:

Which is not approved by the DNR.

[laughter]

Mary Wingfield:

Come full circle.

Mark Anderson:

Yep.

Kevin Woolstencroft:

It sounds like me. The old code was the easy way and the new code was more or less made harder so that it would be easier for somebody to get away with what they just got away with.

Mary Wingfield:

I don't think it is helpful to the community. I think -- based on a number of complaints Mike got, and I got some as well, I think it is not something people are looking for -- I don't think it is an advantage to us right now.

Mike Anderson:

It took me a number of times reading through it to kind of finally get it and it is even still a little confusing.

Mary Wingfield:

Well and obviously it is, you know, a person can attempt to exploit it as well, which is, you know, which is not something we want to be involved with so --

Mike Anderson:

I think the casier the better if we can come up with something.

Kevin Woolstencroft:

Straight forward.

Mary Wingfield:

Well that is the second reading of the code. The question is, Alan, because it is a zoning code, do we have a public hearing on that or is it publication becomes -- it becomes adopted or what?

Alan Kantrud: Mayor and Council, typically nothing is going to go live until you actually publish the change of your law. So once it hits the newspaper it goes live.

Mary Wingfield: Okay. So we are good on that. Because this is our second reading and that is our policy. So knowing that, does anybody have any changes to the wording of that as drafted now? I mean it is --

Jen Sorensen: I was just going to ask does that mean then there is a public hearing on that language?

Mary Wingfield: Ummm -- we didn't post it as a public hearing but we posted it on our agenda twice for discussion. So Alan, I will defer to you.

Alan Kantrud: Mayor and Council, it is my understanding this is just a simple manipulation of the parking --

Mary Wingfield: No, no. No, we were talking about the ummm

Bill Hullsiek: The height.

Mary Wingfield: The building height. I am sorry and I was referring to 302 and actually (g) is 607 so sorry, we weren't talking the same thing. 607 is the parking, is it not?

Bill Hullsiek: Yep.

? Yep.

Mary Wingfield: So 302 -- we don't even have 302 on the uhhhhhhhh

Bill Hullsiek: No.

Mark Anderson: No, it's not on the agenda.

Mary Wingfield: Right.

Bill Hullsiek: But no, you put it on the agenda right at the top.

Mary Wingfield: Yeah. So -- but that's, you know, I guess it's up for discussion. I thought it was the second reading because that is what we posted at our last Council meeting was to put it on again and granted things have changed but they have been changing ever since too.

Mike Anderson: Yes. The reason why it didn't get on the agenda -- after we met with the Planning Commission last week, a lot of ideas came up but we didn't come down with the straight language to kind of present tonight which is why I left it off the agenda so I was kind of under the impression we were going to discuss that in October.

Bill Hullsiek: Oh under HC on the second page of the agenda.

Mary Wingfield: Right.

Bill Hullsiek: Okay.

Mark Anderson: And then since we are rewording the -- somewhat of the old code then we will need to invite the DNR to also approve that.

Kevin Woolstencroft: Well it is already on their books so they don't need to.

Alan Kantrud: Yeah Mayor and Council if you will just -- if you revoke your current 302.045 --

Mary Wingfield: Right.

Alan Kantrud: -- you would then default back to it and make reference to what was previously approved --

Mary Wingfield: Right.

Alan Kantrud: -- and the DNR isn't going to have any never mind because that was the last one that was approved at that point. It is my understanding.

Mark Anderson: Except for there was some wording issues. You guys couldn't come up with some final wording for that new --

Mike Anderson: -- for the new code. Yeah there was a lot of discussion

[inaudible -- everyone talking at once]

Mark Anderson: So we will have to either go back to the existing original old code or the old code.

Mike Anderson: Or they were thinking of changing some wording to the current code.

Mark Anderson: Oh.

Mary Wingfield: Yeah. I mean the conversation I had with Doug and Len was hey we would like to go and take the current code and give you some pictures and say well now we really know what this means. But the Council is actually, I guess, you know the thought was well we approved the old language last meeting and then we said okay we will take a time out and see what changes the Council – the Planning Commission had but now that we have had all this dynamic change in the last three weeks, I am sorry, but I find this code to be – no matter what happens – it is not appropriate because right now we've got a builder saying of course my plan is in conformance and we have a 40 foot tall building so I – I actually would like to see us go back and just revoke this based on the circumstances that we have now faced. So in that sense, that is not a second reading like Alan says. It's just like let's just go back to what we know and what works and what makes sense.

Bill Hullsiek: It can always be modified after the discussion with the Planning Commission too.

Mary Wingfield: We can always modify anything. Exactly.

Bill Hullsiek: Yeah. So I am comfortable revoking –

Mary Wingfield: Okay.

Bill Hullsiek: -- the code. I mean if that's permissible.

Mary Wingfield: Right.

Mark Anderson: And then if modification happens we will be working with the DNR too.

Mary Wingfield: Yep. Right.

Mark Anderson: Get that approved if possible.

Kevin Woolstencroft: If we do it is going to be something that is simple that people can understand.

Mary Wingfield: Yeah – one step at a time. So um so Alan all we need to do then is put forward a motion to revoke the 302.045 that was amended in 2000 and 2003 and revert back to the existing language that was approved in 1993. Right?

Alan Kantrud: In October.

Mary Wingfield: Pardon?

Alan Kantrud: In October.

Mary Wingfield: In October.

Mark Anderson: In October is when we are going to do that.

Mary Wingfield: Oh.

Alan Kantrud: I am not sure where on the – no member of the public is going to get a chance to comment on it.

Mary Wingfield: Right.

Mark Anderson: Yep.

Mary Wingfield: All right. Got it.

Mark Anderson: Yep.

Alan Kantrud: [inaudible]

Alan Kantrud: Depending on what you have in terms of development applications coming in, if you don't want to use, you might consider a moratorium. You might consider a special meeting because right now you are stuck with what you are stuck with. So unless the DNR is going to insist that you not use an unapproved section of code which it doesn't sound like they are going to do, that would be your way of basically taking care of it sooner rather than later. If it can't wait until October.

Mary Wingfield: Can we do a moratorium without notice?

Alan Kantrud: I don't think so. I mean it would require another meeting.

Mary Wingfield: All right.

Bill Hullsiek: Should we have a special meeting?

Mary Wingfield: All right. What is the pleasure of the Council?

Bill Hullsiek: I would have a special meeting in order to –

Mary Wingfield: All right.

Bill Hullsiek: -- move this forward if we can.

Mary Wingfield: All right.

Alan Kantrud: Next Monday would be your earliest opportunity to get in special meeting requirements under the State law. Unless you want to come in on the weekend.

[laughter]

Mary Wingfield: Yeah whatever. Okay. So then we need a motion to hold a special meeting for the purposes of establishing a moratorium on 302.045.

Alan Kantrud: As is currently written.

Mary Wingfield: As is currently written.

Alan Kantrud: So moved.

Mary Wingfield: Is there a second?

Mark Anderson: Second.

Mary Wingfield: All right. Then the meeting time will be Monday at 7:00 p.m. Does that work? Kevin?

Kevin Woolstencroft: Can't tell ya. My calendar doesn't go out that far.

Mary Wingfield: Oh, you can tell me. Randy is going to be back in town I think. So he –

Alan Kantrud: I will tell you your City Attorney will be at another city meeting.

Mary Wingfield: Right. Ummmm well uhhh if Randy is here it will work and if not, we have a policy in place for Mike to figure out a date that works. Can we do that?

Alan Kantrud: I will do my best to, to advise you whether or not a moratorium and a study of that language as it is currently written is best or if it is just best to revoke what is currently there.

Mary Wingfield: All right.

Alan Kantrud: And revert.

Mary Wingfield: All right. And either way either action could take place on Monday.

Alan Kantrud: I will let you know.

Mary Wingfield: All right.

Alan Kantrud: I mean if it does require a public hearing I will let you know.

Mary Wingfield: Right.

Alan Kantrud: Ummm yeah I just don't feel comfortable speaking to that. The last time I did a moratorium of a zoning code was probably close to ten years ago and I am just not going to tell you whether you can or can't right now.

Mary Wingfield: All right. So the motion is on the floor and it is to set a special meeting to either revoke or hold a moratorium on the building height and it is tentatively scheduled for Monday unless Mike finds that that doesn't work with the majority of the Council and then Mike has the authority to set another date with the permission of the Mayor because obviously I have that authority. All right. All those in favor?

All: Aye.

Mary Wingfield: Opposed? All right. That carries. Okay and then we've got in October then – we've got Mr. Pratt coming in to talk about the procedure that got us to this point and then we have got the building inspector to come in and talk about the procedure that got him to this point. All right? Okay. All right. So my mistake because I was reading item (g) as to be applicable to the building height. So item (g) is the changes of the second reading for the parking.

1:27:30 to adjournment

Mary Wingfield: Ummm so now we need to go into our attorney's report and I think Alan we need to go into private session for that.

Alan Kantrud: Mayor and Council, if you would like to you can try to caption I guess whatever rationale for that you would like to and ask for a motion to close regarding attorney/client privileged information.

