



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 8, 2015
7:00 P.M.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

Jacob Wetterling presentation will be held at St. Andrews Great Hall in Mahtomedi on April 19, from 6:30 – 7:15 p.m. Free for all attendees!

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting February 9, 2016 Minutes*
- B. Approval of Special Meeting November 22, 2015 Minutes*

CITY BUSINESS – REGULAR AGENDA

- A. Approval of Treasurer's Report*
- B. Sheriff Report Update
- C. Conflict of Interest Language*
- D. Sexual Predator/Offender Code Discussion (extension of interim ordinance)
- E. Structure Height Language Discussion*
-discuss and submit to DNR for approval
- F. Tree Preservation Language*
-First Reading
- G. Lift Station repairs & infrastructure discussion*

* Denotes items that have supporting documentation provided

H. Digital speed signs: Council Member Anderson

I. Council Member LaFoy

-LED/WiFi Update

-Cable contract update

J. City Administrator's Report

- Park maintenance update

- Building personnel/plan reviewer: John Lund

K. City Attorney's Report

-Sewer lawsuit

ADJOURN

* Denotes items that have supporting documentation provided

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
February 9, 2016**

MINUTES

MEMBERS PRESENT: Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Mark Anderson and Randy LaFoy. Not present: Council member Hullsiek

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney; and Planning Commissioner Doug Danks

OTHERS PRESENT: Residents Megan Malvey and Bryan McGinnis; Jane Harper from the White Bear Lake Water Conservation District

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

AGENDA APPROVAL:

Council member LaFoy: added the following subjects to the agenda: 1) adding a bicycle path through the village; 2) LED street lights; and 3) update on Century Link contract.

Mayor Wingfield: added the subject of the White Bear Lake increasing water rates to the agenda.

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

OPEN PUBLIC FORUM:

Resident Megan Malvey: asked the council about 1) why the Nov 22 & 24 special council meeting minutes are not on the City website and where to find those; 2) support for an interim predatory offender residency restriction ordinance; and 3) request for City Attorney Kantrud's written summary regarding his legal research on the subject of sex offender ordinances.

ANNOUNCEMENTS: Common Table is Monday Feb 15 at 5:30pm, everyone is welcome.

CITY BUSINESS – CONSENT AGENDA

MOTION WAS MADE TO APPROVE CONSENT AGENDA BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON. THREE AYES; COUNCIL MEMBER LAFOY ABSTAINED. MOTION PASSED.

CITY BUSINESS - REGULAR AGENDA

A. Approval of Treasurer's Report

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER WOOLSTENCROFT TO APPROVE THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.

B. Safe/Exclusion Zone Language Discussion

Public Hearing: No one stood.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO CLOSE THE PUBLIC HEARING. ALL AYES. MOTION PASSED

City Attorney Kantrud: Explained that it is his opinion that language directing the Metropolitan Council on whom it can or cannot accept on the Metro Mobility buses will likely be ineffective. Aside from that language, he advised council to approve the language as written.

Mayor Wingfield: Informed the council that a volunteer committee had borrowed the proposed language from an Iowa ordinance and that the committee approved of the language as written.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO PASS THE SAFE/EXCLUSION ZONE LANGUAGE. ALL AYES. MOTION PASSED

City Attorney Kantrud: Read out loud the proposed Summary Publication language notifying the public of the new ordinance.

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO APPROVE THE SUMMARY PUBLICATION LANGUAGE. ALL AYES. MOTION PASSED.

City Attorney Kantrud: Advised the council to place notice of this ordinance at the entrance to city parks.

Mayor Wingfield & Council Member LaFoy: Recommended taking this information to the volunteer committee to decide where to post these signs.

C. Structure Height Ordinance 302.045

Planning Commissioner Danks: He explained proposed changes to the existing Structure Height Ordinance found in city code 302. He answered council member questions.

City Attorney Kantrud: Provided his opinion on the proposed changes.

Mayor and Council Members: Deliberated on the changes. Sent Planning Commissioner Danks back to the planning commission to address calculation of average roof with the principle structure bottom plane determined the same way as the grade plane calculation, as well as a maximum average elevation change from existing topography and to provide final language for the council to vote on in March.

D. Tree Preservation Ordinance

Resident Bryan McGinnis: He explained the proposed Tree Preservation Ordinance.

City Attorney Kantrud: Provided his opinion on the proposed ordinance language.

Mayor and Council Members: Deliberated on the ordinance. Referred Mr. McGinnis to work with City Attorney Kantrud to revise the proposed ordinance and to provide new language to identify when the code applies to specific tree cutting activity and return to the council for consideration in March.

E. White Bear Lake Conservation District

Water District Representative Jane Harper: Provided news and statistical update on White Bear Lake and its water levels. Discussed a proposed water district project to augment the lake water and associated issues, such as authority, consequences, costs, and funding. The district has not yet taken a position on the proposed project. She asked for mayor and council member opinion and feedback.

Mayor and Council Members: Deliberated on the proposed project and voiced their opinions and concerns. The consensus was the WBLCD was not the best option to be the fiscal agent for an augmentation project. The council wanted more information before committing to any augmentation plan. Administrator Anderson will put the DNR information pamphlet provided in a link on Birchwood City's website.

F. Dock Extensions

Mayor and Council Members: Discussed the need to buy dock extensions. Council Member Anderson to purchase the extensions using money from the Special Revenue Fund.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER LAFOY TO APPROVE THE PURCHASE OF DOCK EXTENSIONS. ALL AYES. MOTION PASSED.

G. Railing at City Hall

Council Member Anderson: Updated mayor and council members on this project's progress. Not yet ready to install the railing.

H. Generator at Lift Station #2

Administrator Anderson: Updated mayor and council members on this project's progress. Recommended one company's quote to move forward with. This quote included a 60 Kilowatt generator, muffler, concrete pad, and associated electrical work. Total cost is \$34,650.00.

Mayor and Council Members: Discussed the recommendation.

MOTION WAS MADE BY COUNCIL MEMBER WOOLSTENCROFT AND SECONDED BY COUNCIL MEMBER ANDERSON TO ACCEPT THE RECOMMENDED BID. ALL AYES. MOTION PASSED.

I. Administrators Report

Administrator Anderson: Reminded mayor and council members of his upcoming vacation. Treasurer Lay will check phone messages regularly and cover the office open business hours.

J. City Attorney Report

Attorney Kantrud: Updated mayor and council members on the Kay Beach property line litigation. The judge is taking information from both parties under advisement and will either make a ruling or order a new trial. He highly doubts that the judge will order a new trial but in that event, a new trial would not involve the city or affect its rights.

K. Bike Paths

Mayor and Council Members: Discussed the idea of rerouting the City's bike path.

L. LED Street Lights

Mayor and Council Members: Discussed the idea of switching city street lights to LED bulbs. This will save energy and money.

M. Century Link Contract

Council Member LaFoy: Informed mayor and council members that renegotiations with the Century Link contract are still ongoing.

N. White Bear Lake Water Rate

Mayor Wingfield: White Bear Lake has notified the City that it has restructured its water rates. Rates will now vary between summer and winter and this does not match Birchwood's billing structure. She has asked the water committee to reconvene to discuss these changes and its effects on Birchwood.

ADJOURN

MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER ANDERSON TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:04 P.M.

Mary Wingfield
Mayor

Mike Anderson
City Administrator-Clerk

ATTEST:

**CITY OF BIRCHWOOD VILLAGE
SPECIAL CITY COUNCIL MEETING
November 22, 2015**

MINUTES

PURPOSE: To approve/enact Section 408 of Birchwood City Code regarding Sexual Offenders and Sexual Predators.

MEMBERS PRESENT: Council members: Bill Hullsiek, Randy LaFoy, Mark Anderson, and Kevin Woolstencroft

MEMBERS ABSENT: Mayor Mary Wingfield

STAFF PRESENT: Mike Anderson, City Administrator; Alan Kantrud, City Attorney

OTHERS PRESENT: Residents of Birchwood, DOC Representative Mark Bliven

Council Member LaFoy called the special meeting to order at 8:00 p.m. The Pledge of Allegiance was recited.

AGENDA APPROVAL:

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

OPEN PUBLIC FORUM:

Residents: Multiple residents of Birchwood spoke at the podium for 3.5 hours on their concerns of having a level III sex offender move into the community. Many spoke about the safety of the children in town, the location of the residency in close proximity to a local park, and the desire to not have this level III sex offender move into Birchwood.

