



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
December 11, 2018
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. We hope to open ice rink this week –watch the City website for updates
- B. Street snow removal comments should be sent to info@cityofbirchwood.com
- C. Letters of recommendation are being accepted for the following positions: 1) WBLCD; 2) Planning Commission – deadline Jan 1, 2019
- D. Community Club Christmas Party will be held Dec 12 from 5:30-7:00pm at City Hall
- E. Community Club Yoga Class – Tuesdays 5-6pm at City Hall
- F. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 5)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from November 13, 2018* (pp. 7-13)
- B. Approve Treasurer’s Report* (pp. 15-26)
- C. Approval of Resolution 2018-23, Designating Polling Place* (p. 27)

CITY BUSINESS – REGULAR AGENDA

- A. Truth in Taxation/Adoption of Final Levy and Budget* (pp. 29-35)
 - a. Public Hearing
 - b. Review of Proposed 2019 Levy and Budget
 - c. Approve resolution 2018-25, Final Budget Adoption
 - d. Approve resolution 2018-24, Final Levy Adoption

Time Budget: 10 Minutes

- B. Resolution 2018-26 - Certification of Delinquent Utility Accounts to the County* (pp. 37-38)
 - a. Public Hearing
 - b. Council Deliberation and Approval
Time Budget: 5 Minutes
- C. WBLCD Update – Rep. Barton Winter
 - a. Presentation and Q&A
Time Budget: 15 Minutes
- D. Parks Committee Update and Recommendations* (pp. 39-41)
 - a. Kayak Rack Placement
 - b. Dog Waste Stations
 - c. Tighe-Schmitz Park Feasibility Study
Time Budget: 15 Minutes
- E. Roads Committee Update and Recommendations* (p. 43)
 - a. Appoint Committee Member
Time Budget: 5 Minutes
- F. Special Assessments Policy (Wingfield)
 - a. Council Deliberation
Time Budget: 10 Minutes
- G. Lake Avenue Feasibility Report
 - a. Council Deliberation
Time Budget: 10 Minutes
- H. Second Reading Ordinance 2018-11-01 Amending Conditional Uses* (p. 45)
 - a. Cancel public hearing
Time Budget: 1 Minute
- I. Resident Parking Ordinance (White)
 - a. Council Deliberation
Time Budget: 10 Minutes
- J. Exterior Storage (White)
 - a. Council Deliberation
Time Budget: 10 Minutes
- K. Council Raises (White)
 - a. Council Deliberation
Time Budget: 10 Minutes
- L. Dog Ordinance (Wingfield)* (pp. 47-67)
 - a. Council Deliberation
Time Budget: 10 Minutes
- M. Easement Usage Agreement* (pp. 69-71)
 - a. Council Deliberation
Time Budget: 10 Minutes

- N. Lake Links Trail Update* (pp. 73-91)
 - a. Council Deliberation
Time Budget: 5 Minutes
- O. Council Member Reports:
 - a. Mayor Wingfield
 - i. Utility Committee update
 - ii. Digitizing city historical records update
Time Budget: 5 Minutes
 - b. Councilmember LaFoy
 - i. City investment funds* (pp. 93-95)
 - ii. SCC update* (pp. 97-102)
Time Budget: 7 Minutes
 - c. Councilmember Woolstencroft
 - i. Council member chairs
Time Budget: 5 Minutes
- P. City Administrator's Report
 - a. Warming house heater
 - b. Lakewood Lane update* (p. 104)
Time Budget: 5 Minutes

ADJOURN

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 incidents and citations for November 2018.

Incident Summary Report

From:11/1/2018 12:00:00 AM To:11/30/2018 11:59:59 PM



WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD

11/5/2018 11:32:10 PM	WC18043277	XXX Birchwood Ave, BIRCHWOOD	MEDICAL
11/6/2018 3:47:42 PM	WC18043355	Cedar St/Co Rd 120, BIRCHWOOD	ACCIDENT
11/8/2018 11:22:24 AM	WC18043595	XXX Birchwood Ave, BIRCHWOOD	OFFICER INFORMATION
11/10/2018 1:34:44 PM	WC18043878	70XXX -715 HALL AVE, BIRCHWOOD	Extra Patrol
11/11/2018 1:52:35 PM	WC18044010	40XXX -408 Birchwood Ave, BIRCHWOOD	ANIMAL COMPLAINT
11/13/2018 8:26:03 PM	WC18044304	XXX Birchwood Ave, BIRCHWOOD	OFFICER INFORMATION
11/14/2018 12:57:22 PM	WC18044401	XXX Birchwood Ave, BIRCHWOOD	follow up phone call
11/16/2018 8:33:28 AM	WC18044662	XXX Wildwood Ave, BIRCHWOOD	Nieghbor Dispute
11/19/2018 8:19:40 AM	WC18044979	50XXX -699 HALL AVE, BIRCHWOOD	Extra Patrol
11/22/2018 5:25:50 PM	WC18045421	XXX Wildwood Ave, BIRCHWOOD	OTHER
11/23/2018 6:48:28 PM	WC18045546	XXX Wildwood Ave, BIRCHWOOD	OTHER
11/29/2018 3:14:43 PM	WC18046288	XX Birchwood Ave, BIRCHWOOD	SUSPICIOUS PERSON/ACTIVITY

Citations for: Birchwood

11/1/2018 To 11/30/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
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**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
NOVEMBER 13, 2018**

BOARD OF CANVAS

CALL TO ORDER

REGULAR AGENDA

- A. Review & Certify 2018 Municipal Election Results
 - a. Review Election Results

Mayor, Council Members and Administrator Lay: Discussed the 2018 election and voter turnout numbers briefly.

