



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
April 9, 2019
7:00 P.M.

NOTE: Due to Open Meeting Law restrictions, the City Council may be discussing agenda items for the first time. Your patience and understanding is appreciated during this process.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Open Committee Seats: Utilities; City Hall Improvements; Planning Commission
- B. Community Club Yoga Class – Tuesdays 5-6pm at City Hall
- C. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 3)
- B. BDA Boat Slip Update* (p. 5)
- C. Roads Committee Meeting Minutes* (pp. 7-8)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from March 12, 2019* (pp. 9-14)
- B. Approve Special Meeting Minutes from March 25, 2019* (p. 15)
- C. Approve WBL Fireworks Fund Donation - \$200 (same as previous years)* (p. 17)
- D. Approve Treasurer's Report* (pp. 19-30)

CITY BUSINESS – REGULAR AGENDA

- A. City Engineer Report
 - a. Storm Runoff Feasibility Study (Lake Ave)
 - b. Birchwood Lane Lift Station Update

Time Budget: 30 Minutes
- B. Third Reading Special Assessment Policy* (pp. 31-50)
 - a. Public Hearing
 - b. Council Deliberation and Approval

* Denotes items that have supporting documentation provided

Time Budget: 30 Minutes

- C. First Reading Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow)* (pp.) 51-64
 - a. Public Hearing
 - b. Council Deliberation and Approval
 - c. Approve Summary Publication

Time Budget: 20 Minutes

- D. Third Reading Ordinance 2019-01-01, Easement Usage* (pp.) 65-71
 - a. Council Deliberation and Approval
 - b. Approve Summary Publication

Time Budget: 10 Minutes

- E. Parks Committee Recommendations* (pp.) 73-76
 - a. City Cleanup Day
 - b. Hockey Rink Upgrades (Pickleball & LED lighting)
 - c. Buoys
 - d. Managing Deer Population

Time Budget: 10 Minutes

- F. Appoint Commission/Committee Seats* (pp.) 77
 - a. City Hall Improvements Committee

Time Budget: 10 Minutes

- G. Planning Commission Recommendations
 - a. Ordinance 2019-03-02, Undersized Lots (302.015)* (pp.) 79-82

Time Budget: 10 Minutes

- H. Music in the Park (LaFoy)* (pp.) 83
 - a. Council Deliberation

Time Budget: 5 Minutes

- I. Sec 615 Exterior Storage Amendments (Aakre)* (pp.) 85-87
 - a. Council Deliberation

Time Budget: 10 Minutes

- J. Council Member Reports:
 - a. Mayor Wingfield

- i. 11% property valuation increase

Time Budget: 2 Minutes

- b. Councilmember LaFoy

- i. Letter supporting state aid bill H.F. 2031* (pp.) 89-90

Time Budget: 5 Minutes

- K. City Administrator's Report

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

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

Dear Mayor & City Council Members:

Below is a reporting of all law enforcement citations for March 2019.

Citations for: Birchwood

3/1/2019 To 3/31/2019

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSD	3/22/2019	820022908101	WC1299	A. Palmer	Citation		0 BIRCHWOOD AVE				Birchwood	CRIM-CRIMINAL DAMAGE TO PROPERTY - 4TH DEGREE	609.595.3

NO INCIDENT REPORT PROVIDED

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: BDA Boat Slip Update

Hello Mayor and Council Members,

Per Section 617, the Birchwood Dock Association (BDA) has paid in full for 19 assigned boat slips for the 2019 boating season. Payment was made and received by the City prior to the April 1st deadline.

Birchwood currently offers 23 boat slips on our Lake Tracts. Four (4) boat slips remain available for the 2019 boating season; one (1) slip at Ash and three (3) slips at Dellwood.

The current boat slip waiting list consists of 12 Birchwood residents. Everyone on the waiting list has been offered a boat slip for the 2019 boating season.

Thanks!

Regards,
Tobin Lay
City Administrator

ROADS COMMITTEE MINUTES

**Birchwood Village
Roads and Streets Committee Minutes - Draft
April 1st, 2019 - 6:30 PM
Village Hall**

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

Also present: Mike Brooks, Lake Links Co-Chair

1. Call to order
2. Additions to agenda
3. Public Comments: No one present
4. Report on Lake Links: Mike Brooks, Lake Links Co-Chair spoke
 - a. \$1.4 million for connection between Birchwood Village and Mahtomedi
 - i. WSB created different ideas(found on lakelinks.net)
 - ii. 8-10 foot trail on lake side. Reduce traffic lanes to 10 feet, reduce speed limit to 25 mph. Could had simple wooden fence between trail and marsh if needed. Surmountable curb to allow people on bikes to pass and allow turtles to cross the road
 - iii. Two open house meetings presented Feb 7th and March 7th in Mahtomedi with no concern
 - iv. Residents can contact Mahtomedi City Council through April, 2019 to voice concerns, suggestions
 - v. Late Summer/Fall 2019 or Spring 2020 construction planned
 - vi. Assessments could be given to Mahtomedi residents to improve long standing sewer/utilities at that time
 - vii. Mahtomedi would like to pave 50 feet into Birchwood Village
 - b. House Bill was distributed: HF1326 and HF874 \$120,000 to Birchwood Village for right of way for Hall Ave. \$3.2 million Hwy 96 south to Dwinell. \$380,000 for Hwy 96
5. Review possible funding of Lake Ave. repairs
 - a. Suggestion to budget for street repair through general revenue Gene motions, Ben seconds, passes
6. Check peeling of asphalt on Oakridge: Tobin and Gene will look morning April 2nd
7. Report by John Anderson on DOT -- How to evaluate the aging of asphalt
 - a. Committee members to review page 7 of Long Term Plan for Birchwood Roads of road repair schedule (Attached)

Motion to adjourn: 7:42pm

Next meeting: May 6th, 2019 at 6:30pm

LONG TERM PLAN FOR BIRCHWOOD ROADS

To maximize the life of our roads in Birchwood and reduce the costs to maintain those roads the Committee has outlined the following maintenance schedule. It is important to note that much of the repair work has been done over the last five years and now the City begins the maintenance segment of the plan. The Committee recommends that the roads be split into two groups, each with about half of the total roadway. Birchwood has approximately 4.2 miles of paved roadway. Cedar Street / Hall Avenue through the City and Wildwood Avenue from County Line Road to Cedar Street total approximately half of the paved roads...about 2.1 miles. These higher volume roads will make up Group 'A', while the remainder of the streets in the City will form Group 'B'. The roads are repaired to a point now where annual crack sealing and/or milling and filling of cracks is lessening each year. Of course, with Minnesota's wide range of temperatures the roads will always develop some cracks, but these should become fewer each year. Currently the City is taxing residents uniformly for general road maintenance and it is the Committees hope that through proper maintenance the City will never need to assess residents for major repairs as the maintenance should keep the roads in good shape. Annual cost for crack sealing is approximately \$11,400.00. This covers Sweeping (twice annually), crack filling and curb repair. The Committee believes this cost should remain the same if proper maintenance is done. The Chip sealing is at an additional cost and makes up the remainder of the annual Road Repair budget and the Roads Committees efforts should reduce that annually as follows:

Road Group 'A' - Cedar /Hall and Wildwood: The committee recommends annual crack sealing and Mill/Fill as needed each calendar year in the spring to put these roads back in shape for another year. As these are higher volume roads, they have been chip sealed every three (3) years for two cycles now and so can now lengthen that span to chip sealing every five (5) years to maintain durability and flexibility. Road Group 'A' is scheduled for chip sealing this year (2017) and will be sealed again in 2022 and every five years after that. In addition, the Committee will continue to research options to further reduce traffic volumes, which will drive future costs down even more.

Road Group 'B' – This is made up of the full remainder of the streets and roads within Birchwood and also comprises approximately 2.1 miles of roadway. The Committee also recommends annual crack sealing and Mill/Fill as needed each calendar year in the spring to put these roads back in shape for another year. As these are lower volume roads, they have been chipsealed now for two cycles BUT will be put on a longer schedule as their chip sealed surface is expected to last quite a bit longer due to much less traffic. The Committee recommends Chip sealing these 2.1 miles of roads every seven to nine (7-9) years as needed to maintain durability and flexibility.

The Committee also will log the history of such road repairs and maintenance as well as costs for future estimation and these records will be kept for future planning.

Currently, annual sealing and repairs are handled through contracts with Schifsky Paving of North St. Paul, MN. and the seal coating/chip sealing by Pearson Bros. Inc. of Hanover MN. Both have proven to give Birchwood good value and decent results so unless better options arise the Committee will continue to recommend their use for our roads in Birchwood. In addition we will continue to monitor the conditions of all the roadways in Birchwood and as specific problems arise they will be dealt with as needed. It is the hope of the Committee that the standardized and fair tax fund currently in use will continue to serve our City as needed for all road repairs now and into the future.

**CITY COUNCIL MINUTES
MARCH 12, 2019**

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
MARCH 12, 2019**

MINUTES

Members Present: Mayor Mary Wingfield and Council Members Randy LaFoy, Kevin Woolstencroft, John Fleck and Jessi Aakre.

Staff Present: City Administrator Tobin Lay and City Attorney Alan Kantrud.

Others Present: Barton Winter, John McCormick, Justin McCarthy, Jessa McCarthy, Michael Kramer, Jerry Carlson, Jackie Jarosz and Judy Duffy.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 7:00 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

Councilmember LaFoy: Requested that Item E precedes Item A on the agenda.

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

OPEN PUBLIC FORUM

Barton Winter (1 Five Oak Lane): Provided Council with information and recommendations on ice rink improvements.

Mayor and Council Members: Thanked Mr. Winter for his information.

John McCormick (110 Birchwood Ave): Stated the southern half of Ash Pathway in the Comprehensive Plan shows it exists. It is a proposed trail. Asked Council to correct item before Plan is adopted. Stated maintenance along trails is critical and cited dog waste as example.

Mayor Wingfield: Assured Mr. McCormick Comp Plan is to be visited in tonight's meeting and thanked him for his input.

ANNOUNCEMENTS

- A. Street Snow Removal comments should be sent to: info@cityofbirchwood.com
- B. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. BDA Boat Slip Update

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from February 12, 2019
- B. Approve Treasurer's Report

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

CITY BUSINESS – REGULAR AGENDA

A. Second Reading – Special Assessment Policy

Mayor Wingfield: Provided background and status on Special Assessment Policy. Emphasized goal of policy is fairness.

a. Public Hearing

Justin McCarthy (515 Lake Ave): Concerned about lack of information on special assessments related to proposed Lake Avenue project. Asked for more frequent communication on the project's status and how it will be assessed.

Mayor Wingfield: Stated project plan is not resolved and will be revisited, providing ample time for more communication.

Mike Kramer (471 Lake Ave): Stated concern about assessment inconsistencies. Requested involvement in the process.

Mayor and Council Members: Agreed more public feedback will be sought.

Jerry Carlson (409 Lake Ave): Stated language too open to interpretation. Opined that the quality of the last Lake Ave road improvements was poor and suggested the entire road be redone instead of only mill and overlay.

Mayor Wingfield: Stated last assessment was 1999 and noted Mr. Carlson's road improvement project quality concerns.

Jessa McCarthy (515 Lake Ave): Read aloud letters from Chris and Natalie Olson, Tony and Christina Demars and Megan and Michael Malvey questioning changes to language and requesting input moving forward on Lake Ave project.

Judy Duffy (505 Lake Ave): Argued Lake Avenue's proximity to Tighe-Schmitz Park means assessment should occur citywide at least in part. Argued homeowners should be assessed only what demonstrably improves property value.

b. Council Deliberation and Approval

Mayor Wingfield: MNDOT reviewed the area and opined improvements are necessary. Stated assessments are governed by statute and what still needs to be resolved is an assessment formula in the policy.

Mayor and Council Members: Discussed language related to statute and generating a formula for project assessments.

Councilmember Woolstencroft: Highlighted examples of past assessment issues/problems and assured residents purpose for special assessment policy change is to prevent issues and inconsistency.

Mayor, Council and Attorney Kantrud: Discussed how other cities pay for road projects as well as state statutes in relation to assessments and the city's needs in particular. Determined impact on property value is what largely structures assessment amount and code was repealed because it conflicted with state law. The city is now fully compliant with state law and an Assessment Policy can give this council and future council's continuity and clarity.

Mayor Wingfield: Asked Attorney Kantrud if the determinations of council are correct and that the policy is acceptable.

Attorney Kantrud: Answered that the policy presented is acceptable.

Mayor and Attorney Kantrud: Clarified feasibility study, valuations, consultation and project costs and status. Discussed and summarized the topic of special assessment policies.

Mayor Wingfield: As an alternative, suggested funds may be drawn from city budget so all residents would pay a flat percentage. This would allow for city roadwork to occur without resident assessment. The purpose for policy change is transparency.

Mayor and Council and Attorney Kantrud: Discussed feasibility study, process and next steps.

Mayor and Council Members: Authorize City Engineer Thatcher and City Attorney Kantrud work together and obtain a real estate evaluation to determine any potential property benefit and project details to council by next meeting if possible.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE CITY ENGINEER THATCHER TO WORK WITH TA SCHIFSKY & SONS TO CONSTRUCT A MAP AS A BASIS FOR

THE PROPOSED LAKE AVENUE FEASIBILITY STUDY AND AUTHORIZE A FEASIBILITY STUDY WITH PROPERTY VALUE IMPACT INFORMATION DUE APRIL 2019. ALL AYES. MOTION PASSED.

B. 2040 Comprehensive Plan (Comp Plan)

Administrator Lay: Provided background and status of 2040 Comp Plan. Stated committee and council member feedback has been gathered and changes, like adding sections, must be done now and small changes may later occur.

a. Council Deliberation

Mayor, Council, Administrator Lay and Attorney Kantrud: Discussed language changes and edit process.

Administrator Lay: Assured proposed Ash Pathway noted by Mr. McCormick would be labeled as such. Addressed Councilmember LaFoy's concern about city's ability to control housing measures – referred to implementation tools listed in Table 3-5.

Mayor, Council and Administrator Lay: Discussed the 2040 Comprehensive Plan at length.