Mark Bliven & Alan Kantrud: Both the DOC Representative, Mark Bliven, and City Attorney Kantrud answered resident's questions and offered the council legal analysis on the proposed code language.

Council: Council considered the proposed ordinance that was adopted by a few other communities to limit the residency of a level III sex offender in Birchwood. Council approved the first reading of the ordinance with 5E removed and the exclusion distance enlarged to 1500'. Council moved to hold a second special city council meeting, at a date to be determined, for a second reading of the ordinance.

MOTION WAS MADE BY COUNCILMEMBER ANDERSON AND SECONDED BY COUNCILMEMBER HULLSIEK TO APPROVE FIRST READING AND PLACE ITEM ON A FUTURE MEETING AGENDA WITH PUBLIC HEARING. ALL AYES. MOTION PASSED

ADJOURN

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT, SECONDED BY
COUNCILMEMBER HULLSIEK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED.
MEETING ADJOURNED AT 11:45 P.M.**

Mary Wingfield
Mayor

ATTEST:

Mike Anderson
City Administrator-Clerk

As of 03/04/2016
Fiscal Year:2016

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$627,787.04	\$12,186.94	\$95,586.43	\$544,387.55
Special Rev Projects	\$2,800.02	\$0.00	\$2,325.00	\$475.02
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
Sewer 2004 Bonds	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$8,424.62	\$0.00	\$0.00	\$8,424.62
Cap Project - PW	\$48,758.91	\$0.00	\$23,167.79	\$25,591.12
Water Enterprise Fund	\$15,617.59	\$9,729.55	\$7,202.40	\$18,144.74
Sewer Enterprise Fund	\$72,436.59	\$14,677.99	\$25,866.96	\$61,247.62
Sewer Infrastructure	\$3,845.00	\$0.00	\$0.00	\$3,845.00
Total	\$779,669.77	\$36,594.48	\$154,148.58	\$662,115.67

Date range: 02/10/2016 to 03/04/2016

<u>Remitter</u>	<u>Date</u>	<u>Receipt #</u>	<u>Total</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
MN STATE	02/12/2016	1659	\$178.31	Court Fine	(02/12/2016) -	No	100-34170	\$178.31
RCA Builders Inc.	02/18/2016	1649	\$5,079.16	Permit	(02/18/2016) -	No	100-32210	\$5,079.16
Resident Calderon	02/24/2016	1650	\$300.00	Permit	(02/24/2016) -	No	100-32210	\$300.00
League of Women Voters	02/24/2016	1651	\$25.00	Hall Rental	(02/24/2016) -	No	100-34101	\$25.00
Twin City Fireplace	02/24/2016	1652	\$50.00	Permit	(02/24/2016) -	No	100-32210	\$50.00
Resident Aakre	02/24/2016	1654	\$10.00	Dog License - 2 Years	(02/24/2016) -	No	100-32240	\$10.00
Rachel Schuler	03/01/2016	1656	\$25.00	Hall Rental	(03/01/2016) -	No	100-34101	\$25.00
Resident Schad	03/01/2016	1657	\$20.00	Dog Licenses - 2 Years	(03/01/2016) -	No	100-32240	\$20.00
Resident Tofte	03/01/2016	1658	\$10.00	Dog License - 2 Years	(03/01/2016) -	No	100-32240	\$10.00

Total For Selected Receipts **\$5,697.47**

\$5,697.47

Date range: 02/10/2016 to 03/04/2016

<u>Vendor</u>	<u>Date</u>	<u>Check #</u>	<u>Total</u>	<u>Description</u>	<u>Void</u>	<u>Account #</u>	<u>Detail</u>
Payroll Period Ending 02/16/2016	02/11/2016	29072	\$1,410.79		No	100-41400-100	\$1,410.79
PERA	02/11/2016	EFT21616	\$274.40	Employee Retirement	No	100-41400-121	\$274.40
Gopher State One Call	02/18/2016	29073	\$5.80	Locates (4 Tickets)	No	100-42805-305	\$5.80
Washington County	02/18/2016	29074	\$1,373.25	Salt (15.83 units)	No	100-43125-210	\$1,373.25
Payroll Period Ending 02/14/2016	02/18/2016	29075	\$38.50		No	100-45200-100	\$38.50
Payroll Period Ending 02/14/2016	02/18/2016	29076	\$206.25		No	100-45200-100	\$206.25
Payroll Period Ending 02/14/2016	02/18/2016	29077	\$222.75		No	100-45200-100	\$222.75
Payroll Period Ending 02/14/2016	02/18/2016	29078	\$269.50		No	100-45200-100	\$269.50
Payroll Period Ending 02/14/2016	02/18/2016	29079	\$27.50		No	100-45200-100	\$27.50
John Lund	02/25/2016	29080	\$30.00	Installation of LED Light	No	100-49200-220	\$30.00
Payroll Period Ending 03/01/2016	03/01/2016	29082	\$1,410.79		No	100-41400-100	\$1,410.79
Payroll Period Ending 03/01/2016	03/01/2016	29083	\$407.89		No	100-41400-100	\$407.89
Payroll Period Ending 02/29/2016	03/01/2016	29084	\$321.12		No	100-41400-100	\$321.12
Payroll Period Ending 03/01/2016	03/01/2016	29085	\$41.25		No	100-45200-100	\$41.25
Payroll Period Ending 03/01/2016	03/01/2016	29086	\$55.00		No	100-45200-100	\$55.00
Payroll Period Ending 03/01/2016	03/01/2016	29087	\$33.00		No	100-45200-100	\$33.00
Payroll Period Ending 03/01/2016	03/01/2016	29088	\$71.50		No	100-45200-100	\$71.50
IRS - US Treasury	03/01/2016	29089	\$270.94	FED Taxes - 2015 Adjustment	No	100-41400-180	\$270.94
FP Mailing Solutions	03/01/2016	29090	\$125.34	Postage Machine - 2016 Quarter 1 rental	No	100-41430-200	\$125.34
Menards - Maplewood	03/01/2016	29091	\$88.99	LED Flood Lights	No	100-41940-400	\$88.99
Press Publications	03/01/2016	29092	\$62.72	Legal Notice Publications x2	No	100-41130-351	\$62.72
PERSONNEL CONCEPTS	03/01/2016	29093	\$15.90	2016 Labor Law Notices	No	100-41420-304	\$15.90
MN Dept of Health Drinking Water	03/01/2016	29094	\$560.00	Water Supply Connection Svc Fee 1st Qtr 2016	No	601-43180-430	\$560.00

City of Birchwood Village

Disbursements List

03/04/2016

Vendor TSE, INC	Date	Check #	Total	Description	Void	Account #	Detail
	03/01/2016	29095	\$46.00	City Hall Janitorial Services Jan X2	No		
Manship Plumbing & Heating Inc	03/01/2016	29096	\$1,300.00	Monthly Standby/locates	No	100-41940-305	\$46.00
Birch	03/01/2016	29097	\$1,822.50	Snow Plow Services	No	601-43180-305	\$1,300.00
City of Roseville	03/01/2016	29098	\$335.22	Feb 2016 IT/Phone Services	No	100-43125-305	\$1,822.50
Washington County	03/01/2016	29099	\$600.00	Property Records/Taxpayer Election Services	No	100-41955-305	\$335.22
Toshiba Business Solutions, USA Inc	03/01/2016	29100	\$33.81	Quarterly Maintenance 1st Qtr 2016	No	100-41550-305	\$600.00
White Bear Lift & Dock, Inc.	03/01/2016	29101	\$2,325.00	Dock Purchases x 3	No	100-41420-305	\$33.81
White Bear Township	03/01/2016	29102	\$290.14	Weekly Lift Station Check / Repairs (1/24 - 2/7)	No	210-45200-400	\$2,325.00
White Bear Township	03/01/2016	29103	\$59.40	Weekly Lift Station Check / Repairs (2/8 - 2/21)	No	605-43190-305	\$290.14
Ronnan, Kenny	03/01/2016	29104	\$61.88	Services	No	605-43190-305	\$59.40
Innovative Office Solutions LLC	03/01/2016	29105	\$147.69	Office Supplies x 3	No	100-41950-305	\$61.88
City of White Bear Lake	03/01/2016	29106	\$1,568.75	Fire Services - Feb 2016	No	100-41420-200	\$147.69
Metropolitan Council Env. Service	03/01/2016	29107	\$4,080.09	Wastewater Service Mar 2016	No	100-42200-305	\$1,568.75
Metropolitan Council Env. Service	03/01/2016	29108	\$4,080.09	Wastewater Service Feb 2016	No	605-43190-217	\$4,080.09
PERA	03/01/2016	EFT030116	\$274.40	Employee Retirement	No	605-43190-217	\$4,080.09
Xcel Energy	03/01/2016	EFTa030116	\$1,102.84	electric for lift stations / warminghouse	No	100-41400-121	\$274.40
Xcel Energy	03/01/2016	EFTb030116	\$1,278.18	electric for lift street lights	No	100-41940-380 100-45200-380 605-43190-380	\$354.10 \$268.19 \$480.55
Total For Selected Checks			\$26,729.17				\$1,278.18