- b. Approve Resolution 2018-22, Certifying Municipal Election Results

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO PASS RESOLUTION 2018-22. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO CLOSE THE BOARD OF CANVAS. ALL AYES. MOTION PASSED.

Administrator Lay: Passed around certification document for signature by Council Members.

MINUTES

Members Present: Mayor Mary Wingfield, Council Members Kevin Woolstencroft, Randy LaFoy and Jessi Aakre. Councilmember Trilby White absent.

Staff Present: City Administrator Tobin Lay, City Attorney Alan Kantrud, City Engineer Steve Thatcher.

Others Present: Debbie Harrod, Judy Duffy, Cheryl Anderson, Terence O'Loughlin and Julie McKenzie.

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

Mayor Wingfield: Requested to add escrow fees to the agenda.

Councilmember LaFoy: Added SCC Cable Commission to Item J.

Administrator Lay: Notified Council there are additional matters to discuss in Administrator's Report.

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

OPEN PUBLIC FORUM

Debbie Harrod (483 Lake Ave): Stated Kay Beach should remain a swimming only beach.

Judy Duffy (505 Lake Ave): Agreed Kay Beach should remain swimming only. Requested easement access on a case-by-case basis and the issue be resolved quickly citing work may be required on homes that abut these easements.

Administrator Lay: Clarified that Council put a moratorium on easement access only until the City can decide on formal draft language. Planning Commission has requested more formal draft language from Council for review.

Mayor, Council Members, Administrator Lay, Attorney Kantrud and Judy Duffy (505 Lake Ave): Discussed easement access in detail.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO REQUEST FORMAL FEEDBACK FROM THE PLANNING COMMISSION ON EASEMENT ACCESS. ANY INPUT OR RECOMMENDATIONS MUST BE COMMUNICATED BY DECEMBER 1ST, 2018. ALL AYES. MOTION PASSED.

Julie McKenzie (509 Lake Ave): Stated Kay Beach was used as swimming beach heavily this year and swimming alongside boat access is a concern. Suggested alternatives to enhance existing Kayak/Canoe storage without Kay Beach.

ANNOUNCEMENTS

- A. Community Yoga Class – Tuesday's from 5pm to 6pm at City Hall
- B. Wildwood Library Building Project – Final Community Engagement
- C. We are social. Follow us on Facebook and Twitter and/or register for the email listserv
- D. Leadership Tomorrow – Training Course Deadline

ADMINISTRATIVE PRESENTATION

CITY BUSINESS – CONSENT AGENDA

- A. Approve Special Meeting Minutes from September 11, 2018
- B. Approve Regular Meeting Minutes from October 9, 2018
- C. Approve Treasurer's Report
- D. Approve Resolution 2018-20, Adopting County All-Hazard Plan
- E. Approve Resolution 2018-21, Summary Publication of Ord. 2018-04-01, Amending Variance & Appeal Provisions

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

CITY BUSINESS – REGULAR AGENDA

- A. Sheriff Report
 - a. Dog attack Q&A with Sgt. Marquardt (Washington County Sheriff)

Administrator Lay: Provided background and introduced Sergeant Brad Marquardt.

Sgt. Marquardt (Washington County Sheriff): Cited dog bite case as example of response timing and admitted missed steps in the case. Displayed example of response logs and addressed dog biting. (Time Stamp 00:22:00)

Mayor, Council Members and Sgt. Marquardt (Washington County Sheriff): Discussed dog biting enforcement.

Cheryl Anderson (14 Oakridge Dr.): Provided story about a recent dog-related incident involving her dog.

Sgt. Marquardt (Washington County Sheriff): Stated residents should call 911 immediately and speak to an Officer who will generate a report, which triggers a follow up with owner via the department's Dog Bite Deputy and findings are sent to the City in what is usually about a two-week process. Recommended carrying a walking stick for protection also.

Mayor and Council Members: Requested a follow up on the Anderson incident. Stated a follow up report is anticipated.

Administrator Lay: Reminded residents to also please file a formal complaint with City Hall.

Julie Duffy (505 Lake Ave): Stated dogs off leash at Kay Beach during swimming hours are a concern.

Mayor and Council Members: Thanked the officers for coming and for their time and report.

B. 27 Birchwood Lane Conditional Use Permit (CUP)

Administrator Lay: Provided history of the CUP at 27 Birchwood Lane. Stated Engineer Thatcher recommended a licensed Engineer sign off on any plans. Resident seeks approval to proceed without a licensed engineer signature.

a. Review permit holder's request for adjustment

Terence O'Loughlin (27 Birchwood Lane): Stated engineer signature was never made a condition. Asserted he would comply moving forward but is concerned about what he perceived as last minute changes to condition for this approval.

Engineer Thatcher: Asked Mr. O'Loughlin how he knows what he is proposing is structurally sound.

Terence O'Loughlin (27 Birchwood Lane): Responded stating engineers, landscapers and contractors have concurred.

Engineer Thatcher: Stated reason for signature requirement is to minimize risk of future incidents. Noted also written proposal is not clear on if geo grid is included and failures to soil integrity on surface decrease integrity of deep soil, which may bring about greater systemic concerns. Stated also that a hard copy of the final plan has not been submitted.