Mayor and Council Members: Decided language changes would be made via individual council member and committee comments will be compiled and arranged by Administrator Lay. Resident input and feedback for proposed 2040 Comp Plan approved and filtered through each council member's corrections and additions in redline form. Decided to hold a special meeting to review changes and approve submission to Met Council. Decided public hearing will remain open and be closed upon conclusion of the special meeting. Discussed scheduling and process for the special meeting.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO CALL A SPECIAL MEETING TO REVIEW AND APPROVE LANGUAGE CHANGES TO THE 2040 COMPREHENSIVE PLAN WITH THREE DAYS PRIOR PUBLIC NOTICE, TO BE SET NO LATER THAN MARCH 26, 2019. ALL AYES. MOTION PASSED.

C. Third Reading – Ordinance 2019-01-02, Animals

a. Public Hearing

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

b. Council Deliberation and Approval

Mayor Wingfield: Stated only a few corrections needed to be made. Highlighted one example.

Administrator Lay: Noted example. Also reminded Council that the definition of "quarantine" is still required.

Mayor, Council, Administrator Lay and Attorney Kantrud: Discussed the definition of "quarantine".

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY TEN MINUTES. ALL AYES. MOTION PASSED.

Mayor, Council, Administrator Lay and Attorney Kantrud: Continued discussion of "quarantine" definition.

Mayor and Council Members: Agreed upon language changes as discussed to definition of "quarantine".

Mayor, Council, Administrator Lay and Attorney Kantrud: Reviewed all remaining language changes to Ordinance 2019-01-02, Animals in detail. Discussed enforcement, legal process and impact on city animal control.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE ORDINANCE 2019-01-02, ANIMALS AS AMENDED. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE PUBLICATION BY SUMMARY OF ORDINANCE 2019-07. ALL AYES. MOTION PASSED.

D. Third Reading – Ordinance 2019-01-01, Easement Usage

a. Public Hearing

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED.

b. Council Deliberation and Approval

Administrator Lay: Summarized status and background of Ordinance 2019-01-01, Easement Usage.

Mayor and Council Members: Discussed recommended changes. Decided the topic will be tabled and revisited in April.

E. First Reading – Road Escrow / Bond Requirement

Mayor, Council, Administrator Lay and Attorney Kantrud: Discussed Road Escrows / Bond Requirement language, code placement, triggers to indicate escrows and if escrows should be at the building inspector's discretion.

Mayor and Council Members: Tabled until April. Directed Administrator Lay to format the proposed language and fill in any blanks.

F. Lake Avenue Feasibility Report

a. Council Deliberation and Approval

Mayor and Council Members: Discussed in special assessment policy portion earlier in the meeting. Council authorized Attorney Kantrud and Engineer Thatcher to work together to prepare feasibility and valuation study.

G. Rescind Section 805.050 & 805.060

a. Council Deliberation

Mayor Wingfield: Summarized item stating that sections are redundant. Requested council input.

Mayor and Council Members: Decided to table item to April with a review and recommendations from Attorney Kantrud.

H. Parks Committee Recommendations

a. Birchwood Cleanup Day – April 27, 2019

Administrator Lay: Summarized Parks Committee recommendations. Stated cleanup day coincides with Earth Day. Parks Committee seeks approval and a few small supplies such as garbage bags and use of dumpsters to host event.

Mayor and Council Members: Decided more information would be appreciated. Requested Parks use new template for this event proposal and item will be discussed in April.

b. Park Improvement Plan

Mayor and Council Members: Decided to table the Park Improvement Plan to May.

c. Music in the Park (MIP)

Administrator Lay: Stated the Parks Committee recommends a MIP committee be formed to oversee MIP.

Mayor and Council Members: Decided to have City staff manage 2019 MIP as was done in 2018.

I. Managing Deer Population

a. Council Deliberation and Approval

Councilmember Aakre: Advised Council of recent concerns received by herself and City staff regarding deer population in city limits. Concerns now include the introduction of predators (foxes and coyotes/wolves). Requested direction on assembling a committee or task force. The issue continues to arise.

Mayor, Council and Administrator Lay: Discussed the issues and costs of deer population management. Hitting deer with vehicles, the increase in population and aggressive behavior in rutting season are concerns.

Mayor and Council Members: Decided a campaign to educate and gather more public feedback should occur before item is visited in an official capacity.

Administrator Lay: Recommended a task force or committee handle topic.

Mayor and Council Members: Requested Administrator Lay contact Parks Committee for feedback/recommendation and to spearhead education and gather public feedback. Parks Committee designated as the body to oversee this issue.

J. Appoint Commission/Committee Seats

- a. Suburban Cable Commission (SCC)

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO REAPPOINT RANDY LAFOY AS SCC DIRECTOR FOR THE CITY OF BIRCHWOOD VILLAGE FOR FOUR YEARS. MAYOR WINGFIELD VOTED AYE. COUNCILMEMBER AAKRE VOTED AYE. COUNCILMEMBER FLECK VOTED AYE. COUNCILMEMBER WOOLSTENCROFT VOTED AYE. COUNCILMEMBER LAFOY ABSTAINED. MOTION PASSED.

- b. White Bear Lake Conservation District (WBLCD)

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO REAPPOINT SUZIE MAHONEY AS WBLCD REPRESENTATIVE FOR THE CITY OF BIRCHWOOD VILLAGE FOR A THREE YEAR TERM. ALL AYES. MOTION PASSED.

- c. Water / Utility Committee

Mayor and Council Members: Discussed committee membership. Decided one more person be seated for the committee.

K. Planning Commission Vacancy

- a. Discuss Doug Danks Resignation

Mayor, Council and Administrator Lay: Discussed resignation and seat replacement.

- b. Approve Posting Vacancy Notice & Accept Letters of Interest

Mayor and Council Members: Decided to post for vacant position with an application due date of May 1, 2019.

L. WBL Buoys

- a. Council Deliberation and Approval

Mayor Wingfield: Recommended the City consider placing buoys for resident's use. Asked that the Parks Committee make a recommendation on which Lake Tract should be used.

Mayor, Council and Administrator Lay: Discussed access, logistics where and if there is space or public interest.

Mayor and Council Members: Requested Administrator Lay to return in April with Park Committee recommendation.

M. Council Member Reports

- a. Mayor Wingfield
 - i. City Hall Analog Phone

Mayor Wingfield: Stated city pays monthly analog phone line fees for a fax machine and its use is two times every other year. Cost is \$600 per year. Informed council three-year contract renews in July. Asked council for input.

Mayor and Council Members: Discussed methods to convey election information in order to avoid paying an otherwise unused phone line. Determined Mayor Wingfield should request County Commissioner look into this issue.

ii. Hockey Rink Improvements

Mayor, Council and Administrator Lay: Discussed painting and possibility of multi surfacing the ice rink for other uses.

Mayor and Council Members: Requested Parks Committee provide recommendation on multi surfacing the rink – ice hockey during the winter and pickle ball during non-winter months. Provide recommendation by May city council meeting.

Administrator Lay: Updated council on rink lighting status. Recommended looking into upgrading to LED lighting. Distinguished between using LED bulbs and LED fixtures – LED fixtures have a higher upfront replacement cost, but offer a better long-term return.

Mayor, Council, Administrator Lay and Barton Winter (1 Five Oaks Lane): Discussed hockey rink improvements.

Mayor and Council Members: Directed Administrator Lay obtain two to three lighting bids by June. Suggested Mr. Winter work with Administrator Lay. City staff to repaint north end boards as well as attend to minor maintenance items as determined by Administrator Lay.

b. Councilmember LaFoy

i. SCC Update

Councilmember LaFoy: Updated Council that negotiations will be extended another six months and added to next months consent agenda. Thanked Council and residents for supporting him in his role as SCC Representative.

N. City Administrator’s Report

a. League of Minnesota Cities (LMC) Safety & Loss Workshop – Approve Council Member Attendance

Administrator Lay: Informed Council of the upcoming LMC Workshop and requested approval to register/pay for the Mayor and any others interested in attending.

Mayor and Council Members: Approved Mayor’s attendance. A brief report upon completion is appreciated.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:35PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – City Clerk



**CITY OF BIRCHWOOD VILLAGE
SPECIAL CITY COUNCIL MEETING
MARCH 25, 2019**

Members Present: Mayor Mary Wingfield, Councilmembers Jessi Aakre, Randy LaFoy, and Jon Fleck. Councilmember Kevin Woolstencroft was absent.

Staff Present: City Administrator-City Clerk Tobin Lay.

Others Present: Bryan McGinnis.

CALL TO ORDER

Mayor Wingfield: Called the special meeting to order at 6:00 pm.

CITY BUSINESS – SPECIAL MEETING AGENDA

- A. 2040 Comprehensive Plan (Comp Plan)
 - a. Public Hearing - continued from March 12

Bryan McGinnis (194 Wildwood Ave): Expressed disappointment in turnout, recommended changes and invited questions.

Mayor and Council Members: Stated that there were no questions and thanked Mr. McGinnis for his recommendations.

- b. Council Deliberation

Mayor, Council Members and Administrator Lay: Discussed, edited and changed 2040 Comp Plan. Reviewed maps and resident input. Thanked consultant for her hard work and recognized the large project scope and labor involved in Comp Plan revisions.

- c. Approve Resolution 2019-06

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO ADOPT RESOLUTION 2019-06 INCORPORATING THE AMENDMENTS MADE DURING TONIGHT’S MEETING AND ALLOWING CITY CLERK TO INVESTIGATE AND DECIDE ON CHANGES TO FIGURE 2-3 (COLOR DESIGNATION FOR ROW LAND USE AND ZONING). ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO INCORPORATE A PROPOSED LAKE LINKS TRAIL MAP INTO THE 2040 COMP PLAN. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 7:27 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator / Clerk

White Bear Lake

4701 Highway 61 • White Bear Lake • MN 55110



Spring, 2019

City of Birchwood Village
207 Birchwood Ave
Birchwood, MN 55110

Dear Sir or Madam,

Spring and summer are just around the corner so it's time again to start planning for our annual White Bear Lake Fireworks Program. You were so gracious to donate in the past and we hope that you will be able to do so again this year.

The annual White Bear Lake Fireworks Program is totally funded by generous donations from businesses and people like you. All contributions are tax deductible. The City of White Bear Lake has established a special separate fund for us to ensure tax deductibility and auditing.

The White Bear Lake Fireworks Display is so amazing and the event has become such a community tradition in bringing our families and friends together to celebrate the 4th of July.

Thank you for your consideration in helping to make this hometown event a real success. If you have any questions, please feel free to contact either of us.

All checks are made payable to "White Bear Lake Fireworks Fund."

Sincerely,

Dick Galena
Fireworks Committee Chair

Bill Foussard
Fundraising Coordinator
651-429-5393

Committee Members

- Gene Altstatt
- Terry Fischer
- Bill Foussard
- Dick Galena
- Rick Juba
- Bill Matschke
- Kim Perkins
- Pete Carlson
- Mark Sather
- Julie Swanson
- Greg Peterson
- Frank Watson

Presenting Sponsor

JL Schwieters Building Supply Construction, Inc.

Major Sponsors

- White Bear Lake Superstore
- Iceman Industries, Inc.
- Walser Polar Chevrolet
- Walser Polar Mazda
- Anonymous

Business Sponsors

- Trade Press
- Press Publications
- Rudy's Red Eye Grill/ White Bear Country Inn

Agency Sponsors

- City of White Bear Lake
- White Bear Lake Fire Department
- Mahtomedi Fire Department
- White Bear Lake Police Department
- Ramsey County Sheriff Water Patrol

For the Period : 3/12/2019 To 4/4/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$673,485.92	\$1,572.09	\$18,312.85	\$656,745.16
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$4,040.00)	\$0.00	\$0.00	(\$4,040.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$8,252.34	\$0.00	\$0.00	\$8,252.34
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,181.54)	\$0.00	\$0.00	(\$25,181.54)
Sewer Re-hab 2008 Debt	\$25,587.91	\$0.00	\$0.00	\$25,587.91
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$28,448.75	\$0.00	\$1,655.55	\$26,793.20
Sewer	\$42,935.18	\$0.00	\$4,037.06	\$38,898.12
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$808,477.21	\$1,572.09	\$24,005.46	\$786,043.84

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/22/2019	Resident - Cash	171734599	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Leopold, Jason	171734600	Canoe/Kayak Permit x1 - Cash	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Sorenson	171734601	Canoe/Kayak Permit x1 - Cash	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Wittenberg	171734602	Canoe/Kayak Permit x2 - Cash	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Fireside Hearth & Home Retail Permi	171734603*	Building Permit	(03/22/2019) -	N	Building Permits	100-32211-	\$ 50.38
								\$ 50.38
03/22/2019	Pella Northland	171734604*	Building Permit	(03/22/2019) -	N	Building Permits	100-32211-	\$ 258.38
								\$ 258.38
03/22/2019	MN Management & Budget	171734605*	Court Fines - Feb 2019	(03/22/2019) -	N	Court Fines	100-35101-	\$ 303.33
								\$ 303.33
03/22/2019	Tobeck, David & Patricia	171734609*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Tobeck, David & Patricia	171734610*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Felt	171734611*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 40.00
								\$ 40.00
03/22/2019	Felt	171734612*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 20.00
								\$ 20.00

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/22/2019	Simmons, Mary Sue	171734613*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Klimp, Dana & Lori	171734614*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Rahkola, Urho & Pamela	171734615*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Kapsner, Susan	171734616*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Foster, Robert & Bonnie	171734617*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Cavanor, Katherine	171734618*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	White, Trilby	171734619*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Malles	171734620*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Foster, Robert & Bonnie	171734621*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Tell, Jennifer	171734622*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Steinhauser, Paul & Meryl	171734623*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
03/22/2019	Clinch III	171734624*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
03/22/2019	Howard, David & Midori	171734625*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/22/2019	Miller, Joseph & Yoshiko	171734626*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								<u>\$ 60.00</u>
03/22/2019	Nelson, Thomas & CarlyAnn	171734627*	Canoe/Kayak Permit x2	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								<u>\$ 60.00</u>
03/22/2019	Hegedus, Jozsef & Noel	171734628*	Canoe/Kayak Permit x1	(03/22/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<u>\$ 30.00</u>
Total for Selected Receipts								<u><u>\$ 1,572.09</u></u>