As of 03/04/2016

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$81,574.75	\$0.00	(\$81,574.75)
Total Acct 310	\$81,574.75	\$0.00	(\$81,574.75)
Building Permits	\$0.00	\$6,207.92	\$6,207.92
Dog Licenses	\$0.00	\$200.00	\$200.00
Total Acct 322	\$0.00	\$6,407.92	\$6,407.92
General Government	\$0.00	\$590.63	\$590.63
City Hall and Garage Rent	\$0.00	\$75.00	\$75.00
State and Misc fees	\$0.00	\$5,001.71	\$5,001.71
Total Acct 341	\$0.00	\$5,667.34	\$5,667.34
Miscellaneous	\$0.00	\$50.00	\$50.00
Total Acct 361	\$0.00	\$50.00	\$50.00
Interest Earnings	\$0.00	\$61.68	\$61.68
Total Acct 362	\$0.00	\$61.68	\$61.68
Total Revenues	\$81,574.75	\$12,186.94	(\$69,387.81)
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$520.00	\$510.69	\$9.31
Total Acct 411	\$520.00	\$510.69	\$9.31
City Council	\$975.00	\$796.70	\$178.30
Total Acct 413	\$975.00	\$796.70	\$178.30
Clerk - Treasurer	\$16,406.25	\$14,986.89	\$1,419.36
Elections	\$643.75	\$0.00	\$643.75
Office Operations/Supplies	\$700.00	\$333.12	\$366.88
Postage/Postal Permits	\$162.50	\$125.34	\$37.16
Total Acct 414	\$17,912.50	\$15,445.35	\$2,467.15
Financial Administration	\$100.00	\$0.00	\$100.00
Accounting	\$1,250.00	\$0.00	\$1,250.00
Assessing	\$1,362.50	\$600.00	\$762.50
Total Acct 415	\$2,712.50	\$600.00	\$2,112.50
Legal Services	\$1,750.00	\$0.00	\$1,750.00
Engineer Service	\$1,750.00	\$0.00	\$1,750.00
Total Acct 416	\$3,500.00	\$0.00	\$3,500.00
Grants	\$500.00	\$1,534.00	(\$1,034.00)
Planning and Zoning	\$125.00	\$0.00	\$125.00
City Training and Development	\$260.00	\$0.00	\$260.00
City Hall-Gov't Buildings	\$1,375.00	\$846.99	\$528.01
City Insurance	\$1,875.00	\$437.00	\$1,438.00
Cable Eqpmt and Service	\$0.00	\$151.88	(\$151.88)

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

03/04/2016

Phone/IT	\$1,300.00	\$670.44	\$629.56
Total Acct 419	\$5,435.00	\$3,640.31	\$1,794.69
Police	\$12,750.00	\$24,415.47	(\$11,665.47)
Total Acct 421	\$12,750.00	\$24,415.47	(\$11,665.47)
Fire	\$5,000.00	\$4,640.92	\$359.08
Total Acct 422	\$5,000.00	\$4,640.92	\$359.08
Building Inspection	\$25.00	\$13,138.89	(\$13,113.89)
Total Acct 424	\$25.00	\$13,138.89	(\$13,113.89)
Other Protection	\$25.00	\$129.88	(\$104.88)
Utility Locates	\$0.00	\$129.00	(\$129.00)
Animal Control	\$225.00	\$279.50	(\$54.50)
Total Acct 428	\$250.00	\$538.38	(\$288.38)
Streets and Road Mntnc	\$1,500.00	\$11,440.00	(\$9,940.00)
Street Sweeping	\$1,000.00	\$0.00	\$1,000.00
Ice and Snow Removal	\$4,000.00	\$5,810.25	(\$1,810.25)
Tree Removal	\$1,250.00	\$3,040.00	(\$1,790.00)
Utility - Drain Structure Care	\$500.00	\$0.00	\$500.00
Street Lights	\$4,500.00	\$3,278.26	\$1,221.74
Total Acct 431	\$12,750.00	\$23,568.51	(\$10,818.51)
Recycle	\$2,500.00	\$1,656.00	\$844.00
Total Acct 433	\$2,500.00	\$1,656.00	\$844.00
Lawn Care/Mntnc	\$2,500.00	\$0.00	\$2,500.00
Total Acct 450	\$2,500.00	\$0.00	\$2,500.00
Recreation	\$100.00	\$0.00	\$100.00
Total Acct 451	\$100.00	\$0.00	\$100.00
Parks	\$3,125.00	\$6,605.21	(\$3,480.21)
Total Acct 452	\$3,125.00	\$6,605.21	(\$3,480.21)
CONSERVATION - NATURAL RESOURC	\$471.25	\$0.00	\$471.25
Total Acct 461	\$471.25	\$0.00	\$471.25
Unallocated Expenditures	\$3,323.50	\$30.00	\$3,293.50
Total Acct 492	\$3,323.50	\$30.00	\$3,293.50
Other Financing Uses	\$7,500.00	\$0.00	\$7,500.00
Total Acct 493	\$7,500.00	\$0.00	\$7,500.00
Total Disbursements	\$81,349.75	\$95,586.43	(\$14,236.68)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$627,787.04	
Cash Balance as of 03/04/2016		\$544,387.55	

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

03/04/2016

As of 03/04/2016

Special Rev Projects	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$0.00	\$2,325.00	(\$2,325.00)
Total Acct 452	\$0.00	\$2,325.00	(\$2,325.00)
Total Disbursements	\$0.00	\$2,325.00	(\$2,325.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$2,800.02	
Cash Balance as of 03/04/2016		\$475.02	

As of 03/04/2016

Spec Rev - Warm House

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 03/04/2016		\$0.00	

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

03/04/2016

As of 03/04/2016

Sewer 2004 Bonds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 03/04/2016		\$0.00	

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

03/04/2016

As of 03/04/2016

Birchwood In Re-hab Bond	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 03/04/2016		\$0.00	

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

03/04/2016

As of 03/04/2016

Sewer Re-hab 2008 Debt

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$8,424.62	
Cash Balance as of 03/04/2016		\$8,424.62	

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

03/04/2016

As of 03/04/2016

Cap Project - PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Sewer Utility	\$0.00	\$23,167.79	(\$23,167.79)
Total Acct 431	\$0.00	\$23,167.79	(\$23,167.79)
Total Disbursements	\$0.00	\$23,167.79	(\$23,167.79)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$48,758.91	
Cash Balance as of 03/04/2016		\$25,591.12	

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

03/04/2016

As of 03/04/2016

Water Enterprise Fund	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$9,415.51	\$9,415.51
Penalty - Late Water/Sewer	\$0.00	\$40.30	\$40.30
State and Misc fees	\$0.00	\$273.74	\$273.74
Total Acct 341	\$0.00	\$9,729.55	\$9,729.55
Total Revenues	\$0.00	\$9,729.55	\$9,729.55
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Water Utility	\$0.00	\$7,202.40	(\$7,202.40)
Total Acct 431	\$0.00	\$7,202.40	(\$7,202.40)
Total Disbursements	\$0.00	\$7,202.40	(\$7,202.40)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$15,617.59	
Cash Balance as of 03/04/2016		\$18,144.74	

As of 03/04/2016

Sewer Enterprise Fund			
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$78.16	\$78.16
Sewer Fee	\$0.00	\$14,599.83	\$14,599.83
Total Acct 341	\$0.00	\$14,677.99	\$14,677.99
Total Revenues	\$0.00	\$14,677.99	\$14,677.99
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Sewer Utility	\$0.00	\$25,866.96	(\$25,866.96)
Total Acct 431	\$0.00	\$25,866.96	(\$25,866.96)
Total Disbursements	\$0.00	\$25,866.96	(\$25,866.96)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$72,436.59	
Cash Balance as of 03/04/2016		\$61,247.62	

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

03/04/2016

As of 03/04/2016

Sewer Infrastructure	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$3,845.00	
Cash Balance as of 03/04/2016		\$3,845.00	

SECTION 1. PURPOSE

Birchwood is a nonprofit, tax-exempt Municipal Corporation. Maintenance of its tax-exempt status is important both for its continued financial stability and for public support. Therefore, the IRS as well as state regulatory and tax officials view the operations of the City as a public trust, which is subject to scrutiny by and accountable to such governmental authorities as well as to members of the public.