Terence O'Loughlin (27 Birchwood Lane): Claimed he was operating under the impression Mr. Thatcher had approved the project if overseen by an architect or engineer.

Administrator Lay: Restated the background information of the 27 Birchwood Lane CUP for clarification.

Attorney Kantrud: Asserted these requirements are in place to assure similar issues do not happen again.

Mayor, Council Members, Administrator Lay, Attorney Kantrud, Engineer Thatcher and Terence O'Loughlin (27 Birchwood Lane): Discussed the CUP project specifications and requirements in detail.

Mayor and Council Members: Clarified new plans are not necessary, but a professional affirmation of plan is required.

Terence O'Loughlin (27 Birchwood Lane): Committed to having a licensed architect or engineer sign off on review of existing plan prior to work commencing and assured Council the geo grid is included in the final plan.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO ADJUST THE 27 BIRCHWOOD LANE CONDITIONAL USE PERMIT UPON: 1.) CITY RECEIPT OF THE FINAL PLAN, ACCEPTING THE OPTIONAL ITEMS IN THE PROPOSAL, 2.) CITY RECEIPT OF A DOCUMENT SIGNED BY A LICENSED ENGINEER OR ARCHITECT STATING THE FINAL PLAN HAS BEEN REVIEWED AND IS A REASONABLE ENGINEERING OR ARCHITECTURAL SOLUTION AND, 3.) PROJECT WILL BE INSPECTED IN ACCORDANCE WITH THE FINAL PLAN SUBMITTED TO THE CITY AS WELL AS STANDARD PROFESSIONAL PRACTICES. ALL AYES. MOTION PASSED.

Engineer Thatcher: Recommended the City require signatures by a Minnesota State licensed professional engineer for projects like these, stating it will enhance the City's legal position and the City's soil integrity long-term.

Mayor Wingfield: Thanked Mr. Thatcher for his time and advice.

C. City Engineer Projects

Administrator Lay: Provided background on storm runoff areas not working properly. Cited Birch St. as an example.

a. Discuss Birch St. & Birchwood Ave. storm runoff

Engineer Thatcher: Suggested a feasibility study. Provided research method for study and summary of storm runoff.

Mayor Wingfield, Council Members, Administrator Lay and Engineer Thatcher: Discussed runoff prevention and the details of a feasibility study.

Mayor Wingfield: Suggested contacting Rice Creek Watershed District to ensure grant funding is available.

Mayor and Council Members: Directed Administrator Lay to confirm that grant programs are available from RCWD or other sources.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ENGINEER THATCHER TO CONDUCT A STORM RUNOFF FEASIBILITY STUDY ON THE CONDITION ADMINISTRATOR LAY CONFIRMS GRANT PROGRAMS ARE AVAILABLE TO PROVIDE AT MINIMUM 50% COST ASSISTANCE FOR THE STUDY. ALL AYES. MOTION PASSED.

Mayor and Council Members: Thanked Engineer Thatcher for his time.

D. Additional Kayak/Canoe Racks

Administrator Lay: Updated Council on Kayak/Canoe Racks. All easements are considerations.

a. Council Deliberation

Councilmember Woolstencroft: Stated there is public support for Kayak/Canoe racks at Kay Beach from residents on the east side of town.

Councilmember Aakre: Requested more information from residents and council on impact to water safety.

Debbie Harrod (483 Lake Ave): Affirmed Kay Beach is not the same size or layout as the other easements.

Councilmember Aakre: Thanked Ms. Harrod for her time and information.

Mayor and Council Members: Discussed new racks, observed activity at Kay Beach in 2018, safety and logistics.

Councilmember LaFoy: Read a letter from Councilmember White in support of additional and new canoe/kayak racks. (Time Stamp 01:54:05)

Debbie Harrod (483 Lake Ave): Cited legal language from WBLCD on the designation and management of swimming beaches.

Attorney Kantrud: Stated item cited was is not likely applicable to the City in this case.

Judy Duffy (505 Lake Ave): Reiterated that Kay Beach's status is as a designated swimming beach.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO REQUEST THE PARKS COMMITTEE TO IDENTIFY LOCATIONS FOR ONE CANOE / KAYAK RACK AT KAY BEACH AND ONE ADDITIONAL CANOE / KAYAK RACK AT BIRCH BEACH WITH A RECOMMENDATION DUE WITHIN 60 DAYS. ALL AYES. MOTION PASSED.

E. Special Assessments Policy

Mayor Wingfield: Cited background of the Lake Avenue Overlay project to introduce Special Assessments Policy.

a. Council Deliberation

Councilmember Aakre: Asked Attorney Kantrud if he has reviewed the proposed Special Assessments Policy.

Attorney Kantrud: Responded affirmatively.

Mayor Wingfield: Committed to the December Roads Committee meeting for discussion on Special Assessments Policy.

Mayor and Council Members: Decided mayor Wingfield will collect input from Council and report back in December.

F. Comprehensive Plan (Comp Plan) Update

Administrator Lay: Stated the Comp Plan is ready for adjacent jurisdictional review. Review of document is overdue.

a. Review and approve submission for adjacent jurisdictional review

Mayor and Council Members: Decided Planning Commission will review Comp Plan as the jurisdictional review occurs.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the Comp Plan in general as well as missing sections and potential topics such as home businesses and carbon footprint.