Mary Wingfield: Okay. So with that I would move that we close this portion of the meeting for attorney/client privilege but before we do that I want to make one more request of Jen. You are here and you have been sitting her. Is there anything more you would like to add before we do that?

Jen Sorensen: Uhhh – no.

Mary Wingfield: Okay. So I make the motion that we close this portion of the meeting for attorney/client privilege. Is there a second?

Mark Anderson: Second.

Mary Wingfield: Okay. That would be Mark seconding. All those in favor?

All: Aye.

Mary Wingfield: That carries.

Alan Kantrud: And Mayor and Council is this a -- I will just note the time of 8:28 p.m. by my phone anyway.

Mary Wingfield: Okay.

Alan Kantrud: And that this is a closure for attorney/client privilege communication re--

[DISCUSSION OFF THE RECORD.]

Alan Kantrud: Let's talk briefly about what you are going to be doing for Monday or Tuesday and how do you want to do that?

Mary Wingfield: Ummm next week. Okay so we are back in session and Alan I will defer to you and you can wrap up what we've done.

Alan Kantrud: Mayor and Council, thank you, we did talk generally about what the City's options are with respect to zoning codes and things like that. I believe it was decided that next week either Monday or Tuesday that a special meeting will be called to consider an interim ordinance to study the height determination for purposes of your building and planning of houses in Birchwood if that's fair to say?

Mary Wingfield: Yes.

Bill Hullsiek: Yes.

Alan Kantrud: It is also my understanding that Mike is going to be directed to ascertain who is available on what day and that will form the basis of your calling of that meeting, Madam Mayor.

All right then I will just advise you that based on the 72-hour rule regarding special meetings, if you call the meeting tomorrow the earliest you could have it is ummm Monday and so on and so forth as you keep going through the weekend. You can call meetings on weekends if you want to but typically cities will just defer to that next business day. So just keep that in mind as you call that.

Mary Wingfield: Okay. All right so having nothing further on the agenda, I will call for a motion to adjourn.

Kevin Woolstencroft: I will make that motion.

Mary Wingfield: Is there a second?

Mark Anderson: No report?

Mary Wingfield: Pardon?

Mark Anderson: City Attorney's report [inaudible]

Mary Wingfield: Well that was sort of -- there is no more City Attorney report, right?

Mark Anderson: Oh that's [inaudible]

Mary Wingfield: We took care of business?

Alan Kantrud: Mayor and Council, not necessarily I mean nothing really new on the civil litigation front and uh we did have a successful criminal prosecution last month so --

Mary Wingfield: A successful no less.

Alan Kantrud: -- and you will also see ummm I think it's Birchwood or no it's Conversation District there is a BWI coming up so that's not you guys.

Mary Wingfield: Okay.

Alan Kantrud: Anyway I would stand for questions, however.

Mary Wingfield: I'm good.

Alan Kantrud: All right I'm done.

Mary Wingfield: All right. Uhh so call for a motion to adjourn.

Kevin Woodstencroft: So moved.

Mary Wingfield: Kevin got it and Bill you want to second?

Bill Hullsiek: Second.

Mary Wingfield: All those in favor?

All: Aye.

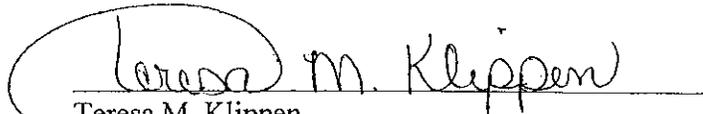
Mary Wingfield: Opposed? It carries. Good night.

* * * * *

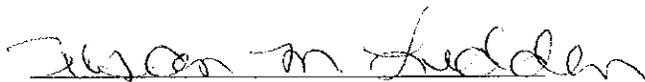
State of Minnesota)
)
 County of Dakota)

I hereby certify that I transcribed selected portions of the Birchwood Village City Council Meeting that was held on September 8, 2015. That the transcription is a true record of the recorded meeting to the best of my knowledge and ability.

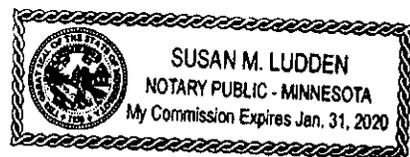
Date: March 28, 2017



 Teresa M. Klippen



 Notary Public



MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Roads Committee Recommendations



Dear Mayor and Council Members,

Staff has been asked to inform Council of the following recommendations from the Roads and Streets Committee:

- Approve April street repairs of approximately \$11,355 – to include street sweeping, curb repair, prepare (fill potholes, etc.) and repair street. Please see the attached Schifsky quote for breakdown of these and additional expenses. Additional May repairs will be recommended at the May Council meeting.
- Appoint Tom Patsy and Terry Granec as full voting members of the Roads and Streets Committee.

The Committee also wishes to inform Council that Mark Anderson has resigned from the committee. A draft version of the Committee's April meeting is also enclosed to further update the Council on the Committee.

Staff supports the Committee's above recommendation regarding street repairs and requests Council approve up to \$11,500 for this work as the repairs listed are normal repairs that occur annually.

Committee Chairperson Gene Ruehle is present and prepared to answer questions accordingly.

Thanks!

Regards,
Tobin Lay

T. A. Schifsky & Sons, Inc.
 2370 Highway 36 East
 North St. Paul, MN 55109
 Phone (651) 777-1313
 Fax (651) 777-7843
www.taschifskv.com



Bid To:	Birchwood Misc.	Attention:	Tobin Lay
Job:		Address:	City of Birchwood Village, MN
Location:	Birchwood, MN	Phone:	426-3403
Addendums:	NA	Fax:	
Date:	2.17.17	Email:	Tobin.Lay@cityofbirchwood.com

We propose the following for the above referenced project:

Description	Unit	Quantity	Unit Price	Total Price
Parking Lot By Ice Arena				
Furnish & Install 6.0" of Class 5 (Recycle)				
Furnish & Install 3.0" of Bituminous (SPWEB240B)	SY	275	\$19.00	\$5,225.00
Casting Adjustments (new lids ** waiting for supplier pricing**)				
City Wide Patching & Manhole Repair				
Crew Rate Per Hr	Hr	10	\$595.00	\$5,950.00
Mill Pot Holes & Mill around Manholes To Proper contour				
Furnish Tack Oil & Install Bituminous (SPWEA240B)	Ton	15	\$67.00	\$1,005.00
Repair Curb From Snowplowing				
Removal of Curb				
Mill 2' Install 3" of Bituminous (SPWEB240B)				
Furnish & Install Bit Curb - snow plow damage	LF	100	\$10.00	\$1,000.00
Bee Hive Construction & Finish Lake Reconstruct	EA	1	\$2,600.00	\$2,600.00
Flume From Ice Rink Catch Basin to Nearest Western Catch Basin				
Subcut & Widen 4' Furnish & Install 4" Class 5 (Recycle) 160'				
Furnish & Install 3.0" of Bituminous (SPWEB240B)	LS	1	\$1,900.00	\$1,900.00
Additional work				
Sweep Streets - Entire campus 2 times per calender year		2	\$1,700.00	\$3,400.00
Wildwood Beach Location				
Remove existing pipe that is exposed (half concrete pipe trench)	LS	1	\$3,500.00	\$3,500.00
Install two catch basins with casting	EA	2	\$2,500.00	\$5,000.00
Furnish 18 RCP	LF	160	\$48.00	\$7,680.00
Lump Sum Total =				\$37,260.00

Bid is based on SY listed above and provided plan. Not included in bid are permits, unforeseen site conditions, surveying, subgrade correction or excavation, geotextile fabric, and testing.

Contractor's Guarantee

We guarantee all material used in this contract to be as specified above and the entire job to be done in a neat, workmanlike manner. Bid is based on quantities stated. Any variations from the plan or alterations requiring extra labor or material will be performed only upon written order and billed in addition to the sum covered by this contract. Prices are for 2016 unless otherwise specified.

Due to the rising cost of asphalt oil fuel, we can only honor our quotes for 30days. After 30 days bids/quotes are subject to our review and possible cost increase. Payment due upon completion.

F:\Proposals\2017 Proposals\Patching\City of Birchwood

Thank you for the opportunity to quote. If you have any questions please do not hesitate to call.

T.A. Schifsky & Sons, Inc. (Affirmative Action, Equal Opportunity Employer)

By: _____ Date 2.17.17
Jonathan Hager - Project Manager/Estimator

Accepted By: _____ Date _____
(Bid must be signed and returned)

Due to the rising cost of asphalt oil fuel, we can only honor our quotes for 30days. After 30 days bids/quotes are subject to our review and possible cost increase. Payment due upon completion.

F:\Proposals\2017 Proposals\Patching\City of Birchwood

Draft Minutes

Birchwood Village Roads and Streets Committee Meeting Agenda City Hall April 3, 2017 - 6:30PM

Present: Gene Ruehle John Anderson Tom Stangl
 Ben Creagh
 Terry Granec Tom Patsy

- A. Public forum
 - a. Terry Granec- spoke about desire to be a member of committee. Expressed appreciation for work that has been done in past.