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<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>
03/12/2019	IRS - US Treasury	EFT031219A	Federal Taxes - Q1 2019 - February Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,652.53
	Total For Check	EFT031219A					\$ 1,652.53
03/15/2019	Payroll Period Ending 03/15/2019	30459	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
	Total For Check	30459					\$ 1,859.42
03/15/2019	PERA	EFT031519A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
	Total For Check	EFT031519A					\$ 358.06
03/28/2019	Payroll Period Ending 03/01/2019	30461	Rink Attendant - Tyler Woolstencroft	N	Parks	100-45207-100-	\$ 561.00
	Total For Check	30461					\$ 561.00
03/29/2019	Payroll Period Ending 03/29/2019	30460	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
	Total For Check	30460					\$ 1,859.42
03/29/2019	PERA	EFT032919A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
	Total For Check	EFT032919A					\$ 358.06
04/02/2019	Lay, Tobin	30462*	Reimbursement - Water Pump	N	Wtr/Swr Emergency	601-43185-810-	\$ 569.99
	Total For Check	30462					\$ 569.99
04/02/2019	League of MN Cities	30463*	Training - Tobin Lay	N	City Training and Development	100-41914-310-	\$ 20.00
	Total For Check	30463					\$ 20.00
04/02/2019	St. Cloud State University	30464*	MMCI 2019 & MCFOA 2019-2020 Memberships	N	City Training and Development	100-41914-310-	\$ 445.00
	Total For Check	30464					\$ 445.00
04/02/2019	GTS Educational Events	30465*	Training - MCMA Annual Conference - Tobin Lay	N	City Training and Development	100-41914-310-	\$ 520.00
	Total For Check	30465					\$ 520.00
04/02/2019	MENARD'S - OAKDALE	30466*	Water/Sewer Emergency Supplies - 03/14/19	N	Wtr/Swr Emergency	601-43185-220-	\$ 45.40
23		30466*				601-43185-220-	\$ 171.20

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<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>
		30466*				601-43185-220-	\$ 28.96
		Total For Check	30466				\$ 245.56
04/02/2019	BIRCH, INC.	30467*	Snow Removal Services: 03/10/2019 & 03/14/2019	N	Ice and Snow Removal	100-43125-314-	\$ 1,215.00
		30467*				100-43125-314-	\$ 135.00
		Total For Check	30467				\$ 1,350.00
04/02/2019	Leeves, Robert	30468	Videographer - 03/12/2019 & 03/25/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 75.00
		30468				100-41950-314-	\$ 48.75
		Total For Check	30468				\$ 123.75
04/02/2019	White Bear Township	30469*	Sewer Line & Manhole Work - Q4 '18 & Jan-Feb '19	N	Sewer Utility	605-43190-314-	\$ 3,088.26
		30469*				605-43190-314-	\$ 736.13
		Total For Check	30469				\$ 3,824.39
04/02/2019	AirFresh Industries, Inc.	30470*	Portable Restroom Rental - Mar 2019	N	Parks	100-45207-314-	\$ 81.25
		Total For Check	30470				\$ 81.25
04/02/2019	Companion Animal Control LLC	30471*	Animal Control - Jan & Feb Services 2019	N	Animal Control	100-41916-314-	\$ 248.70
		30471*				100-41916-314-	\$ 80.00
		Total For Check	30471				\$ 328.70
04/02/2019	Metropolitan Area Management Assoc.	30472*	Training - Feb 2019	N	City Training and Development	100-41914-310-	\$ 25.00
		Total For Check	30472				\$ 25.00
04/02/2019	City of Roseville	30473*	Phone & IT Services - Mar 2019 + Wireless Access Pts	N	General Government Buildings and Plant	100-41940-320-	\$ 287.00
		30473*				100-41940-320-	\$ 63.00
		30473*				100-41940-320-	\$ 404.00
		Total For Check	30473				\$ 754.00
04/02/2019	Allstream	30474*	Analog Phone Line - Apr 2019	N	General Government Buildings and Plant	100-41940-320-	\$ 46.11
		Total For Check	30474				\$ 46.11
04/02/2019	Press Publications	30475*	Legal Notice Publications - 03/28/2019.	N	Ordinances and Proceedings	100-41130-351-	\$ 42.00

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<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>
		30475*				100-41130-351-	\$ 50.40
	Total For Check	30475					\$ 92.40
04/02/2019	Steve Dean	30476	Tree Removal - 03/01/2019	N	Parks	100-45207-314-	\$ 650.00
	Total For Check	30476					\$ 650.00
04/02/2019	Kantrud, Alan	30477*	City Attorney Fees - Mar 2019	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	30477					\$ 1,500.00
04/02/2019	City of White Bear Lake	30478*	Fire Services - Mar 2019	N	Fire	100-42201-314-	\$ 2,030.17
	Total For Check	30478					\$ 2,030.17
04/02/2019	US Minnesota One MT LLC	30479*	US Solar Payment - Feb 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 174.77
	Total For Check	30479					\$ 174.77
04/02/2019	Manship Plumbing & Heating Inc	30480	Standby/Locates - Mar 2019 & Road Flooding Issue	N	Water Utility	601-43180-314-	\$ 600.00
		30480				601-43180-314-	\$ 120.00
		30480				601-43180-314-	\$ 120.00
	Total For Check	30480					\$ 840.00
04/02/2019	TSE, Inc. Work Account	30481*	Janitorial Services - 02/28/2019 & 03/14/2019	N	General Government Buildings and Plant	100-41940-314-	\$ 18.75
		30481*				100-41940-314-	\$ 25.00
	Total For Check	30481					\$ 43.75
04/02/2019	Gopher State One Call	30483*	Locates (10) - Mar 2019	N	Utility Locates	605-42805-314-	\$ 13.50
	Total For Check	30483					\$ 13.50
04/02/2019	Grand View Lodge	30484*	Training - CAN-AM 2019 Conf. - Travel & Subsistence	N	City Training and Development	100-41914-334-	\$ 354.84
	Total For Check	30484					\$ 354.84
04/02/2019	Payroll Period Ending 03/20/2019	30485	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 839.39
	Total For Check	30485					\$ 839.39
04/02/2019	Payroll Period Ending 03/31/2019	30487	Treasurer-Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 515.10
	Total For Check	30487					\$ 515.10
04/02/2019	Xcel Energy	EFT040219A*	Xcel Utility Billings & Street Lights - Mar 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 219.99
25		EFT040219A*			Street Lighting	100-43160-380-	\$ 1,246.55

Fund Name: All Funds

Date Range: 03/12/2019 To 04/04/2019

<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>
		EFT040219A*			Parks	100-45207-380-	\$ 76.10
		EFT040219A*			Sewer Utility	605-43190-380-	\$ 301.44
		EFT040219A*				605-43190-380-	\$(257.88)
		EFT040219A*				605-43190-380-	\$ 127.64
		EFT040219A*				605-43190-383-	\$ 27.97
		Total For Check	EFT040219A				\$ 1,741.81
04/02/2019	PERA	EFT040219B*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 143.49
		Total For Check	EFT040219B				\$ 143.49
04/02/2019	PERA	EFT040219C*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 84.00
		Total For Check	EFT040219C				\$ 84.00
Total For Selected Checks							\$ 24,005.46

As on 4/4/2019

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		8,252.34	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 04/04/2019		8,252.34	

As on 4/4/2019

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 04/04/2019		66,233.91	

As on 4/4/2019

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	13,175.63	13,175.63
Penalty - Late Water/Sewer	0.00	93.33	93.33
State and Misc fees	0.00	346.30	346.30
Total Acct 341	0.00	13,615.26	13,615.26
Water Main Break	0.00	43.74	43.74
Total Acct 349	0.00	43.74	43.74
Total Revenues	0.00	13,659.00	13,659.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	221.15	(221.15)
Total Acct 414	0.00	221.15	(221.15)
Financial Administration			
Contracted Services	0.00	1,938.00	(1,938.00)
Total Acct 415	0.00	1,938.00	(1,938.00)
Office Operations Supplies			
Refunds and Reimbursements	0.00	65.98	(65.98)
Newsletter			
Printing and Binding (351 through 359)	0.00	77.60	(77.60)
Total Acct 419	0.00	143.58	(143.58)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	864.00	(864.00)
Professional Services: Legal Fees	0.00	1,444.00	(1,444.00)
Contracted Services	0.00	13,710.34	(13,710.34)
Fees	0.00	562.00	(562.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	245.56	(245.56)
Refunds and Reimbursements	0.00	569.99	(569.99)
Total Acct 431	0.00	17,395.89	(17,395.89)
Total Disbursements	0.00	19,698.62	(19,698.62)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		32,832.82	
Total Receipts and Other Financing Sources		13,659.00	
Total Disbursements and Other Financing Uses		19,698.62	
Cash Balance as of 04/04/2019		26,793.20	

As on 4/4/2019

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	110.63	110.63
State and Misc fees	0.00	0.00	0.00
Sewer Fee	0.00	17,495.00	17,495.00
Total Acct 341	0.00	17,605.63	17,605.63
Total Revenues	0.00	17,605.63	17,605.63
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	319.00	(319.00)
Newsletter			
Printing and Binding (351 through 359)	0.00	77.60	(77.60)
Total Acct 419	0.00	396.60	(396.60)
Utility Locates			
Contracted Services	0.00	77.00	(77.00)
Total Acct 428	0.00	77.00	(77.00)
Sewer Utility			
Sewer - Wastewater Charge	0.00	14,437.59	(14,437.59)
Contracted Services	0.00	3,824.39	(3,824.39)
Utility Services (381 through 389)	0.00	2,558.70	(2,558.70)
Utility Services: Gas Utilities	0.00	114.95	(114.95)
Total Acct 431	0.00	20,935.63	(20,935.63)
Total Disbursements	0.00	21,409.23	(21,409.23)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		42,701.72	
Total Receipts and Other Financing Sources		17,605.63	
Total Disbursements and Other Financing Uses		21,409.23	
Cash Balance as of 04/04/2019		38,898.12	

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Special Assessment Policy
DATE: April 3, 2019

Hello Mayor and Council Members,

Last month the Council held a public hearing on the Special Assessment Policy being considered by Council. Also on the agenda last month was an agenda item regarding approving a feasibility study for a potential mill and overlay project on Lake Ave. Although that project could require a special assessment, the first agenda item was/is an entirely separate topic from the project.

Many residents attended the meeting and spoke during the Special Assessment public hearing regarding the Lake Ave project. This resulted in the special assessment agenda item morphing with the separate feasibility study agenda item. As a result, no progress was made on the Special Assessment Policy and the Council tabled the item until April. The Council did, however, authorize the City Engineer and City Attorney to begin a feasibility study on the Lake Ave project.

The unintended morphing of these two separate agenda items resulted in many residents leaving the March Council meeting expecting to continue a discussion in April about the Lake Ave project. The feasibility study, however, is not ready for discussion as it is still waiting for the valuation component to be completed. What is prepared for discussion in April is the general Special Assessment Policy – the agenda item before you now.

Because the Special Assessment Policy is NOT the Lake Ave feasibility study, the Council is urged to keep the two agenda items separate. The agenda item before you now is not about the Lake Ave project, it is about the special assessment policy that will apply to all future assessments. Council is encouraged to consider the unique circumstances of the Lake Ave project during this discussion but only as it aids the Council in perfecting the general special assessment policy. Once the feasibility study and valuation is ready for discussion, a public hearing can be held on the Lake Ave project specifically.

What is before the Council tonight is a special assessment policy as recommended by the Roads Committee to be considered for approval to guide the Council with all future special assessments.

Enclosed is a document that compiles additional assessment formulas that Council may want to consider during its deliberation. Different types of projects often warrant different assessment formulas, ex. surface projects vs. subsurface projects; road vs. storm sewer; etc.

Request/Recommendation

Staff requests Council:

- 1) Hold the public hearing regarding the special assessment policy;
- 2) Review and discuss the enclosed special assessment policy and supporting documents; and
- 3) Approve the third reading and adopt the enclosed special assessment policy as amended.

Thanks!

Regards,
Tobin Lay
City Administrator

Special Assessment Policy City of Birchwood Village

Roads Committee Draft

Special Assessment Policy – City of Birchwood Village

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1.0 POLICY GOALS

Birchwood Village's special assessment policies are written to:

- 1) Provide a comprehensive, well-constructed and well maintained infrastructure system for current and future users.
- 2) Provide a stable source of funding for infrastructure needs that is cost-effective for the City, and fair and consistent for all property owners.
- 3) Follow MN Statutes, Chapter 429 Local Improvements, Special Assessments.

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2.0 INTRODUCTION

A special assessment is a levy on a property for a particular improvement that benefits the property. The authority is provided to cities through MN Statutes, Chapter 429. Special assessments assign a portion of the cost of the improvement to those receiving a direct benefit from the public improvement, thereby reducing the reliance on the general tax levy.

Assessment amounts are based upon the value(s) of the benefits conferred to an individual parcel or parcels as a result of the particular improvement and are allocated by the Council as guided by this policy. The amount assessed against any particular parcel is required to be not greater than the increase in the market value of the property attributable to the improvement. This can be determined by benefit appraisals completed prior to and after the public improvement. Even though the special assessment goals, policies, and procedures are identified in this document, the City Council has the authority to deviate from this policy as deemed appropriate by the Council or when the law requires such a deviation. When the City deviates from the policies identified in this document, it will attempt to identify the reasons for the deviation in the feasibility report or at the public hearings associated with the public improvement.

Some examples for deviation from this policy would be assessment differences due to varying lot sizes, dimensions, multiple frontages and odd shaped lots.

The type of improvement, such as a road could be dependent on the type of road and it's use (either collector or street) or the type of project and the number of residences that would benefit from it.

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13.0 -POLICY DEFINITIONS

Adjacent/Abutting Property: Property directly adjacent to, provided access to or served by public improvements.

Access: Properties shall be considered to have access to public street improvements when they may enter onto the improvement from their own private driveway, private road, common driveway, shared easement, alley (improved or unimproved), or public street. Properties shall be considered to have access to underground or above ground utility improvements when they are within 150 feet of the utility. When distance is greater than 150 feet an administrative review will determine feasibility of access.