Mayor and Council Members: Asked Administrator Lay contact Anna Vang on Comp Plan carbon footprint information.

G. First Reading Ordinance 2018-11-01, Amending Conditional Uses

Administrator Lay: Introduced inconsistencies in code with regards to Section 301

- a. Council Deliberation
- b. Approve first reading and order public hearing

MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE FIRST READING AND ORDER PUBLIC HEARING OF ORDINANCE 2018-11-01, AMENDING CONDITIONAL USES. ALL AYES. MOTION PASSED.

Mayor, Council Members and Administrator Lay: Discussed public notification or if Planning Commission must first review and approve of the amendment language.

Attorney Kantrud: Recommended a review by Planning Commission prior to passage or public notification.

Mayor and Council Members: Directed Administrator Lay to deliver the conditional use amendment to the Planning Commission for review and recommendation prior to December's Regular City Council Meeting.

H. Commission/Committee Appointments

- a. Review Committee/ Commission Vacancies

Administrator Lay: Updated Council on status of and posting for commissions and committees vacancies. Asked Council to confirm if two Utility Committee members are enough to proceed with Utility Committee functions.

- b. Approve staff to publish openings and begin accepting letters of interest

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO PUBLISH PLANNING COMMISSION VACANCIES WITH DEADLINE JANUARY 1, 2019. ALL AYES. MOTION PASSED.

Councilmember LaFoy: Thanked Birchwood's long-standing volunteers for their time, dedication and hard work. Invited residents to consider the Planning Commission to learn more about the community and get involved.

Mayor and Council Members: Agreed that only two Utility Committee members is acceptable moving forward.

Administrator Lay: Reminded Council a Secretary for Planning Commission and new WBLCD member are also needed.

I. Ice Rink/Warming House

- a. Heater Replacement Bids

Administrator Lay: Presented bids and detailed project specifications. Asked Council to select a bid.

Mayor, Council Members and Administrator Lay: Discussed issues with heating unit at ice rink/warming house. Councilmember Woolstencroft volunteered his HVAC knowledge to look at the warming house before any action is taken.

Mayor Wingfield: Voiced thanks and stated some discomfort receiving professional knowledge without compensation.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE MANSHIP PLUMBING & HEATING UP TO \$3000 TO REPAIR OR REPLACE THE ICE RINK / WARMING HOUSE HEATING UNIT AS NECESSARY UNDER THE CONDITION OF PRIOR INSPECTION BY COUNCILMEMBER KEVIN WOOLSTENCROFT. ALL AYES. MOTION PASSED.

b. Staffing Plan

Administrator Lay: Provided the 2018-2019 Ice Rink Attendant Staffing Plan to Council.

Mayor and Council Members: Supported the Staffing Plan.

J. Council Member Reports

a. SCC Update – Councilmember LaFoy

Councilmember LaFoy: Updated Council on ongoing Comcast negotiations. Stated another five month extension to existing agreement will be active while negotiations proceed in good faith.

K. Administrator's Report

a. Oakridge Drive Retaining Wall Repair

Mayor Wingfield: Stated damage was done to City property.

Administrator Lay: Updated Council on history of the retaining wall and presented bids. Requested Council select a bid to proceed with repairs.

Mayor Wingfield: Inquired to Administrator Lay about the timelines proposed in each bid.

Administrator Lay: Stated timeline is bid-dependent. November 2018 is the earliest date proposed while late April 2019 is the most affordable, but is also furthest down the calendar. Provided Council with bid information.

Mayor and Council Members, Administrator Lay and Attorney Kantrud: Discussed Retaining Wall Repair.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE ADMINISTRATOR LAY TO CONTRACT WITH WINNING BIDDER TO REPAIR THE OAKRIDGE DR. RETAINING WALL THIS YEAR AND TO WORK WITH AUTO INSURANCE FOR PAYMENT. ALL AYES. MOTION PASSED.

b. Lift Station Generator Maintenance Bids

Administrator Lay: Presented bids received to inspect and maintain lift station generator and provided background. Recommended Council contract with a professional lift station company for semi-annual inspections and maintenance. Requested Council select a bid and authorize Administrator Lay to enter into contract.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed each bid and lift station maintenance.

Mayor and Council Members: Decided to authorize Administrator Lay to contract with Modern Power for semi-annual inspections and maintenance.

Attorney Kantrud: Commented on language in Modern's contract.

Administrator Lay: Suggested to have Attorney Kantrud work with Modern to refine the contract language.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE MODERN POWER'S BID, PENDING REVIEW AND APPROVAL OF SERVICE AGREEMENT BY CITY ATTORNEY KANTRUD, WITH AN INITIAL SERVICE TO OCCUR BEFORE END OF YEAR AND WITH MAINTENANCE AND INSPECTION SERVICES SCHEDULED TO OCCUR ON A SEMI-ANNUAL BASIS THEREAFTER. ALL AYES. MOTION PASSED.

c. Lakewood Lane

Administrator Lay: Stated Lakewood Lane is a steep road. Ice and snow maintenance is an annual resident complaint, despite the City's attempts to improve the situation. Stated that the problem was larger than a snow removal issue and

requested Council request Planning Commission work with City Engineer and MnDOT consultants to determine solutions to the larger problem.

Mayor, Council Members and Administrator Lay: Discussed Lakewood Lane snow removal service/treatment in detail.