- B. Approve March Minutes
 - a. Tom motions, John seconds. Passes

- C. Prepare typed agenda for advanced posting

- D. Standing water on Lake Ave
 - a. Re-grading parking lot near ice rink to angle water to run-off around ice rink clockwise, rather than counter clockwise in front of warming hut.
 - b. \$5,225
 - c. Gene will contact Mark to learn more

- E. Signs
 - a. Lake Links sign design and placement
 - i. 10 signs
 - ii. 5 signs west direction
 - iii. 5 signs east direction
 - iv. Goal for installation in April
 - v. 1 new post Wildwood Ave and Lake Ave. for 90 degree signposting
 - 1. Up to 12 signs and a new post
 - 2. John motions, Ben seconds. Passes

 - b. Removing extra signs – Lake Ave, Birchwood Ave, etc.
 - i. Two bus signs on Birchwood Ave
 - ii. Two parallel parking signs
 - iii. Remove empty sign post
 - 1. Ben motions, Tom seconds. passes

- c. Two way radar speed sign -traffic data collection
 - i. Action steps
 1. Look to find actual cost of sign to support two directions
 2. Does it provide timestamp, what does it record in both directions?
 3. How do we get data from sign
 4. How much would installation cost?
 5. Where would sign need to be placed?
 - d. Gene calls Washington County Sheriff to request radar speed and traffic count trailer
 - i. Tom motions, John seconds. passes

- F. Discuss center line markings on Cedar & Hall
 - a. Mahtomedi is not continuing with their striping on Birchwood Road
 - b. MNdot standards call for striped lines if 6000 cars or greater
 - c. Manual on Uniform Traffic Control Devices from DOT page 349 - centerline for ADT of 6,000 or greater
 - d. Waiting to gather traffic volume data with Washington County Sherriff

- G. Stormwater intake problem at 165 Wildwood
 - a. Contact Schifsky to see if they can mill street to funnel water into drain, so street does not exceed height of drain

- H. Review bids for summer 2017 street work – Schifsky & Pierson
 - a.

- I. Construction water runoff policy and enforcement
 - a. 2016 complaints received to roads committee member about construction debris and runoff
 - b. Current code and policy appeared to have not been enforced
 - c. Roads committee recommends council to enforce policy on construction debris and runoff

- J. Committee membership and assignments
 - a. Membership
 - i. Terry Granec and Tom Patsy recommended to committee
 - b. Assignments
 - i. Think about assignments for future meeting

- K. Committee bylaw review
 - a. Change V.C. Quorum Necessary
 - b. Add:

- i. However, a quorum is required for any recommendation or action requiring a vote of the committee.
 - ii. Gene motions, John seconds, passes
- L. Update on March 16 Orientation Workshop
 - a. Tell Tobin to place agenda items under new or old business
- M. Discuss next month's agenda
 - a. Proposed special meeting to discuss summer work projects Monday, April 17th at 6:30pm
 - i. Summer 2017 bids
 - ii. Standing water on Lake Ave
 - iii. Stormwater itake problem at 165 Wildwood
- N. Gene motions to adjourn, Tom seconds. 8:45

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Lawn Care Bids



Birchwood Village

Dear Mayor and Council Members,

The City's lawn care contract with KEJ has recently expired. Staff has called for bids for 2017 lawn care services and has received the attached two (2) bids from the following contractors:

- KEJ – long time provider of the City's lawn care and other City services
- MowJoe – current provider of the City's leaf pick up service

Because the condition of the City's parks has been to topic of many Council discussions this year, staff has asked these contractors to provide several maintenance options for Council to choice from.

Furthermore, because the future use of the City's parks may change depending on survey results and recommendations from the Parks Committee, once staffed, staff requests Council select the appropriate lawn care package for 2017.

Staff has created the attached spreadsheet of the City's lawn care expenses dating back to 2010 to guild Council in its analysis.

The bid from KEJ offers both an hourly rate option and a seasonal rate option. The bid from MowJoe offers both a per-job rate option and a seasonal rate option. MowJoe's bid also includes an option for fertilization/treatment of lawns.

Representatives from both bidding companies are present at the meeting and are prepared to answer questions. Kenny Johnson is representing KEJ and Joseph Wormwood is representing MowJoes.

Thanks!

Regards,
Tobin Lay

KEJ EXPENSES

2016

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	06/20/16	\$1,957.50	\$301.34	\$2,258.84
2	07/11/16	\$3,025.59		\$3,025.59
3	08/11/16	\$675.00	\$1,285.05	\$1,960.05
4	08/22/16	\$2,527.88	\$497.71	\$3,025.59
5	09/06/16	\$1,710.00		\$1,710.00
6	12/06/16	\$1,665.00		\$1,665.00
	Totals	\$11,560.97	\$2,084.10	\$13,645.07

2015

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	07/01/15	\$1,957.50		\$1,957.50
2	07/08/15	\$2,250.00		\$2,250.00
3	09/03/15	\$2,681.25		\$2,681.25
4	11/04/15	\$2,565.00		\$2,565.00
	Totals	\$9,453.75	\$0.00	\$9,453.75

2014

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	01/08/14		\$4,402.00	\$4,402.00
2	02/06/14		\$2,364.75	\$2,364.75
3	03/03/14		\$4,986.75	\$4,986.75
4	05/09/14		\$3,157.00	\$3,157.00
5	06/24/14	\$2,500.00	\$2,135.00	\$4,635.00
6	09/04/14	\$4,095.00		\$4,095.00
7	10/02/14	\$945.00		\$945.00
8	11/06/14	\$1,147.50	\$11,056.25	\$12,203.75
	Totals	\$8,687.50	\$28,101.75	\$36,789.25

2013

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	01/07/13		\$481.50	\$481.50
2	02/06/13		\$765.00	\$765.00
3	03/04/13		\$4,429.25	\$4,429.25
4	04/03/13		\$2,815.75	\$2,815.75
5	05/09/13		\$2,373.00	\$2,373.00
6	06/06/13		\$2,150.00	\$2,150.00
7	08/06/13	\$120.00	\$658.33	\$778.33
8	09/30/13		\$1,014.56	\$1,014.56
9	12/02/13		\$9,308.78	\$9,308.78
	Totals	\$120.00	\$23,996.17	\$24,116.17

2012

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	02/02/12		\$1,675.00	\$1,675.00
2	03/14/12		\$1,565.00	\$1,565.00
3	05/09/12		\$2,385.45	\$2,385.45
4	05/10/12	\$1,925.00		\$1,925.00
5	06/07/12	\$800.00	\$240.00	\$1,040.00
6	07/31/12	\$980.00	\$1,127.50	\$2,107.50
7	09/12/12	\$800.00	\$210.00	\$1,010.00
8	10/30/12	\$1,625.00	\$180.00	\$1,805.00
9	11/16/12	\$700.00		\$700.00
10	11/20/12		\$1,850.00	\$1,850.00
11	12/06/12		\$262.50	\$262.50
12	12/31/12		\$2,673.00	\$2,673.00
	Totals	\$6,830.00	\$12,168.45	\$18,998.45

2011

	<u>Check Date</u>	<u>Parks</u>	<u>Other*</u>	<u>Check Total</u>
1	02/03/11		\$3,851.25	\$3,851.25
2	03/08/11		\$1,825.00	\$1,825.00
3	04/05/11		\$1,060.00	\$1,060.00
4	05/10/11		\$367.50	\$367.50
5	06/06/11	\$640.00	\$1,850.00	\$2,490.00
6	07/06/11	\$685.00		\$685.00
7	08/01/11	\$977.50	\$449.50	\$1,427.00
8	08/29/11	\$1,225.00	\$245.00	\$1,470.00
9	10/25/11	\$1,280.00		\$1,280.00
10	11/30/11	\$640.00	\$2,075.00	\$2,715.00
11	12/28/11		\$1,235.00	\$1,235.00
	Totals	\$5,447.50	\$12,958.25	\$18,405.75

* Includes all non park jobs, such as street maintenance, signs, storm drains, snow removal, leaf pickup, etc.

PROPOSAL

KEJ Enterprises

611 Florence Ave
Mahtomedi, Minn 55115
651-775-0843

TO:

City Of Birchwood

207 Birchwood Ave
Birchwood, MN 55110
(651) 426-3403

We hereby submit specifications and estimates for;

Hourly maintenance rates for the following areas from March 1st 2017 through March 1st 2018

Mowing for the summer will be **\$5250.00** (May 1, 2017 thru Oct 31, 2017 paid in 6 payments of \$875.00) Tighe Schmidt and Wildwood parks mowed every week, tennis court area, beaches and city hall mowed every other week.