Adjusted Frontage: The assessable front footage of a benefited property that has been modified by an adjustment factor to more accurately represent the true benefit that property receives from an improvement in comparison to other properties in the assessment area. The adjustment will be based on factors that are applicable to that parcel, as approved by the City Council. Parameters that may be used to determine the adjustment factor include, but are not limited to: lot area comparison to surrounding lots based on odd shape, lot size, corner lots or those with multiple frontages, cul-de-sac lots as well as those adjacent lots owned by the city. Adjustments may be made to more fairly reflect an assessment that would more fairly distribute the cost of a special assessment.

Assessed Cost: Those costs of public improvements that have been determined to benefit specific properties. The amounts included in these costs include, but are not limited to engineering, legal, finance charges, land acquisition, demolition, construction, and administration.

Assessable Area: The assessable area is the total area of all of the benefiting properties, when using an area based method.

Assessable footage: The assessable footage is the total area of all the benefiting properties, when using the front footage method of assessment.

Assessment Method: The way an improvement is paid for as determined by the City

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Council. The Council may adopt a front footage rate which is associated with the front lot length of a single building lot as defined by City Code, or it may use the 'Per Unit' rate which divides the cost of the project up among the total number of homes in that area which would benefit more or less equally from the improvement.

Assessment Rate: The amount assessed to each property by the city based on either per frontage foot or per unit.

Benefit: The increase in property value as a result of a public improvement such as, but not limited to, a street, sidewalk, trail, curb and gutter, water main, sanitary sewer, storm sewer, park, or street landscaping

Collector: Those main streets leading into and out of Birchwood, fed by smaller 'destination' streets. These collectors are used by almost all residents to access their homes. Birchwood has two collector streets: Cedar St/Hall Avenue from County Line road to the Mahtomedi border and Wildwood Avenue, from County Line Road to where it meets Hall Avenue near the Mahtomedi border. Also sometimes referred to as 'Feeder' streets.

Deferment: A process of postponing the collection of the cost of a public improvement with the intention of collecting at a later date.

Destination Street: Those smaller streets off of the collectors that are used by residents to access their homes.

Driveway Approach: That which lies between the pavement and the right-of-way line, curb cut to curb cut.

Front Footage: The distance measured along the right-of-way line that directly abuts an improvement. This measurement can be adjusted as described above to more fairly reflect an equitable distribution of costs for a particular project as pertaining to benefits realized per individual property values.

Improvement: The act of making a modification to the original design thereby changing the dimensions, structure or makeup as well as the appearance or functionality of existing infrastructure. As examples, widening a street or adding curbs, gutters or sidewalks would be improvements. Repaving, seal-coating, crack-filling or other routine maintenance repairs not changing the original function of a street would generally not merely be considered assessable repairs or maintenance.

Lot Definitions:

1. **Corner Lot:** A lot located at a street intersection having both front and side-lot footage.

~~2.~~

~~3-2.~~ **Double Frontage Lot:** A lot with access to two separate non-intersecting or intersecting streets but not a corner lot.

~~4.~~

~~5-3.~~ **Irregularly Shaped Lot:** Those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot lines.

~~6.~~

~~7-4.~~ **Rectangular Lot:** A lot with less than five feet of difference in length between the front and back lot lines.

~~8.~~

~~9-5.~~ **Special Case Lot:** A lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be accessed.

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Maintenance: The repair and upkeep of infrastructure, including but not limited to streets, sewers, utilities, parks and other within the city that are used by all residents. Maintenance keeps things in the state that they were originally designed and built in, and as maintenance projects do not change appearance, dimensions, or function they are not considered improvements. Maintenance is budgeted for and funded through general tax revenue or other source(s) of funds.

Public Improvement: See “Improvement” definition above. Would include changes in or new infrastructure as defined above including but not limited to street, sidewalk, trail, curb and gutter, water main, sewers, park, or landscaping improvements.

Special Assessment: A legal process whereby the benefited property is charged for all or a portion of the cost of a public improvement which in turn increases the value of the assessed property.

Storm Water: Storm water runoff project funding will be considered in conjunction with street repairs.

Street: All public ways designed as a means of access to the adjoining properties. ~~The definition of street includes 'Feeder' streets used by residents to gain access to their lots as well as 'Collector' or 'Feeder' streets (those used by most residents to access their 'Destination' streets) — these would have more than one access point to or from the city. In Birchwood we have two main collector routes, Cedar Street/Hall Avenue (from County Line Road to the Mahtomedi border) and Wildwood Avenue from County Line Road to it's junction with Hall Avenue near the Mahtomedi border. These are used by every resident to gain access to their lots and as such warrant special consideration. All the remaining 'destination' streets are used mainly by those residents living on those streets.~~

5

Street Treatment Definitions:

-Seal Coat: Involves filling cracks with bituminous patch, spraying the road surface with oil and covering it with a layer of small rock or crushed granite. Seal coating is considered maintenance and as such, will not be assessed.

-Mill and Fill: Involves milling out larger cracks and filling these as a more effective and longer lasting method of repair. Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.

-Mill and Overlay: Consists of grinding off the upper layer of asphalt and replacing it with a new layer. ~~Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.~~

-Roadway Reclamation: Consists of grinding up the existing asphalt surface completely and mixing it with a portion of the gravel base. This combination is then used as the new upper road base. ~~Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.~~

-Reconstruction: Includes complete pavement removal, subgrade correction as needed, as well as elevation and width corrections, surface material, and other changes to the original design. This is often considered and done in conjunction with utility repairs/replacement. ~~Reconstruction is usually considered an improvement as the roadbase and grade are usually changed, altering the appearance and functionality of the street. If this is the case it would be a candidate for a special assessment. If not altered, could be funded with allocated monies from general revenue.~~

System Cost: That portion of the assessable cost that benefits properties whose assessments are deferred because they are located outside of the City limits, or are unable to make use of the improvements due to factors beyond their control. An example would be street assessments for those properties along County Line Road, although these residents could derive some use from use of these streets. The City Council would need to make a special determination during the assessment stage of planning to allow for funding of anomalies such as these.-

Unit: A unit for definitions of assessment may include, but is not limited to: a household; a parcel/lot or a residence. ~~In some cases (such as dead end streets and Cul-de-sacs the fairest way to pay for improvement projects would be to simply divide the cost by the number of homes (units) on that street (cost per unit method)~~

Unit Share: That portion (or share) of the cost of an improvement project that is or will

be assessed to a particular residence is considered the unit share. ~~This can be estimated as a percentage of the total cost of the project or as a percentage of the percentage of a lot based on the frontages, lot type, and situation as would benefit the value of the unit within the project area.~~ One unit is assessed no more than one share. If on a corner or odd shaped lot the unit may be assessed less than one share based on the frontages as accounted for in 'Methods of Assessment'.

~~Water Service: The City is responsible for all water service along the street or public utility easement, including the watermain, and water service up to and including the curb stop. The homeowner is responsible for everything beyond this point, from the curb stop to the home.~~

Commented [TL1]: Wingfield asks: keep this language "for purposes of this policy only"?

Yard, Front: A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

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4 -METHODS OF ASSESSMENT

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All Residential properties within Birchwood Village will be assessed by the Unit method whenever a special assessment is needed unless not feasible due to special conditions.

Residential Unit Method: This method is used for single dwelling residential properties. A unit shall be defined as one buildable lot consistent with the City of Birchwood Village's building ordinances. ~~The cost of the improvement is simply divided by the number of units fronting that improvement, either city or private property.~~ The types of lots listed reflect variations of computing unit shares to make the outcome more fair for differences in lot shape and frontage.

~~1. Corner Lot:~~ A lot located at a street intersection having both front and side-lot footage shall be assessed per unit. If a driveway abuts both streets and only one street is being improved then the lot will be assessed 50% of the per unit basis. ~~General revenue funding will pick up the balance up to the one unit amount.~~

~~2.1.~~

~~3. Multiple Frontage Lot:~~ A lot with access to two separate non-intersecting or intersecting streets but not a corner lot may be assessed 50% of the per-unit basis for any street improvement that it has direct access to.

~~4.~~ Three sides would be 33.33%. This way the property will never be assessed more than one complete unit for all improvements it contacts. ~~General revenue funding will~~

~~pick up the balance up to the one unit amount.~~

~~5.2.~~

~~6. Irregularly Shaped Lot:~~ Those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot shall be assessed as one unit

~~7.3.~~

~~8. Rectangular Lot:~~ A lot with less than five feet of difference in length between the front and back lot lines shall be assessed as one unit.

~~9.4.~~

~~10. Special Case Lot Residential:~~ A lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be accessed. If not, the city council may make a case-by-case assessment taking exception in whole or part depending on the portion of use that the petitioning unit receives from the improvement.

~~5.~~

- ~~1. Lots on streets with partial municipal property: If the City owns a portion of the property frontage on a street where an improvement is being considered the city will pay for through general revenue the portion of the proposed area that is not assessed private property. An example would be along Lake Avenue opposite Tighe Schmitz park or opposite Hall's Marsh, where the city would assume costs for that portion not inhabited by residential dwellings. A number of shares equal to those across the street to be improved by measured linear footage would be funded by the city with General revenue. Another example would be the park in the center island of Wildwood Avenue if one side or the other was being improved individually, with the city picking up the opposite side shares OR if both sides are improved simultaneously then the units on each side would assume their respective shares with the city picking up 50% for their center area.~~
- ~~2. In cases such as Nordling park, the Tennis Court property frontages or the lake easements, general revenue would pay for that portion of the shares not inhabited by residential home units.~~

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Lot Frontage Method: This method assesses residences based on the length in front footage of the lot abutting the proposed improvement. While used by other cities utilize this method as calculations can be more difficult, it is less fair as it penalizes residents with longer lots, corner or odd shaped lots, lots with multiple access sides and other anomalies. As our city is made up of a wide diversity of old and new lots of many sizes and shapes, the best choice will be the unit method. If necessary, the City Council can override that and choose to use a frontage method, and if so it will be based on the total cost of the improvement considered divided by the total frontage of the units involved. Consideration should be made for corner or multiple lots as in points 1-6 in the unit method above whenever possible. Frontage measurement must take into account the

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easements (subtracting these from the frontage) as well as the type of street being improved (see special considerations).

Note: These assessment methods and notes are shown for guidance purposes only. Prior to a public improvement project a “benefits appraisal” shall be conducted to determine the actual special assessment based on the benefit received by the subject property/properties.

5.0 ASSESSMENT CONSIDERATIONS:

Special considerations:

Of the two types of streets we have in Birchwood village, the collector streets see far more traffic (up to 100 times more) per day. Cedar Hall sees over 2000 cars per day (with many non residents passing through Birchwood as a short cut) and Oak Ridge maybe sees fifty or sixty. As a result, these collector streets wear out much faster and require more maintenance than the other streets in Birchwood. As these Collector streets are used by all residents to get in and out of our city, most or all such expenses for improvements as needed should be borne more equitably by all residents of the city. As such, General revenue funding for most or all maintenance and resurfacing may be appropriate for pavement improvements on our collector streets (Cedar St/Hall Ave and on Wildwood Avenue).

If a per unit method would be used, it may be appropriate to consider a one unit assessment on each of the abutting units with direct driveway access to these collector streets, with the remainder being covered by budgeted general tax revenue. It may also be considered to assess some corner lots with no access from these streets a smaller share (10-20%) with the remainder covered by general revenue. In this way those who live on these streets are still responsible for a portion of the assessment but the larger amount goes to all in the city who use these streets daily.

Other considerations:

1) All properties benefiting from improvements are subject to the special assessment.

2) The project types to be assessed are not limited to those explicitly described in this policy. The City Council reserves the right to consider additional infrastructure improvements on a case by case basis for assessment, including but not limited to storm drainage improvements, street lights, walls, noise walls, boulevard trees, and sidewalks (both new and replaced).

3) Prior to assessment/adoption the special assessment levy, benefit shall may be verified by an appraiser at the discretion of the City Council. The Council may consider

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assessing up to 100% of total project costs or proven benefit, whichever is less, when such cases are warranted. The council may consider any other calculation method for assessments based on lot size or linear footage of the property in a project area. The council shall articulate its methodology in its feasibility study.

~~4) The city may want to consider adopting a 'Pay Once' policy wherein a resident could only be assessed for a given improvement once during the time they are a resident of Birchwood.~~

8

+ 6.0 POLICY REVIEW SCHEDULE

The City of Birchwood Village will review this special assessment policy annually and make adjustments to assessment methods and unit rates as deemed appropriate.

7.0 PAYMENT OF ASSESSMENTS

~~1) Assessments for single family residential and multi-family (four units and less) will be made payable on a 8+5 year repayment schedule or as determined by the City Council on a per project basis following public input at the improvement or assessment hearings. Interest rates vary based on project financing, but are set no more than 2% above the City's rate on the sale of bonds or prime if the project is financed with general fund dollars.~~

~~2) Assessments for commercial, institutional and multi-family (five-units or greater) property can be paid for up to 8+7 years as determined by the City Council on a per project basis through certification to property taxes as a special assessment. Interest rates vary, but are set no more than 2% above the City's rate on the sale of bonds or prime if the project is financed with general fund dollars.~~

~~3) Property owners can pay the entire assessment within 30 days following the adoption of the assessment roll with no interest charged. Property owners may also make an interest free partial payment within 30 days, but the minimum partial payment is 25%. All unpaid balances will be certified to Ramsey-Washington County for payment with property taxes after October 1 of the year in which the assessment hearing was conducted. Interest will start accruing on all unpaid amounts 30 days after the assessment hearing.~~

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8.0 DEFERRED ASSESSMENTS

MN Statutes § 435.193 to 435.195 authorize City Councils to allow certain deferrals. All deferrals are subject to the interest as stated in this policy and become due upon the death of the owner (if the spouse is not otherwise eligible for the deferral); the sale, transfer or subdivision of any part of the property; loss of homestead status on the property; or the council's determination that immediate or partial payment would impose no hardship.