Mayor and Council Members: Requested the Planning Commission work with Engineer Thatcher and MnDOT consultants and recommend solution next month if possible.

d. Escrow – Planning Commission

Administrator Lay: Planning Commission recommended not to pursue an escrow fee schedule, but if such is created then recommended fees be capped at a low amount.

Mayor, Council Members and Administrator Lay: Discussed refundable escrows as a means of damage deposit as well as rules and regulations for building projects.

Mayor Wingfield and Councilmember LaFoy: Offered to work together on a solution for the February 2019 meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:55PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

For the Period : 11/13/2018 To 12/11/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$646,867.29	\$139,320.94	\$34,627.08	\$751,561.15
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$1,100.00)	\$0.00	\$0.00	(\$1,100.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$2,199.84	\$450.00	\$0.00	\$2,649.84
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)
Birchwood In Re-hab Bond	(\$577.08)	\$0.00	\$24,604.46	(\$25,181.54)
Sewer Re-hab 2008 Debt	\$19,907.03	\$5,432.22	\$0.00	\$25,339.25
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
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$36,122.63	\$2,162.31	\$5,452.12	\$32,832.82
Sewer	\$45,993.18	\$2,384.95	\$5,676.41	\$42,701.72
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	\$808,401.54	\$149,750.42	\$70,360.07	\$887,791.89

TREASURER'S REPORT

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
11/13/2018	Mitchell Heating LLC	171734532	Building Permit - Ck#8841	(11/13/2018) -	N	Building Permits	100-32211-	\$ 61.50
								\$ 61.50
11/16/2018	Residents - via St Anthony Village	171734552	Utility Billing - 11/16/2018	(11/16/2018) -	N	Miscellaneous	100-36140-	\$ 25.01
						Water Fee	601-34110-	\$ 175.23
						Penalty - Late Water/Sewer	601-34160-	\$ 18.34
						State and Misc fees	601-34170-	\$ 5.39
						Penalty - Late Water/Sewer	605-34160-	\$ 27.22
						Sewer Fee	605-34190-	\$ 286.50
								\$ 537.69
11/20/2018	Marsh Heating & Air Conditioning	171734533*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 73.20
								\$ 73.20
11/20/2018	Atakpu, Michelle & Peter	171734534*	Rental - Village Hall	(11/20/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
11/20/2018	Great Plains Windows & Doors	171734535*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 186.00
								\$ 186.00
11/20/2018	Cletus E Schertz Family Trust	171734536*	Rental - Village Hall	(11/20/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
11/20/2018	Palma Plumbing & Heating, Inc.	171734537*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 31.25
								\$ 31.25
11/20/2018	Mahtomedi Garden Club	171734538*	Grant - Birch Rain Garden	(11/20/2018) -	N	Contributions and Donations from Private Sources	210-36230-	\$ 450.00
								\$ 450.00

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>	
11/20/2018	O'Loughlin, Terence & Mary Kay	171734539*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 770.85	
								<hr/>	
								\$ 770.85	
11/20/2018	O.C. Installs, LLC	171734540*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 51.00	
								<hr/>	
								\$ 51.00	
11/20/2018	Anderson, D.D. & C.A.	171734541*	Animal License - New Dog	(11/20/2018) -	N	Animal Licenses	100-32240-	\$ 10.00	
								<hr/>	
								\$ 10.00	
11/20/2018	Christiansen, Terrance	171734542*	Rental - Village Hall	(11/20/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								<hr/>	
								\$ 25.00	
11/20/2018	Minnesota Rusco, Inc.	171734543*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 171.56	
								<hr/>	
								\$ 171.56	
11/20/2018	Mahtomedi Fast Pitch Assn.	171734544*	Rental - Village Hall	(11/20/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								<hr/>	
								\$ 25.00	
11/20/2018	Roger Vadnais Plumbing & Pump Servi	171734545*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 31.50	
								<hr/>	
								\$ 31.50	
11/20/2018	Xcel Energy	171734546*	ROW Permit	(11/20/2018) -	N	Business Licenses and Permits	100-32101-	\$ 420.00	
								<hr/>	
								\$ 420.00	
11/20/2018	Walker Roofing	171734547*	Building Permit	(11/20/2018) -	N	Building Permits	100-32211-	\$ 301.85	
								<hr/>	
								\$ 301.85	
11/20/2018	MN Management & Budget	171734548*	Court Fines - October 2018	(11/20/2018) -	N	Court Fines	100-35101-	\$ 20.00	
								<hr/>	
								\$ 20.00	
11/25/2018	Residents - via St Anthony Village	171734550	Utility Billing - 11/25/2018	(11/25/2018) -	N	Miscellaneous	100-36140-	\$ 30.00	
							Water Fee	601-34110-	\$ 169.36
							Penalty - Late Water/Sewer	601-34160-	\$ 16.80
							State and Misc fees	601-34170-	\$ 4.77