Consequently, there exists between the City and its Council, officers, and management employees and the public a fiduciary duty, which carries with it a broad and unbending duty of loyalty and fidelity. The Council, officers, and management employees have the responsibility of administering the affairs of the City honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of the City and its citizens. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with the City or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

SECTION 2. PERSONS CONCERNED

This statement is directed not only to the Council and officers, but to all employees and volunteers who can influence the actions of the City. For example, this would include all who make purchasing decisions, all persons who might be described as "management personnel," and anyone who has proprietary information concerning the City.

SECTION 3. AREAS IN WHICH CONFLICT MAY ARISE

Conflicts of interest may arise in the relations of directors, officers, and management employees with any of the following third parties:

1. Persons and firms supplying goods and services to City.
2. Persons and firms from whom City leases property and equipment.
3. Persons and firms with whom City is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities, or other property.
4. Agencies, organizations, and associations which affect the operations of City.
5. Family members, friends, and other employees.

SECTION 4. NATURE OF CONFLICTING INTEREST

A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned in Section 3. Such an interest might arise through:

1. Owning stock or holding debt or other proprietary interests in any third party dealing with the City.
2. Holding office, serving on a Board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with the City.

3. Receiving remuneration for services with respect to individual transactions involving the City.
4. Using the City's time, personnel, equipment, supplies, or good will for other than City-approved activities, programs, and purposes.
5. Receiving personal gifts or loans from third parties dealing or contracting with the City. Receipt of any gift is disapproved except gifts of a value less than \$5, which could not be refused without discourtesy. No personal gift of money should ever be accepted.

SECTION 5. INTERPRETATION OF THIS STATEMENT OF POLICY

The areas of conflicting interest listed in Section 3, and the relations in those areas which may give rise to conflict, as listed in Section 4, are not exhaustive. Conflicts might arise in other areas or through other relations. It is assumed that the directors, officers, and management employees will recognize such areas and relation by analogy.

The fact that one of the interests described in Section 4 exists does not necessarily mean that a conflict exists, or that the conflict, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances it is necessarily adverse to the interests of the City.

However, it is the policy of the City that the existence of any of the interests described in Section 4 shall be disclosed before any transaction is consummated. It shall be the continuing responsibility of the council, commission members, officers, and management employees to scrutinize their transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

SECTION 6. DISCLOSURE POLICY AND PROCEDURE

Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following are observed:

1. The conflicting interest is fully disclosed;
2. The person with the conflict of interest is excluded from the discussion and approval of such transaction;
3. A competitive bid or comparable valuation exists; and the Council has determined that the transaction is in the best interest of the organization

302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS

302.010. LOT REQUIREMENTS. All lots created after the date of enactment of this ordinance must conform to the following dimensions, utilizing only that land above the ordinary high water level of any lake, pond, or wetland.

1. Minimum lot size per dwelling unit:

Lots abutting lake or wetland: 15,000 sq. ft.

All other lots 12,000 sq. ft.

2. Minimum lot width at front building line and at the ordinary high water level of any lake or wetland:

Lots containing two dwelling units: 135 ft.

All other lots: 80 ft.

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.

302.020 STRUCTURE LOCATION REQUIREMENTS

1. GENERAL REQUIREMENTS. All structures must be located so that minimum setback requirements are met or exceeded. All measurements (in feet) as set forth below shall be determined by measuring from the foundation of the appropriate structure perpendicular to the appropriate lot line.

Exceptions: Front, back, side street and other lot line setback requirements shall not apply to chimneys, flues, belt courses, sills, pilasters, lintels, ornamental features, cornices, eaves, gutters, and the like, provided they do not project more than two (2) feet into a required yard setback.

2. MINIMUM SETBACK REQUIREMENTS:

TYPE OF STRUCTURE

<u>Lot line or Land Boundary</u>	<u>Fences</u>	<u>Driveways & Walkways</u>	<u>All Other Structures</u>
Municipal Street Front, Back, and Side	20 ft.	0	40 ft.
County Road Front, Back, and Side	20 ft.	0	50 ft.
Ordinary High Water Level of Lost Lake	75 ft.	75 ft.	75 ft.
Ordinary High Water Level of White Bear Lake, Hall's Marsh, and other wetlands	50 ft.	50 ft.	50 ft.
All Other Lot Lines	0 ft.	1 ft.	10 ft.

The ordinary high water levels of three water bodies have been established to be the following:

ORDINARY HIGH WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	924.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	925.6 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	924.7 (NGVD, 1929)

3. ACCESSORY STRUCTURES. No accessory building or structure, unless an integral part of the principal structure shall be erected, altered, or moved to, within five (5) feet of the principal structure except fences, driveways, walkways, and decks which may be as close as actually abutting the principal structure.

4. SETBACK REQUIREMENTS EXCEPTIONS.

a. Street and Highway Setbacks: If structures on adjacent lots, existing as on January 1, 1975, have lesser street or highway setbacks from those required, the minimum setback of a new structure may conform to the prevailing setback in the immediate vicinity. The City Council shall, upon recommendation of the Planning Commission, determine the necessary minimum front yard setback in such areas.

b. Dock and Pier Setbacks: Setback requirements from the ordinary high water levels shall not apply to piers and docks. Locations of piers and docks shall be controlled by applicable state and local regulations.

b. Retaining Wall Setbacks: Front, back, side street and other lot line setback requirements shall not apply to retaining walls except that the ordinary high water level setback requirements shall apply to retaining walls.

5. STRUCTURES IN WETLANDS. No structures are allowed within any wetlands.

“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”

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

302.030. HIGH WATER ELEVATIONS. All buildings shall be located such that the lowest floor surface is at a level at least three (3) feet in elevation above the highest known water level of any lake, pond, or wetland adjoining the lot. For three water bodies the high known water levels are:

HIGHEST KNOWN WATER LEVELS (Feet Above Mean Sea Level)

DNR ID #82-167	White Bear Lake	926.7 (NGVD, 1929)
DNR ID #82-134	Lost Lake	927.0 (NGVD, 1929)
DNR ID #82-480W	Hall's Marsh	926.7 (NGVD, 1929)

302.040. STRUCTURE REQUIREMENTS.

1. Each dwelling unit must have a floor area of at least 900 square feet.
2. The maximum square footage of a storage shed is 144 square feet. No person shall place automobiles, vans, or trucks in a storage shed.

302.045 HEIGHT RESTRICTIONS

1. Structure Height Limitation.

No structure height (as defined in subsection 3 below) shall exceed the structure height limitation specified below for each type of structure.

<u>Structure type</u>	<u>Structure Height Limitation</u>
Principal structure/attached garage	25 feet
Detached accessory storage shed	12 feet
Detached accessory garages	18 feet
2. Tallest Point Limitation	

Regardless of the structure height limitations specified in subsection 1 above, which measure to an average roof level, the tallest point of a structure shall not exceed 35 feet above the grade plane (as defined in subsection 3 below). Also, the tallest point of an attached garage shall not exceed the height of the tallest point of the principal structure.

3. Method of Measurement

a. Structure Height

The structure height is the vertical distance between the grade plane and a point on the highest roof of the principal structure as defined by (1) the highest point of the coping of a flat roof or (2) the deck line of a mansard roof or (3) a level halfway between the highest point of a sloped roof and the average roof plane See Exhibits A and B.

Exhibit A.