Spring Clean-up to be billed out at \$45.00 per hour. (approx 10 hrs)

Fall Clean-up to be billed out at \$45.00 per hour

Ball Field Grading to be billed out at \$45.00 per hour. (just done as needed)

****All work to be at the request of the City**

Payment to be made as follows;

Billed at the end of month, payment due by 15th of month

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date _____

Joe Wormwood
Mow Joe Outdoor Solutions
910 Arbor Ave Mahtomedi MN 55115

March 29, 2017

City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

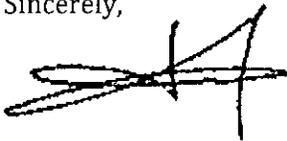
Dear City of Birchwood Village,

Thank you for the opportunity to provide a proposal for high quality, comprehensive lawn care and clean up services in the spring and fall. As described in this proposal, Mow Joe is uniquely qualified to provide high quality lawn care services to the City of Birchwood Village.

Mow Joe has a history of clear communication with each and every client in order to assure that expectations are exceeded. In addition, Mow Joe operates with the understanding that clients have important needs that must be met in a timely manner – and only billing for services completed as needed and as described in the scope of work. My understanding is that by pricing my work on a per project/property basis allows for greater demand from the contractor to assume accountability for efficiency. By doing so, the ability to budget and control costs on your end would be much easier as the transparency would exist that previously did not. Also, all lawn mowing work is to be completed same day of week to give uniformity to the cities appearance.

Thank you for this opportunity and you have my personal commitment that the services provided by Mow Joe will exceed your expectations.

Sincerely,

A handwritten signature in black ink, appearing to be 'Joe Wormwood', written over a horizontal line.

Joe Wormwood
Owner, Mow Joe Outdoor Solutions

Birchwood Mowing/Spring/Fall Cleanup Pricing 2017

Easements

Ash	
Spring cleanup	\$145.00
Fall cleanup	\$195.00
Mowing	\$35.00

Birch	
Spring cleanup	\$85.00
Fall cleanup	\$145.00
Mowing	\$35.00
Drainage cleanout	\$145.00

Elm Beach	
Spring cleanup	\$100.00
Fall cleanup	\$125.00
Mowing	\$20.00

Dellwood	
Spring cleanup	\$65.00
Fall cleanup	\$125.00
Mowing	\$30.00

Kay	
Spring cleanup	\$65.00
Fall cleanup	\$125.00
Mowing	\$30.00

City Hall	
Spring cleanup	\$75.00
Fall cleanup	\$125.00
Debris pile cleanup	\$75.00
Mowing	\$35.00

Parks

Wildwood	
Spring cleanup	\$175.00
Fall cleanup	\$225.00
Mowing	\$75.00
Fertilizing	\$110.00 (price per app – two apps necessary)

Tighe-Schmitz	
Spring cleanup	\$275.00
Fall cleanup	\$475.00
Mowing	\$225.00
Fertilizing	\$245.00 (price per app – two apps necessary)
Rink maintenance	\$75.00
Trail maintenance	\$75.00
Baseball diamond	\$75.00 (plus cost of extra sand as needed)

Bloomquist	
Spring cleanup	\$175.00
Fall cleanup	\$250.00
Mowing	\$45.00
City Hall garage area cleanup	\$25.00

Estimated Totals	
Mowing	\$530.00/week @ \$13,250.00/season
Spring/Fall cleanup	\$2,950.00
Extras	\$400.00 - \$500.00
Optional fertilizing	\$710.00
Total estimate for full season service	\$17,200.00
Total estimate for full season service (no fertilizer)	\$16,490.00

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Music in the Park Budget



Dear Mayor and Council Members,

Alan Mitchell has asked that I provide this memo regarding the 2017 Music in the Park concert series. Specifically, Mr. Mitchell is asking the Council to determine this year's budget for the concert series so he can organize the events accordingly.

During the September 2016 Council meeting, Mr. Mitchell requested Council consider raising the budget for the 2017 concert series from \$1,500 to either \$1,800 or preferably \$2,400. The increase would provide at a minimum enough money to cover all twelve Sundays at \$150 per Sunday and at a maximum would allow the City to pay \$200 per concert, a slight bump for the musicians. Council did not approve Mr. Mitchell's request at that time. Please see Mr. Mitchell's attached September 2016 letter for more details.

Staff has been informed by Mr. Mitchell that White Bear Lake Magazine is planning to do a short article about Birchwood's Music in the Park concert series in the June issue. They would like to have the schedule for this summer's concerts once it is available and Mr. Mitchell needs the budget info before he can prepare this schedule.

Mr. Mitchell is present and prepared to answer Council's questions.

Thanks!

Regards,
Tobin Lay

23 Oakridge Drive
Birchwood, Minnesota
September 6, 2016

Dear Mayor Wingfield and Council members,

The purpose of this letter is to let you know that the city just completed the sixth summer of its Music in the Park concert series on Sunday evenings. This summer the city offered a free concert on every Sunday in June, July, and August except for the Fourth of July weekend, a total of twelve Sundays. We had nice weather every week, wonderful attendance, and a wide variety of music. The concerts were held on Birch Beach, Dellwood Beach, in Tighe-Schmitz Park, and on the hockey rink. I have attached a separate document showing the schedule for the summer. You might be interested to know that there was full page photo spread of one of the city's concerts in the latest issue of White Bear Lake magazine. Check it out!

I want to encourage the Council to include funding for another round of concerts next summer. I think the community enjoys these concerts and supports continuation of them. For the past six summers, the funding level has been \$1500. Each musician or group is paid \$150. The \$1500 from the city does not cover all twelve weeks at that rate; fortunately, private donations have picked up the remainder. I would like to see the Council increase the funding next year to at least \$1800, to cover all twelve weeks at \$150 per week, and preferably, I would ask the Council to consider raising the appropriation to \$2400, which would raise the per week payment to \$200. Not only is the Music in the Park concert series enjoyed by many in the community, but it is an excellent opportunity to promote local musicians in the area. A raise to \$200 for the excellent performances audiences have enjoyed would be appreciated.

I want to recognize the assistance I have received this summer from Michael Lien in scheduling the musicians and arranging the music each week. Numerous other residents have also volunteered and assisted with set-up and preparation each Sunday.

If you have any questions about the concerts, or about plans for next summer, please let me know, or talk to your neighbors. I hope you will consider favorably the request to increase the funding for next year.

Thank you very much.

Sincerely,



Alan Mitchell

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Parks Committee



Birchwood Village

Dear Mayor and Council Members,

During the March 30, 2016 Special Council Meeting, the Council determined that it anticipated calling for applications for membership on the City's Parks and Natural Resources Committee at the April Council meeting. Staff was asked to announce the Council's intentions accordingly and did so on the City's website, social media sites, and through the email listserv.

Accordingly, staff requests Council formally call for applications for membership on the Parks and Natural Resources Committee at this time, with a submission deadline of May 1, 2017. Staff recommends that the application consist of a letter of interest as has been the case during the staffing of other City committees/commissions.

Staff further requests Council determine what information applicants should include in their letters of interest.

Council Member Malvey suggests the following for Council's consideration:

"Community members who are interested in serving on the Parks & Natural Resources Committee (PNRC) should apply by May 1 by emailing Tobin Lay or delivering a hard copy of your request to him at City Hall. Your application should include:

- your name
- your address
- a description of why you would like to serve on the parks committee
- a summary of why your knowledge, skills and experience make you a good candidate for the PNRC.

The 2017 work for the PNRC is proposed to be developing a long term plan for Birchwood's parks and public spaces as well as working on special projects identified by the City Council."

Given the high level of interest in this topic this year, staff anticipates a high number of applicants. Accordingly, staff requests Council determine the process it will use to select the new Parks Committee members.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Rescheduling May Council Meeting



Birchwood Village

Dear Mayor and Council Members,

During the March 30, 2016 Special Council Meeting, the Council discussed the possibility of rescheduling the May Council meeting.

The reason for this discussion was that Council anticipates selecting members for the Parks and Natural Resources Committee during the May Council meeting but Council Member Malvey will not be present at the May Council meeting. Council Member Malvey is requesting that members of the Parks Committee take place at a time when she can participate.

Accordingly, staff requests Council determine now whether it will reschedule the May Council meeting to accommodate all of the Council Member's participation.

If not, Council Member Malvey requests that selection of the Parks Committee members be scheduled for another time.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Dog Park Committee Bylaws



Dear Mayor and Council Members,

During the March 14, 2016 Regular Council Meeting, the Dog Park Committee Chairperson, Steve Schad, provided Council with suggested changes to the Dog Park Committee Bylaws (attached) and requested Council "review, amend as desired and approve/finalize" the Dog Park Committee bylaws.

After a short deliberation on this topic, Council tabled discussion until the April Council meeting. Council Members were asked to review the Committee's recommended changes to the bylaws and email feedback to Administrator Lay prior to the April Council meeting.

Staff has received the following feedback from Council Members:

Mayor Wingfield:

iii A. Members: Strike "In order to follow public meeting laws there cannot be more than one voting council member on the committee."

That misstates the law. It is possible to have more than one council member, the meetings just need to be noticed differently if three were to show up

B Terms: Strike "Any new member appointed in months other than February shall end his/her term three years after his/her appointed month."