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
						Penalty - Late Water/Sewer	605-34160-	\$ 25.78
						Sewer Fee	605-34190-	\$ 257.76
								<u>\$ 504.47</u>
11/30/2018	Residents - via St Anthony Village	171734551*	Utility Billing - 11/30/2018	(11/30/2018) -	N	Leaf Collection	100-34408-	\$ 71.70
						Leaf Collection	100-34408-	\$ 5.10
						Miscellaneous	100-36140-	\$ 50.00
						Miscellaneous	100-36140-	\$(12.69)
						Water Fee	601-34110-	\$ 256.66
						Penalty - Late Water/Sewer	601-34160-	\$(6.45)
						State and Misc fees	601-34170-	\$ 6.96
						Penalty - Late Water/Sewer	605-34160-	\$(9.31)
						Sewer Fee	605-34190-	\$ 281.75
								<u>\$ 643.72</u>
12/03/2018	Washington County	171734549	Property Tax & Special Assessment Settlement - Dec 2018	(12/03/2018) -	N	General Property Taxes (31001 through 31299)	100-31001-	\$ 136,875.58
						General Property Taxes (31001 through 31299)	100-31001-4	\$ 47.53
						Sewer Re-hab A and B	305-36110-	\$ 5,432.22
						Delinquent Water/Sewer Fees	601-36130-	\$ 1,515.25
						Delinquent Water/Sewer Fees	605-36130-	\$ 1,515.25
								<u>\$ 145,385.83</u>
Total for Selected Receipts								<u><u>\$ 149,750.42</u></u>

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
11/16/2018	LMCIT	30289	Remaining Worker's Comp Premium 6/18-6/19	N	City Insurance	100-41945-150-	\$ 526.00
		Total For Check	30289				\$ 526.00
11/16/2018	League of MN Cities	30290*	Training - 2018 Regional Meeting	N	City Training and Development	100-41914-310-	\$ 45.00
		Total For Check	30290				\$ 45.00
11/20/2018	Payroll Period Ending 10/26/2018	30291	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 549.44
		Total For Check	30291				\$ 549.44
11/20/2018	PERA	EFT112018A*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	\$ 89.60
		Total For Check	EFT112018A				\$ 89.60
11/23/2018	Payroll Period Ending 11/23/2018	30292	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
		Total For Check	30292				\$ 1,817.66
11/23/2018	PERA	EFT112018B*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
		Total For Check	EFT112018B				\$ 350.00
11/28/2018	St. Paul Stamp Works, Inc	30293	Council Member Nameplate - Jonathan Fleck	N	Office Operations Supplies	100-41911-200-	\$ 19.25
		Total For Check	30293				\$ 19.25
12/01/2018	Payroll Period Ending 11/30/2018	30294	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 407.78
		Total For Check	30294				\$ 407.78
12/04/2018	Payroll Period Ending 11/30/2018	30297	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 424.82
		Total For Check	30297				\$ 424.82
12/04/2018	Wingfield, Mary	30298	Reimbursement - Office Supplies - Stamps - Nov 2018	N	Postage/Postal Permits	605-41430-200-	\$ 300.00
		Total For Check	30298				\$ 300.00
12/04/2018	Lay, Tobin	30299	Reimbursement - Election/Office Supplies - Nov 2018	N	Elections	100-41410-810-	\$ 61.25
		30299			Office Operations Supplies	100-41911-810-	\$ 20.50
		Total For Check	30299				\$ 81.75

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
12/04/2018	Thatcher Engineering, Inc	30300*	Plan Reviews	N	Engineer Service	100-41650-300-	\$ 1,232.50
		30300*				100-41650-300-	\$ 255.00
		30300*				100-41650-300-	\$ 127.50
		Total For Check	30300				\$ 1,615.00
12/04/2018	McKusick, Sterling	30301*	Refund - Utility Billing Overpayment - Nov 2018	N	Accounting	100-41530-810-	\$ 65.27
		Total For Check	30301				\$ 65.27
12/04/2018	Kantrud, Alan	30302*	City Attorney Fees - December 2018	N	Legal Services	100-41601-300-	\$ 1,500.00
		Total For Check	30302				\$ 1,500.00
12/04/2018	Washington County - Property & Tax	30303*	City Tax Report with Water Codes - 2018	N	Unallocated Expenditures	100-49201-430-	\$ 35.00
		Total For Check	30303				\$ 35.00
12/04/2018	Menard's - MAPLEWOOD	30304*	Parks Supplies - Nov 2018	N	Parks	100-45207-215-	\$ 10.05
		Total For Check	30304				\$ 10.05
12/04/2018	City of White Bear Lake	30305*	Fire Services - December 2018	N	Fire	100-42201-314-	\$ 1,694.75
		Total For Check	30305				\$ 1,694.75
12/04/2018	Leeves, Robert	30306*	Videographer - Regular CC Meeting 11/13/2018	N	Cable Eqpmt and Service	100-41950-314-	\$ 87.08
		Total For Check	30306				\$ 87.08
12/04/2018	Toshiba Business Solutions	30307*	Maintenance - Nov 2018	N	Office Operations Supplies	100-41911-314-	\$ 36.51
		Total For Check	30307				\$ 36.51
12/04/2018	MN Department of Health	30308	Community Water Supply Connection Fee - Q4 2018	N	Water Utility	601-43180-437-	\$ 562.00
		Total For Check	30308				\$ 562.00
12/04/2018	Mow Joe Inc	30309*	Curbside Leaf Pickup - Fall 2018	N	Leaf Pick-Up	100-43110-314-	\$ 5,945.44
		30309*				100-43110-314-	\$ 1,890.76
		Total For Check	30309				\$ 7,836.20
12/04/2018	Press Publications	30310*	Legal Notice Publications	N	Ordinances and Proceedings	100-41130-351-	\$ 48.45
		30310*				100-41130-351-	\$ 64.60
		30310*				100-41130-351-	\$ 48.45
		Total For Check	30310				\$ 161.50