The City Council may, at its discretion, defer the payment of an assessment of any homestead property owned by a person for who it would be a hardship to make the payment if the owner is one of the following:

- A person who is 65 or older - A person who is retired by virtue of a permanent and total disability - A member of the Minnesota National Guard(or other military reserves) ordered into active military service - A person unable to meet the payment obligations due to proven financial hardship

Determining a financial hardship shall be completed by the city council's review of the applicant's income statement. A financial hardship deferral is automatically met if the household adjusted gross income is at or below 125% of the most recent Federal Poverty Line.

EXAMPLE ASSESSMENT CONSIDERATIONS

Oak Park Heights (Homestead vs Non-Homestead)

- Assesses 100% of the costs to commercial and NON-Homestead properties, based on a Frontage foot cost.
- Assesses a PER property cost to Homesteaded properties.

Cambridge (subdividable lot or not)

- Unit is a parcel or lot in a residential area that cannot be further subdivided, i.e., in single family R-1 Zone the minimum lot is 80' x 120'. Lots that may be further subdivided into conforming lots will be considered multiple units. Church and institutional properties located within residential areas will be considered multiple units generally based upon the total property frontage divided by the minimum lot width requirement for that area.

Morris (distinguishes between surface and subsurface improvements; single vs. multiple residence lots)

- The City of Morris went to units too. Their decision was based upon the need to provide a benefit calculation and using square footage or front footage for certain assessment did not correspond well to their benefit calculations.
- When it comes to multiple unit properties, they had a challenge to their assessment policy. The policy at the time used a rate of 1 full unit plus .75 for each additional unit. If you had an 8-plex, the number got to be pretty big. Morris settled on a new rate of 1 full unit plus .25 for each additional unit. When doing a project, they use the total number of units to determine the assessment, but if there are limited units, they also look at what we consider a rolling average of assessment costs. For instance, the 2018 rolling cost is \$2,227.52 for a sanitary sewer unit and \$3,979.67 for a water unit. Morris adjusted the average by 10% for a year that has no construction projects. They also use this rolling average for their connection fees. Recently they had a 62 unit complex built, so it was 1 plus .25 for other 61 units to connect up to our systems.
- Storm sewer is by square feet. Curb and gutter and sidewalk is by linear foot, but they do give a break for corner lots.
- **See sections of Morris' assessment code on the following pages:**

EXAMPLE ASSESSMENT CONSIDERATIONS

THE FOLLOWING ARE EXCERPTS FROM THE CITY OF MORRIS' ASSESSMENT CODE:

Subd. 8. ASSESSMENT POLICIES APPLICABLE TO ALL TYPES OF IMPROVEMENTS. Where an improvement is constructed which is of special benefit to properties within a definable area, it is the intent of the Council that special assessments be levied against the benefitted properties within that area to the extent that the costs of such project can be deemed to benefit the properties. The following general principles shall be used as a basis of the City's assessment policy:

A. The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing and other contingent costs.

B. Where a current improvement is installed as an extension of an existing improvement in which the City, through the use of sources other than special assessments, has participated in the costs of such existing system, and where the area served by such current improvement can be shown to benefit directly from the City's prior expenditures, the special assessments levied against the properties served by the newly extended improvement shall include a "system charge" equal to that portion of the City's prior expenditures which, in the opinion of the Council, are chargeable to the area served by the current extension. Whenever the City intends to include a "system charge" as a part of the assessable cost for an improvement, the notices of public hearing sent to the property owners prior to the making of the improvement shall specify the total amount of such "system charge" to be made against the proposed improvement.

C. Where an improvement is designed for service of an area beyond that of direct benefit, increased project costs due to such provisions for future service extensions shall be refunded by the City as a "system cost". This "system cost" may be funded by the City to be assessed as a "system charge" together with the direct benefits for lateral utility lines as stated in Subparagraph B, above, or may be assessed to the area of future benefit immediately.

D. Where the project cost of an improvement is not entirely attributable to the need for service to the area served by said improvement, or where unusual conditions beyond the control of the owners of the property in the area served by the improvement would result in an inequitable distribution of special assessments, the City, through the use of other funds, will pay such "City cost" which, in the opinion of the Council, represents the excess cost not directly attributable to the area served. Because frontage roads along highways or other arterial streets are deemed to be of benefit to commercial or industrial properties, the entire costs of any improvement on such frontage roads shall be assessable to the benefitted properties.

E. If financial assistance is received from the Federal government, from the State of Minnesota, or from any other source to defray a portion of the costs of a given improvement, such aid will be used first to reduce the "City cost" of the improvement. If the financial assistance received is greater than the normal "City cost", the remainder of the aid will be used to reduce the special assessments against the benefiting properties, such reductions to be applied on a pro-rata basis.

F. The "assessable cost" of an improvement shall be defined as being those costs which in the opinion of the Council, are attributable to the need for service in the area served by the improvement. Said "assessable cost" shall be equal to the "project cost" of the current project as defined above, plus the "system charge" as defined above, minus the "City cost" as defined above, minus other financial assistance credited as described in this Subdivision.

G. When the Council determines that the assessable costs would be more equitably distributed on a "unit" basis, the assessable unit may be the "lot" (i.e., a uniform per lot assessment), an REC (residential equivalent connection), or other equitable unit adopted by the Council. Normally, a unit would be one-half acre or one single family connection. Multiple family connections would be 0.75 units per dwelling unit.

H. City-owned properties, including municipal building sites, parks and playgrounds, but not including public streets and alleys, shall be regarded as being assessable on the same basis as if such property was privately owned.

I. The term "lot" as used in this provision shall be defined as follows:

1. A single platted lot, or a fraction of a single platted lot, individually owned and used.
2. A combination of more than one platted lot which can be shown to provide only one buildable site in accordance with the provisions of the Zoning Chapter of the City Code.
3. Any unplatted parcel of property.

Subd. 9. ASSESSMENT FORMULA FOR SURFACE IMPROVEMENTS. The assessments to be levied against properties within the benefitted areas shall be apportioned to those properties on the basis of the following provisions:

A. The "assessment rate" to be applied against each individual property shall be equal to the "assessable cost" of the project divided by the total number of assessable units benefitted by the improvement.

B. The assessable unit to be used for all surface improvements, unless otherwise specified by the Council, shall be the "frontage" of the property. For surface improvements, such "frontage" shall be determined as follows:

1. For rectangular interior lots: the "frontage" shall be equal to the dimension of the side of the lot abutting the improvement.

2. For rectangular corner lots: the "frontage" shall be equal to the dimension of the smaller of the two sides of the lot abutting the improvement plus one-half of the dimension of the larger of said two sides. Provided, however, that where the "long side" of a corner lot exceeds 150 feet, the entire excess over 150 feet shall be regarded as frontage. Provided, further, that for ornamental street lighting in a residential area, and for all street resurfacing improvement, the "frontage" of a rectangular corner lot shall be equal to only the dimension of the smaller of the two sides of the lot.

3. For irregularly shaped interior lots: the "frontage" shall be equal to the average width of the lot.

4. For irregularly shaped corner lots: the "frontage" shall be equal to the average width of the lot, plus one-half of the average length of the lot. Provided, however, that where the average length of the lot exceeds 150 feet, the entire excess over 150 feet shall be regarded as frontage. Provided, further, that for ornamental street lighting in residential areas, and for all street resurfacing improvements, the "frontage" of an irregularly shaped corner lot shall be equal only to the average width of the lot.

5. For interior lots less than 150 feet in depth which abut two parallel streets, the "frontage" for a given type of surface improvement shall be calculated on only one side of the lot.

6. For end lots less than 150 feet in depth which abut three streets, the "frontage" for a given type of surface improvement shall be calculated on the same basis as if such lot was a corner lot abutting the improvement on two sides only.

7. In cases where the Council determines that the assessable costs equitably distributed (including those instances where agreement can be reached between the City and the developer of a subdivision), the assessable unit may be the "lot" (i.e. - a uniform "per lot" assessment).

C. The following general provisions shall be used in distributing the costs of a surface improvement:

1. If the improvement is accomplished as required by the subdivision regulations of the City, the entire cost of the improvement shall be assessable against properties within the subdivision served with the exception that in a residential area, the "City cost" shall be equal to the increased cost for constructing a street to arterial or collector design standards as opposed to residential design standards. Provided, also, that in commercial or industrial subdivisions, the increased cost of constructing a street to arterial design standard in lieu of to the collector design standard required to serve such subdivision will be assumed as "City cost".

2. If the improvement is accomplished in a previously platted or previously developed area of multiple ownership, the following provisions shall apply:

(a) The increased cost of constructing a street to a design standard higher than that required to serve the area shall be charged as "City cost".

(b) On intersecting streets, the "assessable costs" shall be determined by charging a rate of assessment equal to the rate of assessment charged for similar improvements on streets which have a normal percentage of assessable frontage. The difference between the total project cost and the assessable cost thus determined shall be the "City cost".

(c) On street resurfacing projects, the entire costs of constructing a new surface or "wearing" course plus the costs for repair or upgrading of subgrade or base deficiencies shall be charged as "City cost".

(d) On municipal State aid street improvement projects, assessments shall be levied at the rate equal to those charged to similar properties which are constructed under the regular improvement program.

Subd. 10. ASSESSMENT FORMULA FOR SUBSURFACE IMPROVEMENTS. The assessments to be levied against properties within an area benefitted by subsurface improvements shall be apportioned to those properties on the basis of the following provisions:

A. The "assessment rate" to be applied against all properties and against each individual property shall be equal to the "assessable cost" of the project divided by the total number of assessable units benefitted by the improvement.

B. The assessable unit to be used for all subsurface improvements, unless otherwise specified by the Council, shall be the "frontage" of the property. For subsurface improvements, such "frontage" shall be determined as follows:

1. For rectangular interior lots: the "frontage" shall be equal to the dimension of the side of the lot abutting the improvement.

2. For rectangular corner lots: the "frontage" shall be equal to the dimension of the smaller of the two sides of the lot abutting the streets, whether the improvement is made on the street abutting the short side of the lot, on the street abutting the long side of the lot, or on both streets.

3. For irregularly shaped interior or corner lots: the "frontage" shall be equal to the average width of the lot.

4. For interior lots less than 150 feet in depth which abut two parallel streets, and for end lots less than 150 feet in depth which abut three streets, the "frontage" for a given type of subsurface improvement shall be calculated on the same basis as if such lot abutted only one street. For interior lots greater than 150 feet in depth which abut two parallel streets and for end lots greater than 150 feet in depth which abut three streets, the frontage shall be equal to the total frontage on both of the two parallel streets plus the entire depth in excess of 300 feet; provided, however, that where the application of the Zoning Chapter of the City Code or the application of the restrictive covenants filed with the plat for a subdivision limit the use of such lot to only one residence, the frontage shall be calculated on the same basis as if such lot abutted only one street.

5. For large platted or unplatted lots only the abutting 150 property shall be assessable for direct benefits from the of installation of water mains and sanitary sewers. For large platted or unplatted lots, storm sewer benefits shall be computed on an equivalent basis using an area-to-frontage ratio representative of the area-to-frontage ratio prevalent in the normal lots in the area served. In cases where the Council determines that the assessable costs would be more equitably distributed (including those instances where agreement can be reached between the City and the developer of a subdivision), the assessable unit may be the "lot" (i.e. - a uniform "per lot" assessment).

C. The following general provisions shall be used in distributing the costs of subsurface improvements:

1. If the improvement is accomplished as required by the Subdivision Regulations of the City Code, the entire costs of the current improvements, plus applicable "system charges" shall be assessable against properties

within the subdivision served with the following exceptions:

(a) On water main or sanitary sewer construction within a subdivision, if the size of mains installed is larger than the size of mains required to provide complete water service (including fire-fighting potential as recommended by nationally recognized standards) or sewer service to the subdivision, the costs of oversizing such mains shall be regarded as "City costs".

(b) On water main or sanitary sewer construction where no point of connection to existing mains is available within, or at the outside boundary of the subdivision, the City will levy normal assessments to all intervening properties benefitted by the required extensions and deduct the total of such assessments collected from the total project costs. Where such extension beyond the subdivision boundary is installed and oversized to provide future service to the areas other than the subdivision, the costs for such extension shall be equitably distributed between the areas to be served.

(c) On storm sewer construction, if the storm sewer system installed is designed so as to provide service only to properties within the subdivision and discharges into an adequate natural waterway, the "assessable cost" shall be equal to one-half of the total project cost. Where the storm sewer system installed within a subdivision is a part of a larger storm sewer system, the "assessable cost" shall be equal to one-half of the subdivision's pro-rata share of the current cost of replacement of the in-place portion of the storm sewer system plus current project costs plus the estimated costs for completion of the storm sewer system based on current construction costs.

2. If the improvement is accomplished in a previously platted or developed area of multiple ownership, the following provisions shall apply:

(a) The costs for oversizing a water main or sanitary sewer main beyond that required to provide complete service to the directly benefitted area shall be regarded as "system cost".

(b) Where extension of a water main or sanitary sewer main from a point of connection beyond the area served is required, the cost for such extension shall be equitably distributed between the areas directly benefitted by the current project and those which will derive future benefit therefrom.

(c) On "intersecting streets" the assessable costs for a water main or sanitary sewer improvement shall be equal to the rate of assessment charged for similar improvements on streets which have a normal percentage of assessable frontage. The difference between the total project cost and the assessable cost thus determined shall be the "City cost".

(d) On storm sewer construction, if a complete storm sewer system is installed so as to serve a large area of the City, the "assessable cost" shall be equal to one-third of the total project costs.

(e) Where only a portion of a storm sewer system is installed as a current project, the "assessable cost" shall be equal to one-third of the benefitted areas pro-rata share of the current cost of replacement of the in-place portion of the storm sewer system plus current project costs plus the estimated costs for completion of the storm sewer system based on current construction costs.

Subd. 11. DRAINAGE IMPROVEMENTS. Drainage improvements shall include all storm sewers, ponding areas, ditches, groundwater control systems, or other installations for the control of storm water or groundwater.

A. Standards. Drainage improvements shall be made to serve current and projected land use. All improvements for carrying water shall provide protection based on a design frequency of at least five years, or higher if requested by the engineer or benefitted owners. Storage sites and ponding areas shall be designed to provide a frequency of protection designated by the engineer, but in no case shall the design allow damage to permanent structures at frequencies less than 50 years.