This runs afoul with and contradicts E. Vacancy: In the event of a vacancy through resignation or removal, the cc shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full three year term upon expiration of the filled term"

C: Resignation: Strike notice to "city council" and replace with "City Administrator"

iv Committee Officers

D. Resignation: Strike notice to "city clerk and the Mayor" and replace with "city administrator".

v. Committee Meetings

B. Open Meeting and Notice; Strike "The second day of the posting is considered the first of the three days." three days notice wording should follow the wording used in the open meeting law and applied as the courts have set out. Writing this is awkward and unnecessary in light of this being a well-settled area of law

D. Minutes. Strike "The chair shall forward the Draft minutes to the city clerk for posting Draft minutes on the city website." This is micromanagement and bad policy to enumerate this as policy rather than letting the CA determine if such should be posted based on the totality of the circs.

Councilmember Malvey:

Purpose statement: After making recommendation about potential creation of dog park, I think the future of the committee should be considered with respect to potential role for construction of dog park and/or maintenance of dog park. I think it's written too broadly with respect to "council shall reevaluate the role of the committee." I'd recommend wording of the purpose statement to be (redone second sentence) as below.

Purpose: The purpose of the dog park committee shall be: Pursue research, review options, and make recommendations to the City Council about a dog park(s). *After the city council has made a decision about creation of a dog park, the council will determine the committee's role in the construction of the dog park and/or ongoing maintenance of the dog park.*

Members: I don't have any problem with Trilby remaining on the dog park committee if there is precedent for council members to be voting members of other committees. (Was Mark a voting member of the roads committee?) But, I don't think that it makes sense to call out council membership only if the council member is already on the dog park prior to joining the council. I would remove the second sentence of the "members" paragraph so that it just reads:

Members: The committee shall consist of up to 7 members appointed by the City Council. In order to follow public meeting laws there cannot be more than one voting council member on the committee.

Last thing - per my earlier question, I'd like to confirm the Committee Action, Majority required definition/interpretation. Does "majority vote... required... regardless of how many member are present" mean that (for example) if there are 7 members on the committee then 4 votes are required for something to pass regardless of the number of members at the meeting?

Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
DOG PARK COMMITTEE
BYLAWS**

I. NAME OF THE COMMITTEE

The name of the committee shall be the Dog Park Committee.

II. PURPOSE OF THE COMMITTEE

The purpose of the Dog Park Committee shall be: Pursue research, review options, and make recommendations to City Council about a dog park(s). ~~When the committee has served its purpose the council shall reevaluate the role of the committee. After the city council has made a decision about creation of a dog park, the council will determine the committee's role in the construction of the dog park and/or ongoing maintenance of the dog park.~~

III. COMMITTEE MEMBERSHIP

A. Members. The committee shall consist of up to 7 members appointed by the City Council. ~~A sitting member of the committee subsequently appointed to the city council may remain as a voting member of the committee. In order to follow public meeting laws there cannot be more than one voting council member on the committee.~~

B. Terms. The terms of each member shall be for three years. A person may be reappointed to the committee by the Council and serve more than one term. Terms shall run from February to February. ~~Any new member appointed in months other than February shall end his/her term three years after his/her appointed month.~~

C. Resignation. Any member of the committee may resign before his or her term expires by providing written notice of such intent to the ~~City Council Administrator~~. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.

D. Removal. The City Council may remove any member from the committee prior to expiration of the member's term upon the request of a majority of the committee members.

E. Vacancy. In the event of a vacancy through resignation or removal, the City Council shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full three year term upon expiration of the filled term.

F. Council Liaison. The Council shall appoint one Council member to be the liaison to the committee. The Council liaison shall not be a voting member of the committee but may participate in committee functions and may vote on all matters before the Council involving the committee.

G. List of Members. The City Clerk shall maintain a list of the members of the committee and the date of each member's term and shall post the same information on the City webpage.

IV. COMMITTEE OFFICERS

A. Chair. The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from February to February. The Chair may serve up to three consecutive terms.

B. Secretary and Treasurer. The committee shall also elect a Secretary and a Treasurer. The terms shall run from February to February. The Secretary and Treasurer may serve up to three consecutive terms. The committee may determine to combine the office of Secretary and the office of Treasurer and decide to elect one person to serve these roles. Whether the office is combined or not may be changed from year to year.

C. Majority Vote. All officers shall be elected by a simple majority vote.

D. Resignation. Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor Administrator. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.

E. Vacancy. Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

V. COMMITTEE MEETINGS

A. Meetings. The committee shall meet to address matters assigned by the City Council. The committee shall report back to the Council with its recommendations in a timely manner. The committee chair may call a meeting of the committee at his or her discretion, and will do so in accordance with bylaw 5b.

B. Open Meeting and Notice. All meetings of the Dog Park Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the City's webpage, along with a draft agenda. ~~The second day of the posting is considered the first of the three days.~~ The meeting notice and agenda will be posted on the City Hall outdoor bulletin board in addition to the City website.

C. Quorum Not Necessary. The committee can meet regardless of how many members are in attendance at the meeting. A quorum is not necessary for the committee to hold a meeting.

D. Minutes. The committee shall keep minutes of all its meetings. The Secretary or other person shall be responsible for keeping the minutes of each meeting. The Secretary shall forward the minutes, clearly identified as Draft Minutes, to the committee to check for errors. ~~The Chair shall forward the Draft Minutes to the City Clerk for posting as Draft Minutes on the City~~

~~website.~~ When the Draft Minutes are approved at the following committee meeting, the Chair will provide the Approved Minutes to the City Clerk for posting on the City website.

VI. COMMITTEE ACTION

A. Majority Required. A majority vote of all the committee members shall be required for the committee to take final action, regardless of how many members are present at the meeting at which the action is proposed.

CM MALVEY QUESTION: This clause is not clear. Does the clause mean that (for example) if there are 7 members on the committee then 4 votes are required for something to pass regardless of the number of members at the meeting?

B. Authority. The committee shall have no authority to make final decisions that permanently affect any of the public spaces within the city, such as cutting trees, removing structures, or making other decisions that clearly require Council authorization. When in doubt, the committee shall bring the matter to the attention of the Council.

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

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

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: 302.045 Structure Height Amendments



Dear Mayor and Council Members,

Last year, in 2016, the Council approved an amendment to City Code 302.045 – Structural Height Restrictions. This amendment, among other things, increased the structure height limitation of principal structure/attached garages from 25 feet to 30. The two remaining structure types provided under this code, detached garage and detached storage shed, were not increased, however.

Staff believes that omitting detached garages and detached storage sheds from the amended increase to structure types may have been an oversight. Furthermore, the Planning Commission believes that failing to apply the same increase to detached garages will increase the number of variance requests in the future.

Accordingly, staff requests Council review the omitted structure types for possible oversight. If Council concurs that these omissions were an oversight then staff recommends Council amend 302.045 to apply the same 20% increase in height to detached garages and detached storage sheds that was applied to principal structures and attached garages.

Thanks!

Regards,
Tobin Lay

302.045 STRUCTURAL HEIGHT RESTRICTIONS

1. STRUCTURAL HEIGHT LIMITATION: The maximum height of a structure as calculated by Method A or Method B (see below) is as follows:

<u>Structure type</u>	<u>Structure Height Limitation</u>
Principal Structure/attached garage	30 feet <i>(was 25' – 20% increase for roof slope)</i>
Detached garage	18 feet
Detached storage shed	12 feet

METHOD A: (Most applicable to 3-dimensional structures, e.g. houses and garages.) The maximum height of a structure is the difference between the elevation of the highest point of the structure and the average elevation of the grade plane. The grade plane shall be calculated based on the method shown in Exhibit A below. Elevation points at the ground level shall be evenly distributed along each façade.

METHOD B: (Most applicable to structures which are mainly 1- or 2-dimensional, e.g. towers and walls.) The maximum height of a structure is the difference in elevation between any point on the structure and the ground directly below that point.

2. Grading/Fill Limitation

The existing grade of the property shall not be raised around a new building or foundation in order to comply with the height requirements of this code.