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
12/04/2018	BIRCH, INC.	30311*	Snow Plow Services 11/07, 11/15, 11/28 & 11/29/2018.	N	Ice and Snow Removal	100-43125-314-	\$ 180.00
		30311*				100-43125-314-	\$ 1,095.00
		30311*				100-43125-314-	\$ 200.00
		Total For Check	30311				\$ 1,475.00
12/04/2018	City of Roseville	30312*	IT & Phone Services - Nov 2018	N	General Government Buildings and Plant	100-41940-320-	\$ 366.00
		30312*				100-41940-320-	\$ 62.12
		Total For Check	30312				\$ 428.12
12/04/2018	Water Conservation Service Inc.	30313*	Water Main Leak Locate - 10/24/2018	N	Wtr/Swr Emergency	601-43185-305-	\$ 285.52
		Total For Check	30313				\$ 285.52
12/04/2018	TSE Inc. - Work Account	30314*	Janitorial Services - Nov 2018.	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
		30314*				100-41940-314-	\$ 28.13
		Total For Check	30314				\$ 56.26
12/04/2018	Steve Dean Tree Trimming	30315*	Tree Trimming - Cedar & Hall Avenues - 12/01/2018	N	Parks	100-45207-314-	\$ 3,000.00
		Total For Check	30315				\$ 3,000.00
12/04/2018	St. Anthony Village	30316*	Utility Billing Services - Q4 2018	N	Financial Administration	601-41501-314-	\$ 1,943.10
		Total For Check	30316				\$ 1,943.10
12/04/2018	Tell, Jennifer	30317*	Reimbursement - Repair damaged property	N	Street Projects	100-43201-810-	\$ 119.95
		Total For Check	30317				\$ 119.95
12/04/2018	Allstream	30318*	Analog Phone Line - Dec 2018	N	General Government Buildings and Plant	100-41940-320-	\$ 46.11
		Total For Check	30318				\$ 46.11
12/04/2018	US Bank	EFT112618A*	Debt Service Payment - 11/26/2018 - PAID IN FULL	N	Bond Payment	303-47101-601-	\$ 24,014.90
		EFT112618A*				303-47101-610-	\$ 589.56
		Total For Check	EFT112618A				\$ 24,604.46
12/04/2018	Xcel Energy	EFT120418A*	Xcel Utility Billings - Nov 2018.	N	General Government Buildings and Plant	100-41940-380-	\$ 92.37

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
		EFT120418A*				100-41940-383-	\$ 106.78
		EFT120418A*			Street Lighting	100-43160-380-	\$ 1,240.63
		EFT120418A*			Parks	100-45207-380-	\$ 15.52
		EFT120418A*			Sewer Utility	605-43190-380-	\$ 154.36
		EFT120418A*				605-43190-380-	\$ 42.39
		EFT120418A*				605-43190-380-	\$ 326.98
		EFT120418A*				605-43190-383-	\$ 28.00
		Total For Check	EFT120418A				\$ 2,007.03
12/04/2018	PERA	EFT120418B*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 71.74
		Total For Check	EFT120418B				\$ 71.74
12/04/2018	PERA	EFT120418C*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 66.51
		Total For Check	EFT120418C				\$ 66.51
12/04/2018	IRS - US Treasury	EFT120418D	Q4 2018 - November Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,366.83
		Total For Check	EFT120418D				\$ 1,366.83
12/07/2018	Payroll Period Ending 12/07/2018	30295	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
		Total For Check	30295				\$ 1,817.66
12/07/2018	Payroll Period Ending 12/07/2018	30296	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 420.12
		Total For Check	30296				\$ 420.12
12/07/2018	Sternal, Ronald	30319	Election Judge 2018	N	Elections	100-41410-100-	\$ 660.00
		Total For Check	30319				\$ 660.00
12/07/2018	Judkins, Ross	30320	Election Judge 2018	N	Elections	100-41410-100-	\$ 195.00
		Total For Check	30320				\$ 195.00
12/07/2018	Boettcher, Dale	30321	Election Judge 2018	N	Elections	100-41410-100-	\$ 190.00
		Total For Check	30321				\$ 190.00
12/07/2018	Oakins, Gary	30322	Election Judge 2018	N	Elections	100-41410-100-	\$ 200.00
		Total For Check	30322				\$ 200.00
12/07/2018	Engebretson, Charlene	30323	Election Judge 2018	N	Elections	100-41410-100-	\$ 115.00
		Total For Check	30323				\$ 115.00
12/07/2018	Anderson, Alice	30324	Election Judge 2018	N	Elections	100-41410-100-	\$ 110.00