B. Assessment Formula. The assessments to be levied against properties within an area benefitted by subsurface improvements shall be distributed based on the following provisions:

1. The "assessable unit" to be applied to drainage improvements shall be "area" expressed in

terms of square feet times a land-use multiplier.

2. The "assessment rate" to be applied against all properties and each individual property shall be equal to the "assessable cost" of the project divided by the total number of assessable units benefitted by the improvement. Drainage districts shall be established by the City Engineer along the boundaries of the area which will ultimately be served by the system.

3. Storm sewer costs should be distributed on the basis of land zoning at the time of the project. Thereafter if a change in zoning is requested which would place the property in a more intense land use category, an accompanying fee may be collected equal to the difference in land use factors and the fees used to offset the costs of upgrading drainage facilities to accommodate the increased runoff caused by higher type development. Requests for rebates due to rezoning resulting in a lower land use multiplier will not be allowed since the facilities previously assessed were designed based on the higher need. The total number of assessment units shall be computed using the following table of land use multipliers:

<u>Land Use</u>		<u>Multiplier</u>
Regulated Flood Plain (No occupancy permitted)		0
Planned Open Space (Parks, Golf Courses, Cemeteries, etc.)	0.75	
Single Family Residential		1.00
Multiple Dwelling Residential and Institutional		1.250
Commercial and Industrial		1.500

4. Where portions of a drainage system are designed for frequencies greater than the standard requires, the additional cost of such extra capacity shall be assessed to the area provided extra protection by the increased capacity.

Subd. 12. ADJUSTMENTS BY THE COUNCIL. In the event the literal application of these provisions would result in an inequitable distribution of a special assessment, the Council reserves the right, after holding a hearing giving the affected individuals an opportunity to be heard, to adjust the provisions to achieve a more equitable distribution without formal amendment of this Section.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Road Escrow/Bond Requirement
DATE: April 3, 2019

Hello Mayor and Council Members,

The Council tabled this agenda item in March and directed staff to format the proposed ordinance for easier reading and understanding. The enclosed Ordinance 2019-03-01 is the cleaned up proposal for your consideration.

A few blank spaces remain in the proposed ordinance where the reference is not clear or doesn't exist; it appears they reference an escrow fee schedule. Accordingly, staff has enclosed a copy of the road escrow fee schedule originally proposed by Mayor Wingfield – that language was borrowed from the City of Grant. As the City Attorney assisted the Roads Committee with the proposed, perhaps he can provide clarification.

This Ordinance was recommended by the Roads Committee and was approved by the Planning Commission. Two (2) Roads Committee members have submitted suggestions for your further consideration (see enclosed email).

Staff wishes to point out that much of the proposed ordinance language seems to target professional contractors. As a reminder, Sec 309 of the Birchwood Code, adopted in Feb, 2018, was created specifically to regulate professional contractor's usage of Birchwood's right-of-ways (ROW). Language governing non-professional usage (residents) was purposefully left out of that section with the understanding that such would be regulated by the ordinance before you now. This Ordinance is meant to be a companion to Sec 309 and should be tailored to residents accordingly.

Enclosed is Ordinance 2019-03-01; a proposed escrow fee schedule; and an email from Roads Committee members.

Request/Recommendation

Staff requests Council:

- 1) Hold the public hearing that was scheduled for this topic at this meeting;
- 2) Review and discuss the proposed Ordinance 2019-03-01 and supporting documents; and
- 3) Approve the first reading as amended.

Thanks!

Regards,
Tobin Lay
City Administrator

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Road Escrow/Bond Requirement
DATE: April 4, 2019

The proposed Section 301 Escrow code was requested to protect infrastructure from residents/do-it-yourselfer projects that could cause damage to our roadways and open spaces. Since we recently adopted a code to address contractors, the new code appears redundant and overbroad for our needs. The code can still be adopted for the purpose intended if certain provisions are deleted, specifically the following paragraphs:

1. Cert of Insurance
3. Soil investigation
5. Written notice of demo
6. Signage

The following changes must also be made:

The permit is broader than just for "building or demolition permits" so delete language when it appears (301.055 and 301.060)

2. Cash Escrow --fill in the blanks with "Birchwood Village Fee Schedule" Birchwood Village Fee Schedule was discussed earlier and is a part of the packet

7. Delete "For a building permit"
7G Delete

m

**ORDINANCE 2019-03-01
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING PERMIT REQUIREMENTS
AND STANDARDS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 301. ZONING CODE: GENERAL PROVISIONS

...

301.055. PERMIT REQUIREMENTS. Unless otherwise specifically provided, the following are required for both demolition permits and building all activity in the City that requires a permit to be issued to conduct the activity:

1. Certificate of insurance; coverage. The applicant must furnish the city with a certificate of insurance evidencing the following required coverage:

A. Commercial general liability, including XCU (explosion, collapse and underground) coverage.

1. Bodily injury.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate products and completed operations.

2. Property damage.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate.

B. Comprehensive automobile liability (owned, nonowned, hired).

1. Bodily injury.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 each accident.

2. Property damage. Property damage: \$1,000,000.00 each occurrence.

C. The minimum insurance coverage must be maintained until six months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The city must be named as an additional insured.

2. Cash escrow. The applicant must furnish the city a cash escrow as required in section [redacted] of the City Code. A single escrow is required for both a demolition permit and building permit. The city may draw on the cash escrow to reimburse the

Commented [A1]: What section?

city for the repair of damage to public property or to remedy permit violations. If the city draws on the cash escrow, upon the city's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount set forth in section [REDACTED]. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed.

Commented [A2]: What section?

3. Soils investigation report and shoring plan. Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s).

4. Existing condition of property. Before a permit is issued, the building official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property.

5. Written notification of demolition. For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition.

6. Signage of construction. For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued.

7. Stormwater and erosion control plans. For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater

management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

301.060. PERMIT STANDARDS. For both demolition permits and building permits.

A. The permit holder must comply with the state building code, state statutes and this Code.

B. Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.

C. The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.

D. The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a boulevard between the sidewalk and roadway;
2. Within five feet of the intersection of any public or private driveway or alley with any street or highway;
3. Where the vehicle will block a fire escape or the exit from any building;
4. Where temporary signs prohibit parking.

Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. On collector and arterial roadways, a minimum of 22 feet must

be open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable. City parks and open spaces shall not be used for any parking or storage of any materials or equipment. Any violation shall be prosecuted as a misdemeanor offense.

Police officers, community service officers, parking monitors and the residential redevelopment coordinator of the city shall be responsible for enforcing the parking requirements and parking regulations of this section.

E. The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.

F. The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets, sidewalks, boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. Where work on any project lies within areas of pedestrian traffic or vehicular traffic, the project area must be cleaned and swept and All materials related to the project must be stockpiled in appropriate areas. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any public sidewalk or street and must remove any trash or debris that washed or was deposited on any adjacent property.

G. Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.

H. No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

I. Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.

301.055065. PROVISION FOR VARIANCES. Where enforcement of the strict provisions of the Zoning Code would cause undue hardship a variance may be granted to allow deviation from the requirements, in accordance with Minnesota Statutes, Chapter 462. (See Section 304. VARIANCES AND APPEALS.)

...

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

Adopted by the City of Birchwood Village City Council this 14th day of May, 2019

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

PROPOSED ESCROW FEE SCHEDULE

CITY OF BIRCHWOOD VILLAGE FEE SCHEDULE ADDITIONAL CHARGES FOR ESCROW AOUNTS/DAMAGE DEPOSITS

An escrow amount (damage deposit) will be required at the time of application fees and the application is received by the City. This charge will be used to cover additional staff time required and the cost of repair for any damage to city infrastructure or resources.

Subdivision	\$7000
Lot Split	n/a
Variance	\$3000
Conditional Use Permit (amended and new)	\$3000
Park and easement rental	\$1000
All other Land uses Including building, driveway, Grading, fence, retaining wall Permits	\$3000

Unused escrow and/or damage deposits will be returned to the Applicant upon completion of the project

The Applicant will be responsible for damages or costs in excess of the escrow or damage deposit, if applicable.

Tobin Lay

From: John Anderson
Sent: Thursday, March 7, 2019 7:47 PM
To: Tobin Lay
Subject: Fwd: Proposed changes to Permit requirements

Hey Tobin.

Sent this to Gene earlier after we went over it yesterday and we both think it'll slide right into that proposal to escrow funds for building permits to cover damage.

Gene asked me to forward it to you and he'll call you tomorrow.

I mention in the email to him a bit of a concern that some folks will have trouble not being able to park a dumpster in the street for a new roof or?? and we thought you could add that as a provision or an exception with a special dumpster permit on feeder streets only, never on a collector street.

Let me know if you have questions and Gene will call tomorrow.

John Anderson

†*****
,,,,,,

From: John Anderson
Sent: Thursday, March 7, 2:14 PM
Subject: Proposed changes to Permit requirements
To: BRC Gene Ruehle

Hey Gene.

That four page doc you gave me to look over...it already has provisions in it for erosion control and they look complete.

It also has a requirement that dumpsters are not allowed in the street where they might block traffic. This concerns me as lots of folks (like me) have driveways that prohibit setting a roll off dump[ster anywhere in the driveway or on the property. My concern lies in the fact that I'll need to replace my roof soon and the dumpster will need to go somewhere, but my driveway is too steep.

I suppose I could put plywood in the front yard and have them drop it there but it's sloped a bit and might not sit there safely. Should be a provisional permit for that as long as the pavement is protected.....leave it in the street for a couple days on plywood pieces?

Need to mention this.

As for street damage in the bonding regs, damage to pavement is already there on page 2, second para near the bottom (**Sec. _____ Permit Standards for both demolition permits and building permits.**), a,b and c - Item "C" covers pavement damage but is abbreviated and needs expansion. I'd add this or similar wording: (right onto item "C").

Deliveries of heavy materials that need to be unloaded from a truck and transported to the project site will be done so with care and consideration of the pavement surface. Protection for repeated trips with a tractor or forklift and heavy loads could consist of heavy plywood or boards laid out to protect the pavement and removed after the load has been transferred. This also applies to trailers parked temporarily on roads or streets to unload equipment - ALL activity associated with the project will be the responsibility of the Permit Holder. The Permit Holder will be responsible for any and all damage to

the surface of the roadway or street and for instances where damage occurs, monies from that escrow will be used to pay for all repairs needed to return the pavement to its former condition. The Inspector responsible for the final inspection of the project (or city official) will also assure the city that the roadway, right of way and any city property is left in good pre-construction condition and if not the city will determine the extent of the damage and the escrowed damage deposit will be used to repair that damage.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2019-01-01 Easement Usage
DATE: April 4, 2019

Hello Mayor and Council Members,

Last month the Council held a public hearing on this agenda item and then after a brief discussion, tabled the item until April. This Ordinance is scheduled for a final reading and approval at this meeting.

Enclosed is the original draft of the ordinance with Al Mitchell's (resident) and Mayor Wingfield's recommended changes. Also enclosed are revised/additional changes proposed by Mayor Wingfield. Please review both versions in preparation for your deliberation.

Request/Recommendation

Staff requests Council:

- 1) Review and discuss the enclosed Ordinance and supporting documents/suggestions; and
- 2) Approve the final reading and adopt Ordinance 2019-01-01 as amended.

Thanks!

Regards,
Tobin Lay
City Administrator

ORDINANCE 2019-01-01

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

AN ORDINANCE AMENDING PUBLIC LAKE TRACTS PROVISIONS IN CITY CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 617 (Public Lake Tracts) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 617. PUBLIC LAKE TRACTS

617.150 **PURPOSE:** The purpose of Chapter 617 is to maintain and improve the Public Lake Tracts in a manner that promotes the following objectives:

- (1) Ensure the availability of proper facilities to serve all residents. In development of its facilities, Birchwood shall strive to maintain a balance of suitable recreational activities for all persons within the municipality.
- (2) Strive to improve the Public Lake Tracts and their use and availability to all residents of Birchwood, and the fair and equitable use of docks installed thereon.
- (3) Upgrade the Public Lake Tracts, as necessary, to ensure the health, safety and general well being of the residents with respect to the use and enjoyment of those facilities.
- (4) Provide for multiple uses in keeping with the character and physical layout of each Public Lake Tract and the residential character of the neighborhood.
- (5) Ensure that access to those tracts for any reason other than recreation should be controlled and regulated to ensure that such use is responsible and preserves the status quo.

617.160 NON-RECREATION REGULATIONS:

617.165 License Required.

- (1) ~~When a resident seeks to gain access to their lot from a public tract for the purposes of maintenance of their property a public lake tract for a private purpose, a Limited License from the City for that purpose, describing the purpose for said access, is required.~~

Authorization to Utilize Open Space. No person shall utilize any city-owned open space in the City of Birchwood to provide access to private property for purposes of assisting in the construction of any project on private property without a permit authorizing such action from the City.

Mitchell

Wingfield

ADD LANGUAGE THAT PROHIBITS ANYONE TO USE PUBLIC LAKE TRACTS FOR GAINING ACCESS WITH EQUIPMENT OR MACHINERY TO PRIVATE PROPERTY

617.170 **Application.**

- (1) The application for said License shall include the necessity for said access, description of the work contemplated and be limited to that purpose. The application shall also state the dates and times that said activity shall occur, and include the contract for services (if applicable) and provide an insurance binder in the event of damage to the public tract in the process of execution of the activity involved.

Application. Any person desiring to utilize a city-owned open space for purposes of access to private property to construct a project shall submit an application for a permit to the City that contains the following information:

Mitchell

- (1) The project to be constructed.
- (2) Why access is necessary
- (3) How will the public space be utilized.
- (4) What damage to the public space is contemplated.
- (5) How will the damage be minimized
- (6) How will the open space be restored.
- (7) The dates and times that the open space will be utilized.
- (8) The anticipated end date for the access.
- (9) The names of all persons who will have access to the public space.
- (10) Financial security to cover possible damage to the public property.