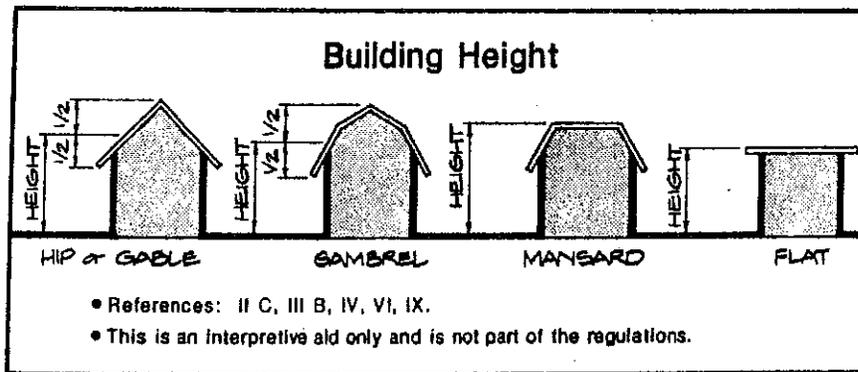
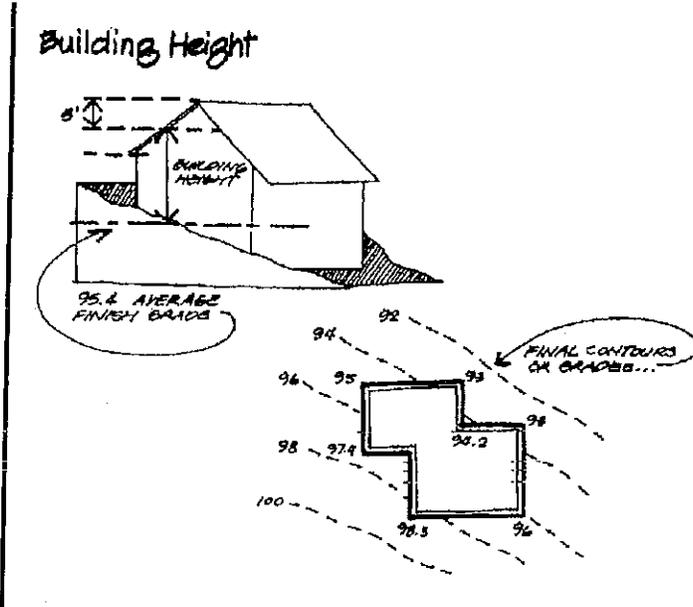


Exhibit B.



b. Grade Plane

The grade plane is the average level of finished grade at the structure as determined by the following:

- 1) Points of grade elevation are taken at the structure foundation where grade is level to the building façade or where grade slopes down to a building façade.
- 2) Where grade slopes away from a structure and the property line is less than six feet from the structure, grade plane is the average level of the lowest points between the building and property line.
- 3) Where grade slopes away from a structure and the property line is greater than six feet from the structure, grade plane is the average level of the lowest points less than 6 feet from the structure.

Note: When more than 4 corner points are used to determine the grade plane, points should be evenly distributed along any façade. Grade plane shall be calculated based on the method of averaging grade elevation at the structure in Exhibit C.

c. Site Elevation Plane

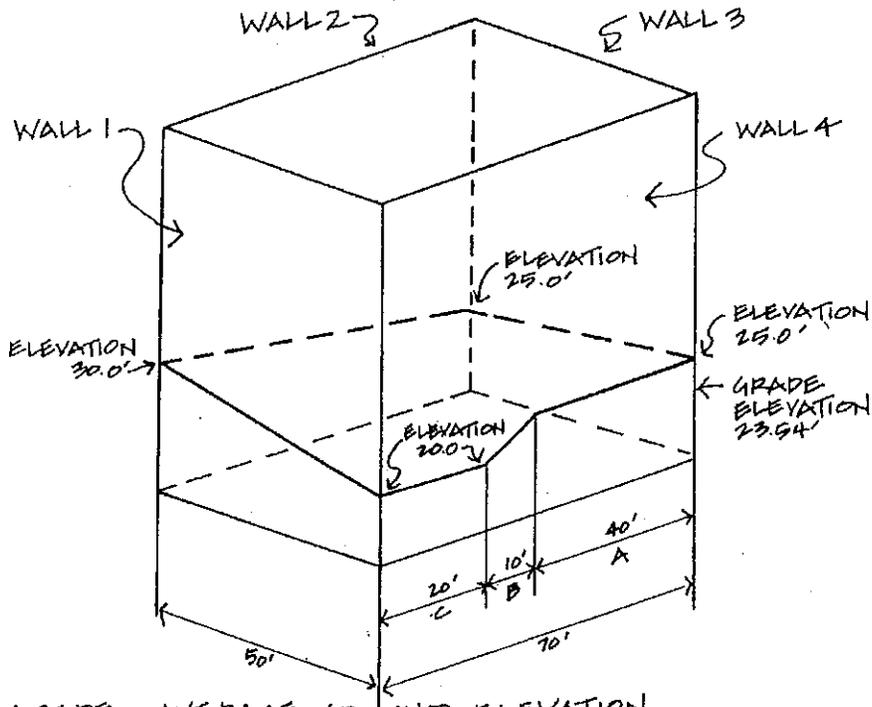
The site elevation plane is the average distance between the finished grade plane at the structure and the grade plane of the original elevations. Site elevation plane shall be calculated by points evenly distributed along the footprint of the proposed structure. Elevation plane shall be calculated based on the method of averaging the ground elevation using the same mathematical approach used in exhibit C. For purpose of this section, all differentials shall be measured in a positive number.

d. Roof Plane

The roof plane is the average level of finished roof line at the base of the principle structure's roof. When more than four corner points are used to determine the roof plane, points should evenly be distributed along every façade. Roof plane shall be calculated based on the method of averaging roof elevation using the same mathematical approach used in Exhibit C.

Exhibit C.

ILLUSTRATION 16: GRADE, GRADE ELEVATION



GRADE = AVERAGE GROUND ELEVATION

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

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

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

WALL 4 A - $25.0 \times 40 = 1000$

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

C - $20.0 \times \frac{20}{2} = \frac{400}{5050}$

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

4. Exceptions.

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

The change in the Site Elevation Plane shall not exceed two feet on average for each proposed structure on the property.

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

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

302.050 IMPERVIOUS SURFACES.

Impervious surface coverage of lots must not exceed twenty-five (25) percent of the lot area.

302.055 LAND DISTURBANCE ACTIVITY STANDARDS

See Sections 301.070 and 306.030 for Conditional Use Permit for Land Disturbance Activity.

1. The following are General Standards:

- a. A combination of successive Best Management Practices may be used to achieve the standards and requirements of Section 302.055. Justification for the method(s) selected shall be provided by the applicant as part of the permit application.
- b. When possible, existing natural drainage ways and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters and wetlands.
- c. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized and protected as soon as possible and facilities or methods used to retain sediment on the site.
- d. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used. Preference must be given to designs using surface drainage,

vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

- e. Grading and filing shall be such that the highest practical amount of runoff water is retained on the parcel of land that is altered both during and after such alteration.
- f. Fill or excavated material must not be placed in a manner that creates an unstable slope.

2. The following are Specific Standards:

a. Land Use Standards

1. No construction or alteration of new or existing structures or land topography shall be done so as to increase the rate of storm water runoff from the parcel as compared to the runoff rate before such construction or alteration unless:

(i) The City has a storm water drainage system which will accommodate this additional water flow without increasing the overall rate at which water leaves the City or enters public waters; and/or

(ii) Adequate storm water runoff measures and facilities are constructed to retain storm water on the lot and reduce the runoff rate such that the total rate from the lot is not increased; and/or

(iii) The construction or alteration results in a substantial reduction in storm water caused soil erosion on the lot, and the quantity of silt and/or other water borne pollutants leaving the lot is reduced.

2. Fill shall be stabilized to accepted engineering standards for erosion control in accordance with recommendations of the Washington County Soil and Water Conservation District.

3. Fill shall not be placed on areas lower in elevation than the ordinary high water level of any adjacent lake, pond or wetland; nor shall the final elevation of any excavation or grading be lower than the ordinary high water level.

4. No grading or filling shall be permitted within twenty (20) feet (measured horizontally) of the ordinary high water level of any lake, pond, or wetland.

5. No filled or excavated slopes shall be greater than thirty (30) percent.

6. Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if the finished slope does not exceed three (3) feet horizontal to one (1) foot vertical, the landward extent of the

riprap is within ten (10) feet of the ordinary high water level, and the height of the riprap above the ordinary high water level does not exceed three (3) feet.

b. Storm Water Control Structure Standards

1. When constructed facilities are used for storm water management, they must be designed and installed consistent with the field office technical guide of the Washington County Soil and Water Conservation Districts, Rice Creek Watershed District, and the National Urban Runoff Program (NURP).
2. New constructed storm water outfalls to public waters or wetlands must provide for filtering or settling of suspended solids and skimming of surface debris before discharge.
3. Drain Leaders. All newly constructed and reconstructed buildings with gutters and downspouts must have drain leaders routed to pervious areas wherein the runoff water can be allowed to infiltrate. The flow rate of water exiting the leaders shall be controlled so that no soil erosion occurs.

c. Requirements and Standards During Construction

1. Best Management Practices to minimize and control stormwater runoff, prevent erosion, and trap sediment shall be employed during construction in accordance with the recommendations of Washington Conservation District and/or as specified by the Minnesota Pollution Control Agency (MPCA) in its publication "Protecting Water Quality in Urban Areas."