3. Tallest Point Limitation

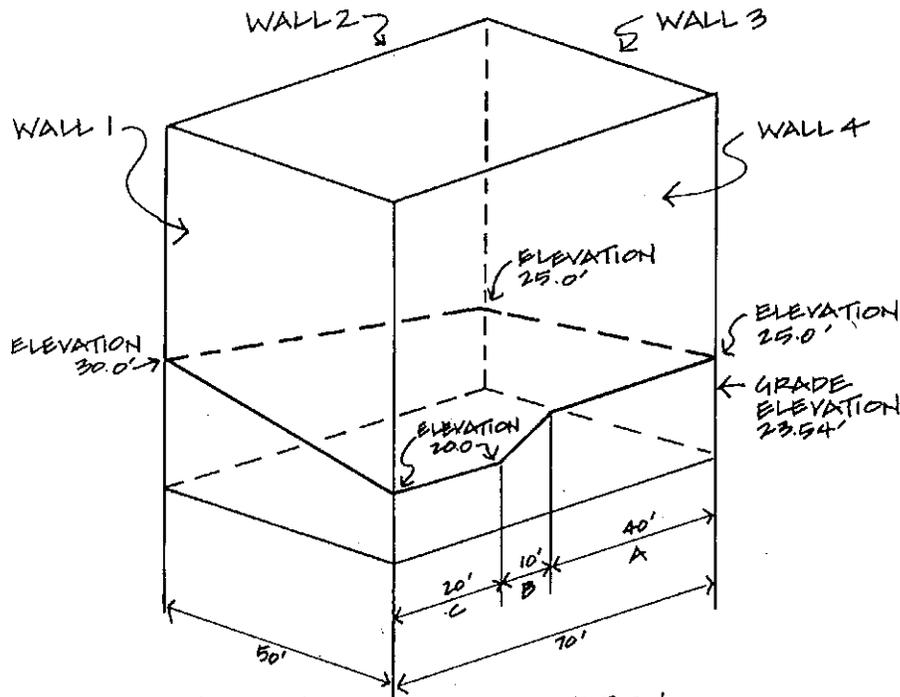
Regardless of the structure height limitations for principal structures specified in section 302.045 subsection 1 above, the lowest point on the façade to the tallest point of a structure shall not exceed 35 feet. Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

4. Exceptions.

The structure height and tallest point limitations established herein shall not apply to chimneys and flues provided the footprint or horizontal area of the chimney or flue does not exceed 16 square feet and the top of the chimney or flues and does not extend more than three feet above the tallest point of the structure.

Exhibit A:

ILLUSTRATION 16: GRADE, GRADE ELEVATION



GRADE = AVERAGE GROUND ELEVATION

$$\text{WALL 1} \quad \frac{20.0 + 30.0}{2} \times 50 = 1250$$

$$\text{WALL 2} \quad \frac{30.0 + 25.0}{2} \times 70 = 1925$$

$$\text{WALL 3} \quad \frac{25.0 + 25.0}{2} \times 50 = 1250$$

$$\text{WALL 4} \quad \text{A-} \quad 25.0 \times 40 = 1000$$

$$\text{B-} \quad \frac{25.0 + 20.0}{2} \times 10 = 225$$

$$\text{C-} \quad 20.0 \times \frac{20}{2} = \frac{400}{5650}$$

$$\text{GRADE} = \frac{5650}{240} = 23.54$$

“AMENDED BY ORDINANCE 2000-1; February 8, 2000”

“AMENDED BY ORDINANCE 2003-1; February 12, 2003”

“AMENDED BY ORDINANCE: June 14, 2016.”

“AMENDED BY ORDINANCE: December 13, 2016.”

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Feasibility Study



Dear Mayor and Council Members,

During the March 14, 2017 Council meeting, Council asked City Engineer Thatcher and City Attorney Kantrud to prepare a feasibility study for a sewer lining project. Attached is the draft copy of Thatcher's feasibility study.

Staff requests Council set a public hearing for May and approve publication of the hearing accordingly. If Council approves then staff requests Council approve inviting Thatcher to the May Council meeting.

Thanks!

Regards,
Tobin Lay



Thatcher Engineering, Inc.
6201 Creek Valley Road
Edina, MN 55439
Phone: 612.781.2188
www.thatcher-eng.com

**FEASIBILITY STUDY
For
CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

CLEAN, TV AND CURED-IN-PLACE PIPING

MARCH 23, 2017

1.0 BACKGROUND AND PURPOSE

The City of Birchwood Village retained Thatcher Engineering, Inc. to prepare a feasibility study for the construction of Cured-In-Place (CIP) piping for 2,800 feet of sanitary sewer. This sanitary sewer pipe was not included in previous CIPP projects within the city. The most recent CIPP project was in 2008.

2.0 PROJECT DESCRIPTION

The proposed project will consist of cleaning, televising, and construction of CIPP piping for 2,800 feet of sanitary sewer. A location map is included in Appendix 1.

3.0 ALTERNATIVES

Alternatives analyzed for the proposed project include doing nothing. Doing nothing is not a viable option because the existing pipe is getting old.

4.0 COST ESTIMATE

The cost estimate is as follows:

<u>Item</u>	<u>Estimated Cost</u>
Clean and TV Inspection of 2,800 feet of sewer	\$2,000.00
Furnish and Install 2,800 feet of CIPP	<u>\$70,000.00</u>
Construction Cost	\$72,000.00
Engineering	\$5,000.00
Contingency (10% of Estimated Construction Cost)	<u>\$7,200.00</u>
Estimated Total Cost	\$84,200.00

5.0 FUNDING

Funding for the proposed project will be provided from city funds. No bond is needed.

The current plan is to assess 50% of the total cost to properties that abut the 2,800 feet of CIPP. The estimated number of properties that abut the CIPP is 67.

The estimated assessment per property is \$628.36 (\$84,200 x 50% / 67 properties).

6.0 DISCUSSION & SCHEDULE

Thatcher Engineering, Inc. recommends the construction of Cured-In-Place (CIP) piping for 2,800 feet of sanitary sewer. The proposed improvement is necessary, cost-effective, and feasible. Also, the improvement should be made as proposed and not in connection with some other improvement.

If the city authorizes TEI to prepare the plans and specifications and secure construction bids, the project could be constructed within a year.

7.0 CONCLUSIONS

Based on the age of the existing sanitary sewer pipe, it will be necessary to construct CIPP in the near future. This feasibility study should be reviewed and if acceptable, the City should take the proper steps to secure a professional appraisal for the project.

APPENDIX 1
LOCATION MAP

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Public Forum Procedures



Birchwood Village

Dear Mayor and Council Members,

During the March 30, 2017 Special Council meeting, Council deliberated over whether to make changes to the Public Forum procedures at City Council meetings. Council Members considered recommendations made by the League of Minnesota Cities during the March 16, 2017 Orientation Workshop to consider moving the Public Forum to the end of the Council meetings.

Council tabled further discussion of this topic until the April Council meeting. Staff now invites Council to continue this discussion or table again until a later date. Staff has included a letter from resident Alan Mitchell concerning this topic.

Thanks!

Regards,
Tobin Lay

TO: Mayor Mary Wingfield
Councilman Randy LaFoy
Councilman Kevin Woolstencroft
Councilwoman Megan Malvey
Councilwoman Trilby White

FROM: Alan Mitchell

DATE: April 3, 2017

SUBJECT: **Open Public Forum**

At the Special Meeting of the Birchwood City Council last Thursday, March 30, the council discussed how to deal with the public during the Open Public Forum agenda item on the council's regular monthly meetings. The discussion focused on whether the Open Public Forum time should be moved to the end of the agenda, from its present location as one of the first items on the agenda. The council intends to discuss the matter further at its regular April meeting on April 11.

The Open Public Forum is such an important part of the council's monthly meeting that the Rules of Procedure require that it be placed on the agenda each month at an early time. Rule 3.06 states:

3.06. PUBLIC FORUM. Each regular meeting shall include a time for the public to address the council on any matter. This item shall be placed early in the agenda to accommodate the public. The public forum item may be used to announce upcoming events.

It would not be a good idea to amend Rule 3.06 to move the Open Public Forum to a time late in the meeting.

There really is no reason to move the Forum from the early evening, where this item has been for as long as I can remember, to some uncertain time after all other agenda items are covered. The Open Public Forum has not caused the council to get behind in its agenda or to unreasonably extend the length of council meetings. Oftentimes, nobody is even in attendance to make any presentation. And the presiding officer can control the meeting in any event. In sum, it is not worth the inconvenience to the public that delaying the Forum to the end of the meeting would cause to change the format at this time.

It is important to distinguish what the Open Public Forum is for, as compared to other items on the agenda. The Open Forum is a time for citizens to raise concerns that might otherwise be unknown to the council or the staff. It is a time to listen. Rule 4.08(d), which also requires an Open Public Forum, specifically recognizes that upon hearing of a new matter, the council will generally not respond except perhaps to direct that additional information be gathered.

With regard to specific agenda items, where a council decision is contemplated, it is not unusual for the presiding officer to accommodate individuals who are present at a council meeting to address a particular agenda item by moving the item up on the agenda. That is a good practice and well appreciated. The general public should be similarly accommodated.

Whether or not the public is allowed to orally address the council on specific agenda items is a separate issue. Rule 4.07 (PUBLIC PARTICIPATION) provides that the presiding officer can decide whether to allow a member of the public to address the council on a specific agenda item. Three councilmembers could disagree and decide to allow the public to speak over a decision by the presiding officer to not allow it. Rule 4.04(e).