Wingfield

CROSS OUT ENTIRE PHRASE BEFORE COMMA. START WITH "THE CITY..." CROSS OUT LAST PHRASE OF SAME PARAGRAPH

617.175 **Escrow.**

- (1) In the case of a home-owner who seeks to personally conduct the activity on their property, the City shall require a reasonable escrow based on the activity contemplated in the License. Said escrow shall be based on the reasonable estimate of the administrator or building inspector for the activity contemplated, and possible liability, and paid prior to issuance of the license. The escrow shall be refunded if no damage is observed once the licensed activity is concluded. If, in the opinion of the administrator or the building inspector, there is no opportunity for damages to the public tract in excess of \$250.00, no escrow shall be required from the homeowner or their contractor.

Mitchell

Financial Security. The City may require an applicant to provide financial security that will be available in the event of damage to the city-owned property. This financial security may include insurance, a bond, and escrow account, or other reasonable source of resources to pay for any damage that is not remedied by the applicant after completion of the project. The City shall release any financial security that is provided upon satisfactory completion of the project, including restoration of the city-owned space that is utilized.

617.180 ~~Process.~~

~~(1) Upon application, proof of insurance, and payment of escrow (if applicable) the City Administrator shall issue a Limited License for the duration requested and ensure that access to the public tract is had by the license holder for the activity contemplated. At the discretion of the Administrator the key to gain access to the tract may be signed-out to the licensee as well.~~

Permit Conditions. Any permit that is issued by the City shall describe the project to be undertaken, the access to public property that is allowed, the dates and times that access will be utilized, an expiration date for access, and any other reasonable and necessary conditions required to ensure that public property is either not damaged or is restored. The City may provide the permit holder with a key to gain access to the city-owned property during the term of the permit. The permit holder shall return the key within three days of the completion of the access or the expiration of the permit, whichever occurs first.

Mitchell
617.190.

City Administrator. The City Administrator is authorized to receive all permit applications under this chapter, to issue permits with appropriate conditions or deny permits, and to revoke any issued permit if the conditions of the permit are not complied with. The City Administrator may refer any permit application to the City Council for the Council's determination. The City Council may, after notice to the permit holder, revoke any permit if the permit holder is in violation of any of the conditions of the permit.

Wingfield
[BASED ON ALL THIS REVIEW, THE PERMIT NEEDS TO HAVE A FEE TO MAKE SURE THE PERMIT IS FOLLOWED. I RECOMMEND \$50.]

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

Adopted by the City of Birchwood Village City Council this 12th day of February, 2019

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

CHAPTER 617. PUBLIC LAKE TRACTS

617.150 PURPOSE: The purpose of Chapter 617 is to maintain and improve the Public Lake Tracts in a manner that promotes the following objectives:

(5) Ensure that access to those tracts for any reason other than recreation should be controlled and regulated, and to ensure that such use is responsible and preserves the status quo. City property.

Comment: If the new requirements only apply to the public lake tracts, this language is okay. Otherwise, it should be broadened to apply to all public parks and open spaces.

617.160 NON-RECREATION REGULATIONS:

~~617.165 License Required.~~

617.165. License Required for Authorization to Utilize Access to Public Lake Tracts: Open Space. ~~When a person seeks to gain access to their lot from a public lake tract which would otherwise violate any other provision of this code, a Limited License from the City is required. No person shall utilize any city owned open space in the City of Birchwood to provide access to private property for purposes of assisting in the construction of any project on private property without a permit authorizing such action from the City.~~

617.170. Application. Any person ~~desiring to utilize a~~ who requests access to a Public Lake Tract ~~city-owned open space for purposes of pursuant to this section access to private property to construct a project~~ shall submit an application for a permit Limited License to the City with that contains the following ~~information~~:

- (1) The nature and scope of the project ~~to be constructed.~~
- (2) Why access to the Public Lake Tract is necessary requested
- (3) How will the public space be utilized. What type and size of equipment or machinery will be used on or across the Public Lake Tract
- (4) What Is there potential for damage to the Ppublic Lake Tractspace is contemplated.
- (5) How will the damage be minimized
- ~~(6) How will the open space be restored.~~
- (7) The dates and times that the Public Lake Tract will be used ~~open space will be utilized and restored (limited to no more than three consecutive calendar days and prohibited from April 1 to October 1 each year).~~
- (8) ~~The anticipated end date for the access.~~

(9) The names of all persons who will ~~have access to the public space—use the Limited License.~~

(10) Financial security, ~~if applicable, to cover possible damage to the public property, in the amount determined in Section 617.175 (2)~~

617.175. Financial Security

1. The City may require an applicant to provide financial security that will be available in the event of if there is potential for damage to the city-owned propertyPublic Lake Tract.

2. Such financial security shall be based on the reasonable estimate of any possible damage and shall be determined by the building inspector or City Administrator.

3. This financial security may include insurance, a bond, and escrow account, or cash other and can be used by the City reasonable source of resources to pay for any damage remaining that is not remedies by the applicant after the Limited License expires. after completion of the project.

4. The City shall release the any financial security that is provided upon satisfactory completion of the project, including restoration of the city-owned space that is utilized. minus any restoration costs incurred by the City within 30 days of the License expires.

5. If there is no opportunity for damage to the Public Lake Tract, no escrow shall be required.

617.180 ~~Permit~~Limited License Conditions.

1. Any Limited License permit that is issued by the City shall describe the project to be undertaken the following:

(1) , the access to public property that is allowed;The nature and scope of the project

(2) -the Public Lake Tract for which access is granted,

(3) the type of equipment or machinery allowed,

(4) the potential damage possible and the actions required to minimize such damage,

(5) the amount of financial security required, the dates and times that access will be

(6) the date(s) and times for which the access the License is granted, utilized, an expiration date for access;

(7) the deadline for of any damage restoration, and

(8) any other reasonable and necessary conditions required to ensure that public property is protected, either not damaged or is restored.

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2. The City may provide the ~~license~~ permit holder with an access key ~~to gain access to the city-owned property~~ during the Limited License period, ~~term of the permit~~. The ~~license~~ permit holder shall return the key within three days of the ~~completion of the access or the expiration of the permit, whichever occurs first.~~ License expiration.

617.190. City Administrator.

1. The City Administrator ~~is authorized to receive~~ shall process all ~~permit~~ applications under this chapter, ~~to issue permits with appropriate conditions or deny permits, and or to revoke any issued permit~~ Limited License ~~if its the conditions are violated, of the permit are not complied with.~~ In the alternative,

2. The City Administrator shall be the sole arbiter to issue or deny a Limited License. ~~In the alternative,~~ the City Administrator may refer any ~~permit~~ Limited License application to the City Council for its consideration, for the Council's determination. The City Council may, after notice to the permit holder, revoke any permit if the permit holder is in violation of any of the conditions of the permit.

617.195 Fee. The application shall include the Limited License fee ~~shall be~~ as set from time to time by the City Council and posted in its Fee Schedule.

617.196 Frequency of license applications: A Limited License shall not issue for the same Public Lake Track for the same or similar project by the same applicant or property [residence?] in any three month period unless specifically approved by the City Council.

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

Adopted by the City of Birchwood Village City Council this 12th day of February, 2019

Attest:

Mary Wingfield

Mayor

Tobin Lay

City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Parks Committee Recommendations
DATE: April 4, 2019

Hello Mayor and Council Members,

During the March Council meeting, Council Members reviewed several recommendations from the Parks Committee. Council Members asked for more info and supporting documentation from the Parks Committee and requested they return amended recommendations in April, May, and June (depending on topic). The amended recommendations ready for Council’s consideration in April are as follows:

City Cleanup Day

The Parks Committee withdrew its requests for a Birchwood cleanup day this April. Members of the Committee will explore this topic again earlier next year.

Hockey Rink Upgrades

The Committee recommends the City install LED’s at the hockey rink and to work with Excel to explore rebates and cost savings.

The Parks Committee wishes to defer a decision on major purchases/changes (Pickleball) until the Council has reviewed and acted on the Parks Improvement Plan (PIP) that was prepared and recommended by the Committee. (The PIP is scheduled for the May City Council meeting)

Buoys

The Parks Committee strongly recommends that the city not install buoys due to safety considerations (how folks get to the boat, the abundance of boaters who recreate near shore/in the zone where the boats would be).

Managing Deer Population

Last fall, the Parks committee recommended that the Council hold a public hearing on culling deer within the City (John Lund would have organized the hunt) (August 2018). The Council asked the Parks Committee to hold the public hearings. The Parks Committee voted to table to issue given the implementation timeline for fall 2018 culling was no longer feasible, and because the committee felt the community feedback should be heard by the decision making body of the City.

The committee will take the issue back up if – at minimum - the Council parks liaison is present during the public information/feedback meeting. Ideally the meeting would be a joint meeting of the Council and Parks Committee. The committee proposes the following process:

- Committee researches possible deer management options (as of now the known possibilities are: do nothing, hire marksmen to cull deer, hold a limited hunt, or tranquilize and release).

Bridget will gather information from the DNR, Houstoun will get in touch with neighboring communities who have deer population management programs.

- Committee plans an informational/public input meeting for July, which would leave time for action to be taken in fall 2019.
- Presentation of factual information about urban deer (ideally from experts like DNR staff).
- Presentation by Committee of possible management options.
- Committee + council liaison/entire council takes public comment. Committee solicits comments in other formats (Facebook, electronic newsletter).
- After weighing public feedback, committee makes recommendation to Council in August 2019.

Request/Recommendation

Parks Committee Members recommend:

- 1) City Cleanup Day be canceled until next year's Earth Day (April 2020);
- 2) The City upgrade hockey rink lights to LED and work with Xcel Energy for rebates and savings;
- 3) Holding off on other hockey rink upgrades until after the PIP has been approved;
- 4) Do not install buoys at any Birchwood Lake Tracts; and
- 5) The City Council agree to hold a joint town hall meeting with the Committee to hear public feedback on managing the deer population in Birchwood.

Thanks!

Regards,
Tobin Lay
City Administrator

March 26 Meeting of the Birchwood Village Parks Committee

Present: Houstoun Clinch, Judy Walker, Dave Remely, Ana Vang, and Bridget Sperl

Absent: James Nelson

Approved February 2019 minutes.

Tables – Dave will research ADA compliant table options for potential future purchase recommendations.

Horseshoe pit – Dave designed the pit. Costs for installation and materials would be \$1695 (quote from John Lund). The topic was tabled until a location could be recommended.

Birchwood park map – Ana will continue to talk with graphic designers and look into design and printing costs.

Section 607 – Topic was tabled until the committee has a chance to read formulate recommendations. Houstoun will ask Tobin to send Section 607 to the committee for review.

Hockey rink + pickleball – The Council will review the Parks Improvement Plan in May. Given that the capitol improvement section for Tight Schmitz is to create a wholistic plan for maintenance, use, and improvements, the committee is deferring a decision on major purchases/changes until the Council has acted on the plan.

Hockey rink LED lights – Committee recommends the City works with Xcel to explore rebates and cost savings, and install LEDs.

Earth Day cleanup – Committee recognizes the feedback and request from the Council, but has determined there is not enough time to get the word out and recruit volunteers between the April Council meeting and the date of the cleanup. The committee will explore this topic again next year.

Bouys for boats – Committee recommends that the city not install bouys due to safety considerations (how folks get to the boat, the abundance of boaters who recreate near shore/in the zone where the boats would be).

Dog waste – Committee believes that the proper collection and disposal of dog waste continues to be an issue in the Village. Houstoun will look into pricing of additional bag dispensing stations as well as additional garbage can near trails, easements, etc.

City owned waste cans – Is it possible to label city owned waste/recycling cans so folks know they can use them to dispose of litter, dog waste, etc.? Houstoun will reach out to Tobin.

Birchwood turns 100! – Birchwood will be celebration its 100th birthday in 2021.

Deer in Birchwood – Last fall, the Parks committee recommended that the Council hold a public hearing on culling deer within the City (John Lund would have organized the hunt) (August 2018). The Council asked the Parks Committee to hold the public hearings. The Parks Committee voted to table to issue given the implementation timeline for fall 2018 culling was no longer feasible, and because the committee felt the community feedback should be heard by the decision making body of the City. The committee will take the issue back up if – at minimum – the Council parks liaison is present during the public information/feedback meeting. Ideally the meeting would be a joint meeting of the Council and Parks Committee. The committee proposes the following process:

- Committee researches possible deer management options (as of now the known possibilities are: do nothing, hire marksmen to cull deer, hold a limited hunt, or tranquilize and release). Bridget will gather information from the DNR, Houston will get in touch with neighboring communities who have deer population management programs.
- Committee plans an informational/public input meeting for July, which would leave time for action to be taken in fall 2019.
- Presentation of factual information about urban deer (ideally from experts like DNR staff).
- Presentation by Committee of possible management options.
- Committee + council liaison/entire council takes public comment. Committee solicits comments in other formats (Facebook, electronic newsletter).
- After weighing public feedback, committee makes recommendation to Council in August 2019.

Parks liaison – Committee requests that the new parks liaison attend the April parks committee meeting to introduce himself.

April Agenda

- Approval of Minutes and Agenda
- Parks liaison introduction
- Council report out/questions to be addressed (Houston)
- Updates on:
 - Horseshoe pit (Dave)
 - Maps (Ana)
 - Deer in Birchwood (Bridget and Houston)
 - Dog Waste Stations (Houston)
 - ADA tables (Dave)
- Sect 607 review and proposed changes (all)

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: City Hall Improvements Committee
DATE: April 4, 2019

Hello Mayor and Council Members,

At least three (3) residents have contacted Mayor Wingfield about serving on the City Hall Improvements Committee. Mayor Wingfield will provide the details about the candidates during the meeting.

Before forming the City Hall Improvements Committee, please determine if the group will be a committee, a task force, or some other type of organization. Following that determination, please follow the process in Article 9.01 of the Birchwood Rules of Procedure (ROP), as follows:

ARTICLE 9 COMMITTEES AND POLICIES

9.01. COMMITTEES. The city council may establish a committee to assist the council in carrying out its duties. Whenever the council creates a committee, [1] it shall give the committee a name, [2] establish its purpose, [3] determine the number of members and [4] their terms, and [5] determine whether any compensation will be provided to members who serve on the committee. The council shall also determine [6] whether the committee shall expire on a date certain or continue until further action of the council. The council’s action in creating a committee shall be reduced to writing and may be placed on the city webpage by the clerk.