(i) Site Dewatering. Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydro-cyclones, swirl concentrators or other appropriate controls. Water may not be discharged in a manner that causes erosion or flooding of the site or receiving channels or a wetland.

(ii) Waste and material disposal. All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, toxic materials and hazardous materials) shall be properly disposed of off-site and not allowed to be carried by runoff into a receiving channel, wetland, public water, or storm sewer system.

(iii) Tracking. Each site shall have graveled roads, access drives and parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public road shall be removed by street cleaning (not by flushing) at the end of each work day.

(iv) Drain inlet protection. During construction until site erosion control measures are in place, all storm drain inlets shall be protected with straw bales, silt fences, or equivalent barriers.

(v) Channeled runoff water passing through the site from adjacent areas shall be diverted around disturbed areas if practical. Otherwise, the channel shall be protected as described below. Sheetflow runoff from adjacent areas greater than ten thousand (10,000) square feet in area shall also be diverted around disturbed areas. Diverted runoff shall be conveyed in a manner that will not erode the conveyance and receiving channels.

2. No more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time.

3. Temporary ground cover, (mulch) shall be used within 2 weeks of finish and permanent vegetative cover, sod and plantings shall be provided as soon as possible but not exceeding 1 year after the completion of finish grading.

4. During and after grading, filling, and excavating, stormwater runoff and erosion from the entire disturbed area must be controlled. Silt fences, straw bales or equivalent control systems must be placed along all sideslope and downslope sides of the site. If a channel or area of concentrated runoff passes through the site, silt fences shall be placed along the channel edges to reduce the quantity of sediment reaching the channel.

5. Any soil or dirt storage piles of material shall not be located with a downslope drainage length of less than twenty-five (25) feet from the toe of the pile to any roadway or drainage channel, public water, wetland, or lake.

All soil or dirt storage piles remaining must be stabilized by mulching, vegetative cover, tarps, or other means within seven days. Erosion from piles which will be in existence for less than seven days shall be minimized by placing straw bales or silt fence barriers around the piles.

Any soil or dirt storage piles (including those for in-street utility repair) located within or closer than twenty-five (25) feet to a roadway or drainage channel must be covered with tarps or suitable alternative control to minimize erosion at all times when not in actual use.

All soil and dirt piles not to be used in the final landscape shall be removed from the lot within thirty (30) days of being excavated. Preferably such soil and dirt should be hauled off when excavated and not piled on the lot.

6. Maintenance and inspection. The use of stormwater runoff and erosion control measures shall include Best Management Practices maintenance. The City Building Official shall inspect for compliance with this ordinance in conjunction with each construction inspection and periodically as part of the scheduled Erosion Control Maintenance Program. The City Building Official shall keep a log of inspections, deficiencies and corrective actions and shall inform the applicant of deficiencies and corrective actions required.

302.060. VEGETATIVE ALTERATIONS.

1. Ground cover vegetation shall be preserved insofar as is practical and reasonable in order to retard surface runoff and soil erosion, and to utilize excess nutrients. The removal of natural vegetation shall be carried out in accordance with the following criteria:

- a. Clearcutting of trees shall be prohibited, except as necessary for placing public roads and structure.
- b. Ground cover vegetation shall be restored insofar as feasible after any construction project.
- c. The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.
- d. All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species.
- e. Alterations on Shore Lots. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands as long as sufficient cover is left to reasonably screen motor vehicles and structures when viewed from the water and existing shading of water surfaces is preserved. Natural shrubs which are removed must be replaced with other vegetation which is equally effective in retarding runoff, preventing erosion, and screening structures, vehicles, or other facilities. A protective buffer strip of natural vegetation at least 16.5 feet in width shall be maintained around all wetlands.

"AMENDED BY ORDINANCE 1995-2; MAY 9, 1995."

2. Nonconformity. Any use which lacks reasonable screening of development on lots abutting lakes, ponds, or wetlands, or which does not provide for adequate erosion control on any property within the City, is a nonconformity. When a development permit is sought for property with non conforming vegetative or erosion conditions, a recovery plan must be submitted by the permit applicant and approved prior to permit issuance. The recovery plan must provide for reasonable screening of shoreland development, protection of soil from erosion, surface water shading and a schedule for implementation.

302.070 CITY FENCE ORDINANCE.

1. Zoning Permit. A Zoning Permit (see Sections 301.080.1.b and 307) shall be obtained from the City before installing or constructing any fence for any purpose. A site drawing showing the location of the fence shall be submitted with the permit application.
2. Notice to Neighbors. Any applicant for a Zoning Permit to construct a fence shall notify all abutting property owners at least five (5) days prior to submitting the application for a Zoning Permit.
3. Location. All fences shall be located entirely upon the property of the fence owner.
4. Height. No fence may exceed six (6) feet in height.
5. Retaining Walls. Solid walls in excess of four (4) feet high shall be prohibited unless they are part of a building.
6. Materials. Fences in excess of four (4) feet in height shall be at least thirty percent (30%) open through the entire surface area of the fence. All fences shall be constructed and maintained in a substantial manner and of material reasonably suited for the purpose for which the fence is proposed to be used. That side of the fence considered to be the face (or most attractive side of the fence) shall face toward abutting properties.

“AMENDED BY ORDINANCE 1997-2; August 12, 1997.”

302.080. STAIRS AND LIFTS TO LAKE OR WATER BODY - STANDARDS. A stairway or lift to enable access from land properties to White Bear Lake or pond or recreational body of water shall be constructed and maintained in compliance with the standards and requirements of Section 302.080 parts 2 and 3.

1. The applicant shall obtain a Zoning Permit before any construction takes place.
2. Standards and requirements for stairways are as follows:
 - a. Stairways may not exceed 44 inches in width.
 - b. Landings may be permitted at a minimum vertical interval of 20 feet.
 - c. Landings may not exceed 32 square feet in area.
 - d. Handrails are recommended, however they shall not unduly obstruct the view by neighboring properties.
 - e. Canopies or roofs are not permitted on stairways or landings.

- f. Stairways shall be anchored and supported with pilings or footings.
- g. The applicant must submit a plan for the stairway to the City of Birchwood Village showing all necessary construction data including location, design, dimensions and construction materials before construction may begin.
- h. Steps must comply with all setback requirements except the setback from the high water mark.

3. Standards and requirements for lifts are as follows:

- a. The primary function of a lift shall be for the transportation of persons up and down the slope.
- b. No lift may be designed and used for the transport of boats or machinery on the hill face.
- c. The applicant must provide the City of Birchwood Village with a plan showing all necessary construction data including location of the lift, design, size and dimensions before construction may begin.
- d. The lift components shall be constructed and anchored in a manner that prevents it from shifting and from causing accelerated erosion.
- e. The car of any lift may not exceed four feet by six feet.
- f. The location of the transporting device and/or power source shall be screened.

"AMENDED BY ORDINANCE 2005-1; APRIL 12, 2005."

"Tree Ordinance" proposal for Feb 9 City Council Meeting

All additions to codes so far are in **bold, arial, font. Green**

Deletions from existing codes are in ~~bold, strike-through~~ **red.**

(Comments in parentheses in arial italics: not to be part of the ordinances)

(Move and re-label 302.060. VEGETATIVE ALTERATIONS. To

302.055 LAND DISTURBANCE ACTIVITY STANDARDS)

(Purpose: To put tree preservation more in the main stream of the 302 ordinance.)

2. The following are Specific Standards:

-
- d. NEA Preservation~~Vegetative Alterations~~ *(A new section with changes to original wording of 302.060 follows after sections a. through c.)*

The purpose of this section is to preserve and protect the Natural Environment Areas of the City and to minimize the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality.

~~Ground cover vegetation shall be preserved insofar as is practical and reasonable in order to retard surface **water** runoff and /soil erosion, and to utilize excess nutrients. The removal of woody, non-noxious, vegetation in NEAs natural vegetation shall be carried out in accordance with the following criteria:~~

a. (i) Clearcutting of trees shall be prohibited within all NEAatural Environment Areas, except as necessary for placing public facilities and roads, and private and public structures. Clearcutting of trees shall also be allowed on land within 20 feet of buildings and driveways. On any property, removal of all box elder, green ash, silver maple, American elm, and buckthorn trees is allowed.