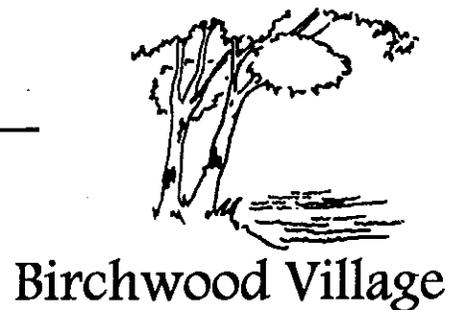
The general practice in Birchwood (and for other governmental bodies as well) is to hear from speakers who want to address a specific agenda item when it comes up, but to not receive public input after a motion is made and the council is deliberating, unless a councilmember has a question that is appropriately addressed by another person. But prior to that, when the council wants to hear the arguments and information related to the merits of the matter, the better practice is to give interested persons the opportunity to express their concerns and interests. It would be unfortunate, for example, to tell a person applying for a variance, or a neighbor objecting to a variance, that he or she will not be permitted to speak. The council can't go wrong by allowing the public to speak.

I urge the council to continue to schedule the Open Public Forum time for early on in its agendas. Thank you.

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Kayak Rack Enforcement



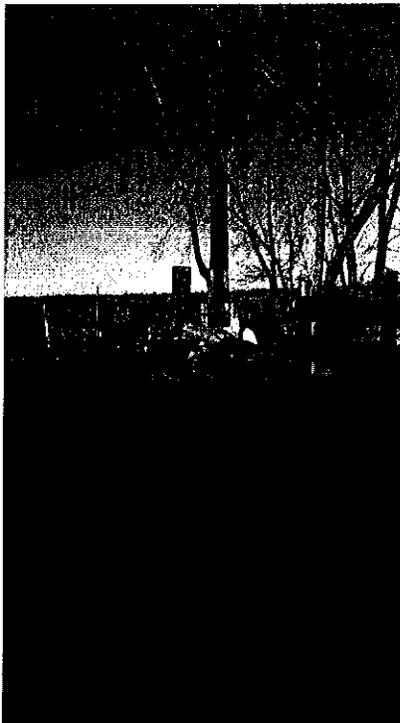
Dear Mayor and Council Members,

The City received several complaints last Friday, March 31, 2017, about kayaks and canoes already being placed on the kayak/canoe racks before the April 1 opening.

Unfortunately, although the City has established use of the racks from April 1 to Oct 31 each year, the only place this time frame was published was on the City website.

Staff plans to redo the kayak/canoe rack procedure to prevent this from happening again. One of the steps staff is considering is to create a paper application for the racks that state the set time frames and penalties for violating the rules.

Councilmember LaFoy asked staff to include in this memo the following pictures that residents took at Dellwood Easement on March 31:



Thanks!

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Cable Commission Resignation



Birchwood Village

Dear Mayor and Council Members,

Staff has been informed that resident Shirley Donovan has resigned as Alternate Director of the Ramsey / Washington Counties Cable Commission (hereafter Cable Commission).

Staff requests Council approve publishing the vacancy and begin considering possible appointments accordingly.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Tighe-Schmitz Park – Water Main Clean Up



Birchwood Village

Dear Mayor and Council Members,

During the March 30, 2017 Special Council Meeting, Council discussed several issues regarding Tighe-Schmitz Park. Among the discussions, Council deliberated over how to handle the cleanup of the water main break soil that was placed in the Park this past winter season and how to drain the water from Lake Ave in front of the warming house.

Council decided to hire a contractor to smooth out the soil from the water main breaks, remove the rocks, add black dirt, and replant grass. Council further decided to abandon the pathway through that section of the park for now.

Council also decided to hire a contractor to cut an access through the burm between the warming house parking lot and the pleasure ice rink to allow the water on Lake Ave to drain into the field.

These were merely temporary solutions as the Council decided to postpone permanent projects until after the Parks Committee is re-staffed and has determined, through a survey, what the future use will be of Tighe-Schmitz Park.

Attached is a quote from KEJ for smoothing the soil out, adding black dirt, and planting grass.

Staff has also been asked to obtain a quote from resident Steve Dean to cut an access in the burm. This quote is not yet available so is not included in this packet but staff hopes to provide this quote at the April Council meeting.

Staff requests Council discuss the quotes and guide staff accordingly.

Thanks!

Regards,
Tobin Lay

PROPOSAL

KEJ Enterprises

611 Florence Ave
Mahtomedi, Minn 55115
651-775-0843

TO:

City Of Birchwood

207 Birchwood Ave
Birchwood, MN 55110
(651) 426-3403

We hereby submit specifications and estimates for;

Repairing damage to park from watermain break debris dumping.

Grade dirt, pick-up rocks, get black dirt and grade. Place grass seed down.

Total \$635.00

Payment to be made as follows;

Billed at the end of month, payment due by 15th of month

Acceptance of Proposal:

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Signature _____

Date _____

MEMORANDUM

DATE: April 11, 2017

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Consumer Confidence Report



Birchwood Village

Dear Mayor and Council Members,

The City has received the current Consumer Confidence Report from the Minnesota Department of Health regarding the makeup of the City water supply (attached).

The City is required to distribute this report to all of its residents through one or more of the following methods:

- Published in the Newspaper in its entirety
- Mailed to all customers
- Mailed notice to all customers with direct link to the report online
- Email all customers the direct link to the report

Staff plans to post the report to the City website and requests approval to include the report in the next City Newsletter but requests Council's guidance in selecting one or more of the above four (4) options.

Thanks!

Regards,
Tobin Lay



ACTION REQUIRED

DATE: April 1, 2017

TO: Birchwood, PWSID 1820003

FROM: Karla R. Peterson, Supervisor
Community Public Water Supply Unit
Drinking Water Protection Section

SUBJECT: Consumer Confidence Report – Distribution Requirements

All community water systems must distribute a drinking water report known as a Consumer Confidence Report (CCR) annually to their customers before July 1, 2017.

Your system may reformat the CCR and/or add additional information about your water system (treatment processes, upgrades planned, etc.) however, that is not necessary. The CCR that we have provided will satisfy the requirements. If you choose to reformat the CCR, all the information in the Minnesota Department of Health (MDH) CCR must be included in your newly reformatted CCR.

You must add your phone number to the grey shaded area on Page 1 so customers can call with questions or request additional information. There may be other grey shaded areas in your CCR – it is your responsibility to fill in those areas with accurate information.

Distribution:

The requirements to distribute your CCR are determined by population. The population served by your water supply is 880. The option(s) on how to distribute your CCR are listed on the enclosed Certification Form. Please indicate what option(s) you chose on the Certification Form. The Certification Form is to be returned to MDH, along with a copy of the CCR that was distributed to your customers. Even if you are distributing the MDH CCR, you must fill in the grey shaded area(s) and return a copy of the CCR and the completed Certification Form to MDH by July 1, 2017.

You are required to keep a copy of the CCR for at least three years. **Failure to produce and distribute a CCR as required—as well as failure to submit a copy of the CCR and the Certification Form to MDH by July 1, 2017—may result in enforcement actions, including fines.**

KRP:bs
Enclosure



2017 CERTIFICATION FORM

Name of System: Birchwood

PWSID: 1820003

The information in the attached Consumer Confidence Report (CCR) is accurate and has been distributed to customers served by our water supply in the following manner. You must check at least one option, however check ALL that apply:

Published the **entire** CCR in one or more local community newspapers with a comment that the CCR is not being directly mailed to all customers but that a copy is available upon request (provided a phone number for customers to call and request a copy of the CCR). Return a copy or newspaper clipping of the CCR to MDH. List newspaper(s) and date(s) of publication:

Paper copy individually mailed to all customers.

Mailed notification (postcard, newsletter, etc.) that CCR is available via direct URL. You MUST provide a direct link to your system's CCR (i.e. www.minneapolismn.gov/www/groups/public/@publicworks/documents/webcontent/wcms1p-125811.pdf) and give the option for the customer to request a paper copy. You can also provide other links to the CCR (i.e. www.minneapolismn.gov) beyond the required direct link.

Direct URL _____

Emailed a direct URL to CCR for bill-paying customers; emailed the CCR as a file attachment (PDF) or directly inserted CCR into the body of the email message. URL _____

Options should include how a paper copy of the CCR can be obtained if one is not provided.

Efforts must be made to reach customers who do not receive water bills, (such as apartment tenants, nursing home residents, etc.). This can be done by publicizing the availability of the CCR in the media, posting in public places, delivering multiple copies of the CCR for distribution by single-biller customers, delivering CCR to community organizations, posting on the internet, and/or including within the CCR a request for recipients to share information with non-billing customers.

COMPLETE THE FOLLOWING:

Signature: _____ Print Name: _____

Job Title: _____ Phone: _____ Date: _____

Email address: _____

Please print clearly

PLEASE NOTE: Although MDH sent a CCR to your system, we need a "final" copy of the CCR that your system distributed for our records. Whether you reformatted the CCR, or simply added a phone number for your system on the CCR, you must return a copy of the CCR and this form to MDH.