Request/Recommendation

Staff recommends Council:

- 1) Create the City Hall Improvements Committee/Taskforce by following ROP Article 9.01;
- 2) Discuss candidates who have expressed interest in serving on the new committee;
- 3) Select candidates and their terms.

Thanks!

Regards,
Tobin Lay
City Administrator

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2019-03-02, Undersized Lots (302.015)
DATE: April 4, 2019

Dear Mayor and Council Members,

The Planning Commission has recommended enclosed Ordinance 2019-03-02 for your consideration and approval. The purpose of this ordinance is to add clarity to the 60% rule in Sec 302.015, Undersized Lots.

I support the Planning Commission’s recommendation as it will guide staff in determining what the 60% rule applies to. Despite the definition of width and open space in Sec 300, the term “area, width, or open space” in 302.015 are vague. The City Attorney recently opined that the rule does not apply to setbacks. This amendment will make that clear and harmonize Sec 302.015 with the rest of the Zoning Codes.

I urge Council, however, to carefully consider the proposed language for Sec 300.020.62, Area. Although I do support adding a definition for Area in the Zoning Code, I’m not sure that the word as used in 302.015 was meant to be restricted to the “habitable space included within surrounding exterior walls ...”. I encourage you to consult the City Attorney on this definition.

Enclosed is a completed Initiative Proposal Template; Ordinance 2019-03-02; and excerpts from related existing code.

Request/Recommendation

The Planning Commission recommends Council:

- 1) Review and approve the first reading of enclosed Ordinance 2019-03-02; and
- 2) Order a public hearing on the Ordinance for May.

Thanks!

Regards,
Tobin Lay

Birchwood Village – Initiative Proposal Template

Name of Initiative	Amend Section 302.015, Undersized Lots
Committee	Planning Commission
What problem will this initiative solve or what value will this create in our community?	Clarify what is meant by “area, width, or open space” and what should not be included when applying the 60% rule for undersized lots.
Proposed Solution or Initiative Description	Amend language in Section 302.015
How will we measure success of this initiative? <i>What would success look like and how will we know if we are successful?</i>	Amendment will provide clarification to this rule and guide users in how to apply the 60% rule.
Estimated Cost of Initiative	N/A
Assumptions or Dependencies <i>What has to be true for the benefit and costs to be accurate? Examples: labor cost assumptions, number of residents using solution, etc.</i>	Assumes that work will be contained to the Planning Commission and the City Council.
Alternative Solutions Considered <i>What are the alternatives that could be considered to solve the problem?</i>	Unknown.
Timing Considerations <i>Are there any firm deadlines or an ideal timeframe for this initiative? What is driving the deadline?</i>	No deadline.

ORDINANCE 2019-03-02

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

AN ORDINANCE AMENDING UNDERSIZED LOTS PROVISIONS IN CITY CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 300 (Land Use) and Chapter 302 (Zoning Code: Requirements and Performance Standards) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 300. LAND USE

300.020. DEFINITIONS. For the purpose of Chapters 300 through 399 certain terms and words are hereby defined as follows:

...

62. Area. The habitable space included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

SECTION 302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS

302.015. UNDERSIZED LOTS. Any lot which was held in a single ownership of record as of January 1, 1975, and which does not meet the requirements of this Code as to area, width, or other open space may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required. This does not apply to setbacks.

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

Adopted by the City of Birchwood Village City Council this 11th day of June, 2019.

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

UNDERSIZED LOTS

Birchwood City Code

302.015. UNDERSIZED LOTS. Any lot which was held in a single ownership of record as of January 1, 1975, and which does not meet the requirements of this Code as to area, width, or other open space may nevertheless be utilized for single-family detached dwelling purposes provided the measurements of such area, width, or open space are at least 60% of that required.

300.020. DEFINITIONS. For the purpose of Chapters 300 through 399 certain terms and words are hereby defined as follows:

31. Lot Width. The shortest distance between lot lines measured at the midpoint of the building line

34. Non-Conforming Use. **Non-Conforming Pre-Existing Structure or Use:** Any building or structure which was legally existing on January 1, 1975, or authorized by variance thereafter, which would not conform to the applicable conditions if the building or structure were to be erected under this Code. **Non-Conforming Illegal Structure, Use, or Lot:** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the area in which the structure or use is located.

35. Open Space. Land with no structures upon it.

44. Setback. The minimum horizontal distance between a structure and an ordinary high water level, street, road or highway right-of-way or property line.



Birchwood Village

MEMORANDUM

DATE: April 4, 2019
TO: Birchwood Village City Council
FROM: Paul Carroll, City Treasurer-Deputy Clerk
SUBJECT: Music in the Park 2018

Background: Report on the Music in the Park (MIP) 2018 program.

Discussion: Music in the Park is becoming a tradition in Birchwood and displays potential as a hallmark event. In 2018 the City was involved in managing MIP for the first time. The goal was to hold the event and keep costs low. This goal was accomplished. The City spent less than \$2,000, labor included.

Turnout varied in 2018, averaging 50 to 70 people per concert with at least two weekends reporting 100 to 120-plus attendees. The City may also consider increasing event exposure with an enhanced online presence, kid’s groups or live-streaming each concert. Note however added costs may be anticipated.

If MIP duties were assigned to a volunteer, Parks Commission or a person willing to work at event staff rates (\$10 per hour) administrative costs would apply more directly to admin duties while reducing cost. There is public support and so continued volunteerism is likely. SCC cable coverage and an organized donation effort such as a music drive are ways to promote the event while T-shirts, a commemoration party or memorabilia may be good ways to designate and/or honor 2019 on-site volunteers and donors.

Budget Impact:

The amount of pay per performance was a discussion topic in 2018. Feedback from groups on the success of the tip jars is moderate. Two groups reported positive to moderate feedback and three did not respond. The other respondents were not aware or did not set out jars and two groups chose not to. One musician noted that residents biking, walking their dog or leaving their homes on a Sunday night to follow the music they hear from the local park do not always carry cash. New signage is needed in 2019 and establishing the event’s actual costs in the absence volunteer and donor activity is recommended. In 2018, volunteers accounted for 20 labor hours conservatively. Finally, thank you to our volunteers, donors, the Suburban Cable Commission, everyone involved and of course our residents and concert-goers alike in making Music in the Park 2018 a success!

MIP 2019 program cost estimation:

New Signage	\$ 240.00	(10 signs at \$20 per sign + 2 hours admin @ \$20/hr.)
Event Staff Time	\$ 280.00	(2hr @ \$10/hr/performance + 4hrs admin@ \$20/hr.)
Administrative Time	\$ 300.00	(15hr @ \$20/hr = all summer - contact bands, etc.)
Performance Costs	\$1,500.00	(10 performances @ \$150.00/performance)
Other Items	\$ 80.00	(i.e., T-Shirts, Water, Generator rental if necessary)
TOTAL	\$2,400.00	

Recommendation: Estimate 2019 costs by using the above as a discussion point. Reduce costs by assigning the general coordination of the event schedule to a capable and interested party and continue to operate on-site with volunteers if possible or paid event staff if needed. Consider future event growth in relation to liabilities, ADA compliance, public toileting, drinkable water access, parking, general safety and traffic management. Assign research with date due to responsible party/parties.

Tobin Lay

From: Jessi Aakre <jaakre.birchwood@gmail.com>
Sent: Monday, March 11, 2019 4:04 PM
To: Hakantrud@coyotelawyer.com
Cc: Tobin Lay
Subject: Potential Ordinance Edits - Exterior Storage
Attachments: Section 615 EXTERIOR STORAGE.pdf

Hi Alan!

I believe Tobin cc'd you on the exchange regarding exterior storage, but the issue of storage "loopholes" came up in the December council meeting and we have received additional complaints from residents since that time. Would you be willing to take a look at the attached and advise?

It seems like there are a few issues with the ordinance as it stands today to prevent storage of large items in visible areas:

1. Municipality loophole: would need to adjust language to remove loophole for properties abutting multiple municipal streets
2. "For sale" loophole: would need to adjust language or create time limitation on "for sale" large items
3. Shelters: Clarify definition of "building" that items must be stored within
4. Lots abutting WBL: clarify where items can be stored for lots abutting the lake?
5. Confirm the ordinance does not allow parking except in paved areas? This was a concern that Trilby mentioned - my interpretation is that it's covered already.
6. Enforcement: Revisiting fine amount to ensure compliance

Tobin - would you be able to send a Word version for redline?

Alan - Let me know if you think you'll have time to review and redline before April's meeting so we can add it to that agenda.

Thank you!

Jessi

--

Jessi Aakre

Birchwood Village City Council

jaakre.birchwood@gmail.com

615. EXTERIOR STORAGE

615.010. POLICY. All materials and equipment shall be stored within buildings or in the rear yard in a screened area. Such screened area may consist of fencing of a suitable height, natural shrubbery, and/or topography so that the stored items are not visible from the frontage street or adjoining properties.

615.020. EXCEPTIONS TO POLICY.

1. Stacked firewood piles.
2. Clothesline poles and sires/lines.
3. Children's playground equipment.
4. Construction and landscaping equipment currently in use on the premises for use in the near future, pursuant to an existing and current building permit.
5. The normal tools used in lawn, garden and tree maintenance.
6. Off street parking of correctly licensed and operational automobiles and pickup trucks, parked on a designated driveway or on one (1) open paved or graveled space located adjacent to a driveway or garage. Provided, moreover, that any vehicle or boat parked on residential property for sale by the resident must be owned and licensed to the resident.
7. Boats, trailers, snowmobiles and recreational vehicles currently licensed and owned by the resident may be stored in the rear yard subject to the following:
 - a. Motorized boats, boat trailers, utility trailers, travel trailers, snowmobiles, and motorized recreational vehicles cannot exceed twenty (20) feet in length.
 - b. Sailboats cannot exceed twenty-eight (28) feet in length.
8. Seasonal storage of boat lifts is permitted in the rear yard.
9. Visitors to Birchwood may park currently licensed and operational travel trailers and motorized recreational vehicles in a residents designated driveway for a period of up to seven (7) days. Parking beyond the seven (7) day period will require a non-fee permit from the City Clerk. The permit will provide for an additional parking period of up to fourteen (14) days. In no event will visitor parking by any one visitor exceed twenty-one (21) days during a six (6) month period.

615.030. EXCEPTIONS TO STORAGE LOCATIONS.

1. Normal storage items which are subject to the screening requirements of Section 615.010, and the items enumerated in Section 615.020 (7) (subject to the length limitations

therein) may be stored at any place on the lot (but not closer to any street frontage lot line than the buildings existing on that lot) of forty (40) feet (whichever is less) for the following properties:

- a. Lots abutting White Bear Lake;
- b. Multiple frontage lots (where there is no defined rear yard); or
- c. Lots on which a substantial portion of the dwelling is located within the rear one-third (1/3) of the lot.

2. Seasonal storage of boats, subject to length limitations found in 615.020 (7) a and b, boat lifts and docks are permitted on those lots abutting White Bear Lake in the area from the lake side of the residence to the ordinary high water level.

615.040. ****DELETED BY ORDINANCE 2012-11, December 13, 2012****

615.050. ****DELETED BY ORDINANCE 2012-11, December 13, 2012****

(See Ordinance 1995-4, Adopted July 11, 1995)

“AMENDED BY ORDINANCE 2008-1; FEBRUARY 12, 2008”.

****AMENDED BY ORDINANCE 2012-11, December 13, 2012****

Jerry Hertaus
State Representative
District 33A



**Minnesota
House of
Representatives**

March 8, 2019

Mr Tobin Lay
City Administrator
City of Birchwood
207 Birchwood Avenue
Birchwood, MN 55110

Re: New Legislative Initiative to Reform Local Government Aid (LGA) Formula

Dear City Administrator Lay,

I am writing to you for the purpose of informing you of a new legislative effort that I have chief authored to include every city in Minnesota to receive an allocation of dollars resulting from a newly reformed formula. Briefly, H.F. 2031 fully funds the Governor's budget proposal of a \$ 30 million dollar increase in LGA funding but additionally creates a 2% set aside of the entire LGA appropriation reserved for cities that do not qualify for LGA under the current formula. This proposed change will make sure that going forward no Minnesota city will ever be off the formula into the future. If adopted, as proposed, no city will experience a decrease in aid from the current formula unless the total appropriation might be reduced in the future. On the other hand, the 95 cities in Minnesota not currently receiving LGA would always remain on formula.

If adopted and passed into law, the current proposed language of H.F. 2031 would result in an increased LGA appropriation of \$41,821 for the city of Birchwood. The alternative formula change in H.F 2031 would incorporate two components of formula aid creating a new eligibility for the current cities not receiving LGA. They are comprised of base aid distribution and per/capita aid distribution.

I would appreciate your administrative support for this legislation by receiving a letter from you on letterhead either by mail or email to this office as soon as possible. In the spirit of "One Minnesota" it is time that we recognize that all cities have economic challenges and needs. The current 95 cities represent 20% of the state's population. Setting aside 2% of the LGA appropriation as an alternative formula for communities off formula is a fair compromise to the current formula.

Sincerely,

A handwritten signature in blue ink that reads "Jerry".

Rep. Jerry Hertaus
Property Tax Committee, Republican Lead
House District 33A



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 (tel) / 651-426-7747 (fax)
Info@CityofBirchwood.com
www.CityofBirchwood.com

Re: New Legislative Initiative to Reform Local Government Aid (LGA) Formula

April 9, 2019

The Honorable Jerry Hertaus
Minnesota House of Representatives
State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

Dear Rep. Jerry Hertaus,

Thank you for letting us know about your proposed bill. It is an equitable thing to do and we applaud your initiative.

As noted in your letter, the sum we would receive would make a significant difference for our Village. It would make a difference because, just like larger cities, we have infrastructure needs and problems. The difference between our Village and larger cities is we have a very small tax base upon which to draw upon to pay for these repairs, replacements or upgrades. In fact, Birchwood does not have any businesses to look to but is 100% residential. The change your bill proposes will make a significant difference in Birchwood, especially to our older residents with a fixed income.

Good luck and we support the bill 100%. We think setting aside 2% of the LGA appropriation as an alternative formula for communities off formula is a fair compromise to the current formula.

Regards,
The Birchwood Village City Council