(ii) When Part (i) allows clearcutting on any part of an NEA that is within 10 feet of a side or rear property lot lineboundary, the property owner shall provide, as part of the permitting process, a plan for restoration of that area to provide screening reasonably equivalent to that provided by the original NEA. As an alternative to achieving an NEA, the property owner may elect to plant evergreens,

lilacs, or other relatively dense plants to provide permanent screening. QUESTION: Where does it say the owner has to "achieve" an NEA?

~~b. (iii) Clearcutting of shrubs and/or ground cover vegetation shall be prohibited on shore lots and slopes greater than thirty (30) percent. Ground cover vegetation shall be restored insofar as feasible after any construction project.~~ **Land Disturbance Activity.**

e. (iv) The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.

~~d. (v) All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species. Q: What are these standards?~~

e. (vi) Alterations on Shore-Lots Abutting Wetlands. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands, as long as sufficient cover is left to reasonably screen motor vehicles and structures when viewed from the water and existing shading of water surfaces is preserved. Natural shrubs which are removed must be replaced with other vegetation which is equally effective in retarding runoff, preventing erosion, and screening structures, vehicles, or other facilities. However, a protective buffer strip of natural vegetation at least 16.5 feet in width shall be maintained around all wetlands.

(The following two parts are to remain in their original locations, 302.055.c parts 2 and 3, respectively, and also added to this section with a few changes.)

(vii) During Land Disturbance Activities shall be conducted on no more than one-third (1/3) of the surface area of a lot shall be devoid of vegetative ground cover at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. PERHAPS insert section/language regarding erosion control devices here.

(viii) Erosion Control Temporary ground cover, (mulch, fiber matting or similar) shall be applied within 2 weeks of the finish of Land Disturbance Activities. Permanent vegetative cover, sod, or plantings shall be provided as soon as possible but not exceeding 1 year after the completion of Land Disturbance Activities.

(Add a new part to 304.040 2. Criteria for Granting a Variance.)

~~h. The City Council shall determine if the granting of the variance would result in preservation of more trees and other vegetative cover than if the project would be completed without a variance.~~

~~*(An "incentive" for landowner and City to preserve trees and other vegetation.)*~~

(Changes in Definitions)

Birchwood 300.020 DEFINITIONS

9. Clearcutting. Complete removal of trees or shrubs or woody ground cover in a contiguous patch, strip, row or block in excess of _____. **On any property, removal of all box elder, green ash, silver maple, American elm, and buckthorn trees is allowed**

24. Land Disturbance Activity (LDA). Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, **and removal of vegetation.**

XX. Temporary Ground Cover.

EXCEPTION: Gardening or the planting of trees or shrubs shall not be considered to be a land disturbance activity.

(Add a definition to 300.020 DEFINITIONS)

32.a. Natural Environment Area (NEA): A contiguous area greater than 400 square feet where there has been no periodic mowing, cultivation, raking, gardening, or similar activity. This area would usually contain trees greater than 3 inches in diameter and numerous mature shrubs and small trees. A lot may contain more than one such area. **Box elder, green ash, silver maple, American elm, and buckthorn trees shall not be considered in this definition.**

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“Tree Ordinance” proposal for Feb 9 City Council Meeting

All additions to codes so far are in **bold, arial, font. Green**

Deletions from existing codes are in ~~**bold, strike-through- red.**~~

(Comments in parentheses in arial italics: not to be part of the ordinances)

(Move and re-label 302.060. VEGETATIVE ALTERATIONS. To

302.055 LAND DISTURBANCE ACTIVITY STANDARDS)

(Purpose: To put tree preservation more in the main stream of the 302 ordinance.)

2. The following are Specific Standards:

.....
d. **NEA Preservation** *(A new section with changes to original wording of 302.060 follows after sections a. through c.)*

The purpose of this section is to preserve and protect the Natural Environment Areas of the City and to minimize the loss of trees and other vegetation. Trees provide benefits of scenic beauty, visual and sound barriers, winter and summer energy conservation, wildlife habitat, erosion control, and air quality. The removal of woody, non-noxious, vegetation in NEAs shall be carried out in accordance with the following criteria:

a. (i) Clearcutting of trees shall be prohibited within all NEAs, except as necessary for placing public facilities and roads, and private and public structures. Clearcutting of trees shall also be allowed on land within 20 feet of buildings and 5 feet of driveways.

(ii) When Part (i) allows clear cutting on any part of an NEA that is within 10 feet of a side or rear property lot line, the property owner shall provide, as part of the permitting process, a plan for restoration of that area to provide screening reasonably equivalent to that provided by the original NEA.

iii. When a variance is requested for non-compliance with section 302.060 the land owner shall submit a plan to plant evergreens, lilacs, and other vegetative dense plants to provide screening to mitigate the loss of vegetation.

e. (iv) The removal of trees, limbs or branches, and other plants that are dead, diseased or pose safety hazards is permitted on any property.

d. (v) All cutting, pruning and trimming of trees must be based on sound forest management practices for individual tree species. The city forester shall create a policy which will be on file and available at City Hall.

e. (vi) Lots Abutting Wetlands. Selective cutting of trees and underbrush shall be allowed on lots abutting lakes, ponds, or wetlands. However, a protective buffer strip of vegetation at least 16.5 feet in width shall be maintained around all wetlands.

(The following two parts are to remain in their original locations, 302.055.c parts 2 and 3, respectively, and also added to this section with a few changes.)

(vii) During Land Disturbance Activities shall be conducted on no more than one-third (1/3) of the surface area of a lot at any time. All Activities on the site shall be conducted in a logical sequence to minimize the area of bare soil exposed at any one time. PERHAPS insert section/language regarding erosion control devices here.

(viii) Erosion Control, (mulch, fiber matting or similar) shall be applied within 2 weeks of the finish of Land Disturbance Activities. Permanent vegetative cover, sod, or plantings shall be provided as soon as possible but not exceeding 1 year after the completion of Land Disturbance Activities.

(Changes in Definitions)

Birchwood 300.020 DEFINITIONS

9. Clearcutting. Complete removal of trees or shrubs **or woody ground cover** in a contiguous patch, strip, row or block in excess of 400 sq feet or more than 25% of the trees on the property. **On any property, removal of all box elder, green ash, silver maple, American elm, and buckthorn trees is allowed**

24. Land Disturbance Activity (LDA). Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, **and removal of vegetation.**

XX. Temporary Ground Cover.

EXCEPTION: Gardening or the planting of trees or shrubs shall not be considered to be a land disturbance activity.

(Add a definition to 300.020 DEFINITIONS)

32.a. Natural Environment Area (NEA): A contiguous area greater than 400 square feet where there has been no periodic mowing, cultivation, raking, gardening, or similar activity. This area would usually contain trees greater than 3 inches in diameter and numerous mature shrubs and small trees. A lot may contain more than one such area. Box elder, green ash, silver maple, American elm, and buckthorn trees shall not be considered in this definition.

QUALITY FLOW SYSTEMS, INC.

800 6th Street NW
New Prague, MN 56071

Phone(952)758-9445
Fax(952)758-9661

February 16, 2016

TO: White Bear Township, MN
Attn: Pete

Subject: Birchwood Repairs

Pete;

Please find below our proposal to replace impellers and mechanical seals at lift station 3. I included the mechanical seals also in the quote to match the work we did at LS 2 already. They are fairly cheap and we will have the pumps tore apart already, so it will save some labor cost.

At LS 1, pump1 is in worse shape as you saw in the pictures. It has bad wear and cavitation. On this pump, the base plate that the impeller sits on is worn badly as well as the wear plate in front of the impeller. Therefore I quoted the parts below to repair this pump back to peak operation.

Lift Station 3 Repairs:

Two (2) Gorman Rupp T4ABS/WW 10hp dry pit pumps to include:
- (2) Semi Open Impellers
- (2) Mechanical Seals

One (1) Installation / Labor

Total Delivered Selling Price - - \$4,394.00 (+ tax)
(Freight allowed to the jobsite)

Lift Station 1 Repairs:

One (1) Gorman Rupp T4A3-B/WW 5hp dry pit pump to include:
- (1) Semi Open Impellers
- (1) Mechanical Seals
- (1) Base Plate
- (1) Wear Plate

One (1) Installation / Labor

Total Delivered Selling Price - - \$2,866.00 (+ tax)
(Freight allowed to the jobsite)

If you have questions or require this to be quoted different, please give me a call.