Return this form and a copy of the CCR or newspaper clipping of the CCR, **by July 1, 2017.**

Mailing Address:

Minnesota Department of Health
c/o Ms. Nancy Kadrlík
Drinking Water Protection Section
P. O. Box 64975
St. Paul, Minnesota 55164-0975

Fax: 651/201-4701

Email: health.drinkingwateradvisory@state.mn.us

RETURN A COPY OF YOUR CCR AND THIS FORM TO MDH

CONSUMER CONFIDENCE REPORT

PWSID: 1820003

City of Birchwood 2016 Drinking Water Report

The City of Birchwood is issuing the results of monitoring done on its drinking water for the period from January 1 to December 31, 2016. The purpose of this report is to advance consumers' understanding of drinking water and heighten awareness of the need to protect precious water resources.

Source of Water

The City of Birchwood provides drinking water to its residents from a groundwater source: purchased treated water from the City of White Bear Lake which obtains its water from wells in the Jordan, Wonewoc-Mt.Simon, and Prairie Du Chien-Jordan aquifers.

The Minnesota Department of Health has made a determination as to how vulnerable our systems' source(s) of water may be to future contamination incidents. If you wish to obtain the entire source water assessment regarding your drinking water, please call 651-201-4700 or 1-800-818-9318 (and press 5) during normal business hours. Also, you can view it on line at www.health.state.mn.us/divs/eh/water/swp/swa.

Call if you have questions about the City of Birchwood drinking water or would like information about opportunities for public participation in decisions that may affect the quality of the water.

Results of Monitoring

No contaminants were detected at levels that violated federal drinking water standards. However, some contaminants were detected in trace amounts that were below legal limits. The table that follows shows the contaminants that were detected in trace amounts last year. (Some contaminants are sampled less frequently than once a year; as a result, not all contaminants were sampled for in 2016. If any of these contaminants were detected the last time they were sampled for, they are included in the table along with the date that the detection occurred.)

Key to abbreviations:

MCLG—Maximum Contaminant Level Goal: The level of a contaminant in drinking water below which there is no known or expected risk to health. MCLGs allow for a margin of safety.

MCL—Maximum Contaminant Level: The highest level of a contaminant that is allowed in drinking water. MCLs are set as close to the MCLGs as feasible using the best available treatment technology.

MRDL—Maximum Residual Disinfectant Level.

MRDLG—Maximum Residual Disinfectant Level Goal.

AL—Action Level: The concentration of a contaminant which, if exceeded, triggers treatment or other requirement which a water system must follow.

90th Percentile Level—This is the value obtained after disregarding 10 percent of the samples taken that had the highest levels. (For example, in a situation in which 10 samples were taken, the 90th percentile level is determined by disregarding the highest result, which represents 10 percent of the samples.) Note: In situations

CONSUMER CONFIDENCE REPORT

PWSID: 1820003

in which only 5 samples are taken, the average of the two with the highest levels is taken to determine the 90th percentile level.

ppm—Parts per million, which can also be expressed as milligrams per liter (mg/l).

ppb—Parts per billion, which can also be expressed as micrograms per liter (µg/l).

N/A—Not Applicable (does not apply).

Contaminant (units)	MCLG	MCL	Level Found		Typical Source of Contaminant
			Range (2016)	Average /Result*	
Fluoride (ppm)	4	4	.89-1.1	.99	State of Minnesota requires all municipal water systems to add fluoride to the drinking water to promote strong teeth; Erosion of natural deposits; Discharge from fertilizer and aluminum factories.
Nitrate (as Nitrogen) (ppm)	10.4	10.4	N/A	.21	Runoff from fertilizer use; Leaching from septic tanks, sewage; Erosion of natural deposits.
TTHM (Total trihalomethanes) (ppb)	0	80	N/A	8	By-product of drinking water disinfection.

*This is the value used to determine compliance with federal standards. It sometimes is the highest value detected and sometimes is an average of all the detected values. If it is an average, it may contain sampling results from the previous year.

Contaminant (units)	MRDLG	MRDL	****	*****	Typical Source of Contaminant
Chlorine (ppm)	4	4	.01-.22	.11	Water additive used to control microbes.

****Highest and Lowest Monthly Average.

*****Highest Quarterly Average.

Contaminant (units)	MCLG	AL	90% Level	# sites over AL	Typical Source of Contaminant
Copper (ppm)	1.3	1.3	.15	0 out of 10	Corrosion of household plumbing systems; Erosion of natural deposits.
Lead (ppb)	0	15	1.5	0 out of 10	Corrosion of household plumbing systems; Erosion of natural deposits.

If present, elevated levels of lead can cause serious health problems, especially for pregnant women and young children. Lead in drinking water is primarily from materials and components associated with service lines and home plumbing. City of Birchwood is responsible for providing high quality drinking water, but cannot control the variety of materials used in plumbing components. When your water has been sitting for several hours, you can minimize the potential for lead exposure by flushing your tap for 30 seconds to 2 minutes before using

CONSUMER CONFIDENCE REPORT

PWSID: 1820003

water for drinking or cooking. If you are concerned about lead in your water, you may wish to have your water tested. Information on lead in drinking water, testing methods, and steps you can take to minimize exposure is available from the Safe Drinking Water Hotline or at <http://www.epa.gov/safewater/lead>.

Monitoring may have been done for additional contaminants that do not have MCLs established for them and are not required to be monitored under the Safe Drinking Water Act. Results may be available by calling 651-201-4700 or 1-800-818-9318 during normal business hours.

Compliance with National Primary Drinking Water Regulations

The sources of drinking water (both tap water and bottled water) include rivers, lakes, streams, ponds, reservoirs, springs, and wells. As water travels over the surface of the land or through the ground, it dissolves naturally-occurring minerals and, in some cases, radioactive material, and can pick up substances resulting from the presence of animals or from human activity.

Contaminants that may be present in source water include:

Microbial contaminants, such as viruses and bacteria, which may come from sewage treatment plants, septic systems, agricultural livestock operations, and wildlife.

Inorganic contaminants, such as salts and metals, which can be naturally-occurring or result from urban stormwater runoff, industrial or domestic wastewater discharges, oil and gas production, mining, or farming.

Pesticides and herbicides, which may come from a variety of sources such as agriculture, urban stormwater runoff, and residential uses.

Organic chemical contaminants, including synthetic and volatile organic chemicals, which are by-products of industrial processes and petroleum production, and can also come from gas stations, urban stormwater runoff, and septic systems.

Radioactive contaminants, which can be naturally-occurring or be the result of oil and gas production and mining activities.

In order to ensure that tap water is safe to drink, the U. S. Environmental Protection Agency (EPA) prescribes regulations which limit the amount of certain contaminants in water provided by public water systems. Food and Drug Administration regulations establish limits for contaminants in bottled water which must provide the same protection for public health.

Drinking water, including bottled water, may reasonably be expected to contain at least small amounts of some contaminants. The presence of contaminants does not necessarily indicate that water poses a health risk. More information about contaminants and potential health effects can be obtained by calling the Environmental Protection Agency's Safe Drinking Water Hotline at 1-800-426-4791.

Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline at 1-800-426-4791.

Helpful Tips about CCR Delivery Options

1. Retrieve draft CCR template (after April 1) at:
 - www.health.state.mn.us/ccr
 - User ID (case sensitive): commccr
 - Password (case sensitive): CCRDraft!
 - Retrieve, modify/revise, print/web-post, and deliver!
 - Cannot access internet? Contact MDH to mail/email you the draft CCR template
2. Complete CCR delivery by July 1 of each year
3. Submit copy of CCR that was delivered and certification form to MDH
4. CCR delivery methods for bill-Paying Customers:
 - Mail/door-to-door deliver/post notice for request – Paper copy CCR
 - Electronic delivery - Paper CCR should be made available upon request
 - ✓ Mail – Notification that CCR is available on website via a **Direct URL**
 - ✓ Email – **Direct URL** to CCR
 - ✓ Email – CCR sent as a file attachment
 - ✓ Email – CCR embedded in the email message
 - ✓ Additional electronic delivery that satisfies “**direct delivery**”
 - Efforts must be made to reach customers who do not receive a water bill

Allowable CCR Delivery Methods

Method Description

Mail/direct deliver/post notice for request – paper copy CCR	CWS mails/door-to-door delivers a paper copy CCR (or CCR published in local paper) to each customer served by CWS.
Mail – notification that CCR is available on website	CWS mails to each customer a notification that the CCR is available and provides a direct URL to the CCR where it can be viewed. A URL that navigates to a webpage that requires a customer to search for the CCR does not meet the ‘directly deliver’ requirement. The mail method for the notification may be, but is not limited to, a postcard, water bill insert, statement on the water bill or community newsletter.
Email – direct URL to CCR	CWS emails a direct URL to the CCR on a publicly available site on the Internet. A URL that navigates to a webpage that requires a customer to search for the CCR does not meet the ‘directly deliver’ requirement.
Email – CCR sent as an attachment to the email	CWS emails the CCR as an electronic file email attachment (e.g., portable document format (PDF)).
Email – CCR sent as an embedded image in an email	CWS emails the CCR text and tables inserted into the body of an email (not as an attachment).

MDH CCR Rule Contacts:

Lih-in Rezanian: 651-201-4661 or lih-in.rezanian@state.mn.us

Cindy Swanson: 651-201-4656 or cindy.swanson@state.mn.us