Sincerely,

Cory Malay

Cory Malay



November 9, 2007
File: 310000E-2007

Honorable Mayor and City Council
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

RE: Infrastructure Review

Dear Mayor and Council Members:

As discussed at the October 2007 City Council meeting, we have undertaken a review of the village infrastructure to outline a replacement/rehabilitation schedule and associated construction costs in today's dollars. The actual life span of the infrastructure may differ from that assumed below; however the estimated replacement schedule will provide the Village with the ability to forecast expenditures.

Street Network

The street network, in general, is in relatively good condition given the age of the roadways. Based on a survey of their condition we would recommend the following:

1. Lower Birch Street is in very poor condition. The roadway surface has significant cracking and is also experiencing spalling of the bituminous. The roadway is at a point in its life cycle where preventative maintenance is no longer cost effective. A full reconstruction in order to correct the base will be necessary. This work can be completed at any time the Council deems appropriate. The ordinances currently state that 100% of the cost of reconstruction should be assessed against the benefiting properties. The estimated project cost is \$43,000.00.
2. Grotto Street, north of Wildwood Avenue, currently has a gravel surface. Previous correspondence to the Council provided a project cost of \$36,000.00 to pave the roadway and add curb and gutter. This work can also be completed at any time the Council deems appropriate.
3. Cedar Street and Hall Avenue is in moderate condition. The roadway does see a higher volume of traffic than the other roads within the Village due to the fact that it serves as a collector roadway. In addition to cracking, the roadway does have some areas of more advanced alligator cracking and rutting in the wheel paths. Based on the level of surface deterioration we estimate that it will be necessary to reconstruct the roadway in approximately 5 years. A full reconstruction will most likely be needed to correct the base due to the types of surface cracking that is occurring. It is estimated that the project cost to reconstruct Cedar Street and Hall Avenue will be \$900,000.00. The project cost will vary depending on the level of storm sewer and drainage improvements that are made. *— alligator cracking*
4. For the remaining streets, crack sealing is recommended in addition to the seal coat program that is currently underway. Crack sealing is a localized treatment used to prevent water from entering larger existing cracks. It includes routing to clean the crack

and create a reservoir for the sealant and then filling with a sealant. Crack sealing should ideally be completed every three to five years depending on budget constraints. We would suggest crack sealing the two thirds of the Village that have not been seal coated prior to next years scheduled seal coating improvements. The estimated cost is \$5,000.00. The streets that were seal coated in 2007 should be crack sealed in 2010 at an estimated cost of \$2,000.00. The condition of the streets should be reviewed periodically to determine if they are approaching the need for additional rehabilitation.

Sanitary Sewer System

The sanitary sewer mains are being addressed with the scheduled rehabilitation of the remaining half of the Village. The estimated project cost is \$531,295.00. The life span of the rehabilitated pipe is comparable to a new pipe and should last up to fifty years. There is the possibility that sections of mains have settled and will require correction by open cutting. Areas where this may be an issue will be determined when the televising tapes are reviewed.

The other part of the sanitary infrastructure to consider is the lift stations. All three lift stations within the Village are relatively new. The Birchwood Lane Lift Station was reconstructed in 1997. In addition, the piping from the lift station to the wet well was replaced in October 2006. The Wildwood Lift Station was reconstructed in 2001. The Dellwood Lift Station was completely replaced in 2004.

The pumps in these three stations should be adequate for 15 years past their installation date and the structures should be adequate for 50 years past their installation date. It is estimated that to replace the pumps in each lift station will be approximately \$12,000, which includes two pumps. Ongoing maintenance of the Village's three lift stations will remain an annual expense that will increase with station aging.

Watermain System

The watermain system is difficult, if not impossible, to inspect. Due to the pressure within the mains it is not possible to televise the lines. The only projected cost for the mains is routine maintenance and repair of any breaks. There are two maintenance projects that are recommended at this time. They include replacing two hydrants at a construction cost of \$9,530.00 and replacing the check valve in the manhole vault at a construction cost of \$4,590.00.

Storm Sewer System

The Village continues to plan for the removal and replacement of existing catch basins with structures that include sumps to promote sediment reduction. There are approximately 12 catch basins/inlets that could be reconstructed at an approximate construction cost of \$5,500 each. To ensure that the project is of adequate size, the Village should complete a minimum of three catch basin reconstructions with each project.

There are other improvements to the storm system that the Village could undertake. These projects are not required but would aid in improving water quality of White Bear Lake and Hall's Marsh. Possible projects include the addition of rain water gardens, improvements at the intersection of East County Line Road and Ramsey County Road 94 where the East County Line runoff is directed to White Bear Lake, and along Lake Avenue and Iris Street adjacent to

Hall's Marsh. No project costs have been included for these potential projects as additional direction would be required from Council as to the type of project desired.

Summary

Overall, the Village has been proactive in addressing the condition of their infrastructure. The following is an estimated summary of minimum costs that the Village can anticipate incurring over the next twenty years.

2008

<i>Streets</i>	
Crack Sealing	\$ 5,000.00
Seal Coating	\$ 15,000.00
 <i>Sanitary Sewer</i>	
Rehabilitation of Mains	\$531,295.00
 <i>Watermain</i>	
Hydrant Replacement	\$ 9,530.00
Check Valve Replacement	\$ 4,590.00
 <i>Storm Sewer</i>	
Catchbasin Replacement (sumps)	\$ 16,500.00

2009

<i>Streets</i>	
Seal Coating	\$ 16,500.00
 <i>Storm Sewer</i>	
Catchbasin Replacement (sumps)	\$ 16,500.00

2010

<i>Streets</i>	
Crack Sealing	\$ 2,000.00
 <i>Storm Sewer</i>	
Catchbasin Replacement (sumps)	\$ 16,500.00

2011

<i>Streets</i>	
Reconstruction of Cedar/Hall	\$900,000.00
Crack Sealing	\$ 5,000.00
 <i>Storm Sewer</i>	
Catchbasin Replacement (sumps)	\$ 16,500.00

Mayor and City Council Members
November 9, 2007
Page 4

2012

Sanitary Sewer

Replace Birchwood Lane L.S. Pump \$ 12,000.00

2016

Sanitary Sewer

Replace Wildwood Lane L.S. Pump \$ 12,000.00

2019

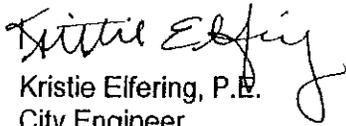
Sanitary Sewer

Replace Dellwood Lane L.S. Pump \$ 12,000.00

I will be in attendance at the November 13, 2007 City Council meeting. If you have any questions concerning this information prior to that time, please call me at (763) 780-0450 ext. 12.

Sincerely,

Elfering & Associates


Kristie Elfering, P.E.
City Engineer

City of Birchwood Capital Improvement Schedule
(2009 dollars)

	Un-scheduled	Past Costs		10 Year Schedule of Costs												Subtotals		
		2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019					
Sanitary Sewer																		
Rehab of mains																		
Pump replacement																		
An. lift station maintenance																		
An. Lift station inspection																		
Video mains for cracks*																		
Purchase Generator																		
Subtotal																		
Storm Sewer																		
catchbasin replacement																		
clean city hall drain pipe																		
Subtotal																		
Water																		
hydrant replacement																		
check valve replacement																		
Subtotal																		
Roads																		
track sealing																		
seal coating																		
Subtotal																		
Construction Cedar/Hall																		
reconstruction Lower Birch ave Groto Street																		
overlay streets																		
Subtotal																		
Parks																		
reconstruction																		
place tennis court net																		
crack sealing**																		
hockey rink																		
Subtotal																		
Facilities																		
city hall																		
pavement city hall																		
Subtotal																		
TOTAL COST																		
Un-scheduled	164,000	581,915	100,000	37,500	39,000	36,000	21,000	922,900	17,500	0	0	0	0	0	0	0	0	0
2008																		
2009																		
2010																		
2011																		
2012																		
2013																		
2014																		
2015																		
2016																		
2017																		
2018																		
2019																		
Subtotals																		

Work completed by a Contractor to requirements outlined in 2005 and schedule would depend on date of reconstruct termian costs will be associated with breaks and will be repair orientated. Some discussion in the past on rebuilding the warming house