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
		Total For Check	30324				\$ 110.00
12/07/2018	Kapsner, Sue	30325	Election Judge 2018	N	Elections	100-41410-100-	\$ 355.00
		Total For Check	30325				\$ 355.00
12/07/2018	Rietveld, Lisa	30326	Election Judge 2018	N	Elections	100-41410-100-	\$ 260.00
		Total For Check	30326				\$ 260.00
12/07/2018	Mitchell, Sharilyn	30327	Election Judge 2018	N	Elections	100-41410-100-	\$ 130.00
		Total For Check	30327				\$ 130.00
12/07/2018	Murray, Dennis	30328	Election Judge 2018	N	Elections	100-41410-100-	\$ 175.00
		Total For Check	30328				\$ 175.00
12/07/2018	Metropolitan Council - Env. Service	30329	Wastewater Service - Jan 2019	N	Sewer Utility	605-43190-217-	\$ 4,812.53
		Total For Check	30329				\$ 4,812.53
12/07/2018	Gopher State One Call	30330	Locates (9 Tickets) - November 2018	N	Utility Locates	605-42805-314-	\$ 12.15
		Total For Check	30330				\$ 12.15
12/07/2018	SL - serco	30331*	Water Meter Readings & Repairs - Aug & Nov 2018	N	Water Utility	601-43180-314-	\$ 1,283.50
			30331*			601-43180-314-	\$ 1,378.00
		Total For Check	30331				\$ 2,661.50
12/07/2018	PERA	EFT120718A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
		Total For Check	EFT120718A				\$ 350.00
12/11/2018	Payroll Period Ending 12/11/2018	30332	Council Members 2018	N	Mayor	100-41310-100-	\$ 188.39
		Total For Check	30332				\$ 188.39
12/11/2018	Payroll Period Ending 12/11/2018	30333	Council Members 2018	N	Mayor	100-41310-100-	\$ 524.10
		Total For Check	30333				\$ 524.10
12/11/2018	Payroll Period Ending 12/11/2018	30334	Council Members 2018	N	Mayor	100-41310-100-	\$ 326.92
		Total For Check	30334				\$ 326.92
12/11/2018	Payroll Period Ending 12/11/2018	30335	Council Members 2018	N	Mayor	100-41310-100-	\$ 554.10
		Total For Check	30335				\$ 554.10
12/11/2018	Payroll Period Ending 12/11/2018	30336	Council Members 2018	N	Mayor	100-41310-100-	\$ 554.10

Fund Name: All Funds

Date Range: 11/13/2018 To 12/11/2018

<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>
		Total For Check	30336				\$ 554.10
12/11/2018	Payroll Period Ending 12/11/2018	30337	Council Members 2018	N	Mayor	100-41310-100-	\$ 1,010.25
		Total For Check	30337				\$ 1,010.25
12/11/2018	Payroll Period Ending 12/11/2018	30338	Maintenance - Greg Beckman	N	Parks	100-45207-100-	\$ 817.02
		Total For Check	30338				\$ 817.02
12/11/2018	TA Schifsky & Sons, Inc.	30339*	Sand/Salt Purchase - 11/28/2018	N	Streets and Road Mntnc	100-43101-220-	\$ 16.52
		Total For Check	30339				\$ 16.52
12/11/2018	City of Roseville	30340*	IT - Adobe Subscription - 11/01/2018 - 10/31/2019	N	General Government Buildings and Plant	100-41940-320-	\$ 53.00
		Total For Check	30340				\$ 53.00
12/11/2018	Amazon	EFT121118A*	Office Supplies	N	Office Operations Supplies	100-41911-200-	\$ 94.98
		EFT121118A*				100-41911-200-	\$ 31.75
		EFT121118A*				100-41911-200-	\$ 39.69
		Total For Check	EFT121118A				\$ 166.42
Total For Selected Checks							\$ 70,360.07

As on 12/11/2018

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	12,050.00	12,050.00
Total Acct 322	0.00	12,050.00	12,050.00
Park Fees	0.00	220.00	220.00
Total Acct 347	0.00	220.00	220.00
Contributions and Donations from Private Sources	0.00	450.00	450.00
Total Acct 362	0.00	450.00	450.00
Total Revenues	0.00	12,720.00	12,720.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Community Events	0.00	1,500.00	(1,500.00)
Total Acct 451	0.00	1,700.00	(1,700.00)
Parks			
Operating Supplies (211 through 219)	0.00	35.38	(35.38)
Contracted Services	0.00	4,005.00	(4,005.00)
Other Equipment	0.00	4,332.18	(4,332.18)
Misc	0.00	220.00	(220.00)
Total Acct 452	0.00	8,592.56	(8,592.56)
Unallocated Expenditures			
Contracted Services	0.00	7,470.00	(7,470.00)
Total Acct 492	0.00	7,470.00	(7,470.00)
Total Disbursements	0.00	17,762.56	(17,762.56)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		7,692.40	
Total Receipts and Other Financing Sources		12,720.00	
Total Disbursements and Other Financing Uses		17,762.56	
Cash Balance as of 12/11/2018		2,649.84	

As on 12/11/2018

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 12/11/2018		66,233.91	

As on 12/11/2018

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	77,683.12	77,683.12
Penalty - Late Water/Sewer	0.00	577.77	577.77
State and Misc fees	0.00	2,018.66	2,018.66
Total Acct 341	0.00	80,279.55	80,279.55
Water Main Break	0.00	3,142.35	3,142.35
Total Acct 349	0.00	3,142.35	3,142.35
Delinquent Water/Sewer Fees	0.00	2,975.67	2,975.67
Total Acct 361	0.00	2,975.67	2,975.67
Total Revenues	0.00	86,397.57	86,397.57
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	9,665.07	(9,665.07)
Total Acct 415	0.00	9,665.07	(9,665.07)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	216.50	(216.50)
Contracted Services	0.00	67,959.46	(67,959.46)
Fees	0.00	2,248.00	(2,248.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	11,035.42	(11,035.42)
Contracted Services	0.00	10,414.50	(10,414.50)
Total Acct 431	0.00	92,273.88	(92,273.88)
Parks			
Contracted Services	0.00	600.00	(600.00)
Total Acct 452	0.00	600.00	(600.00)
Total Disbursements	0.00	102,538.95	(102,538.95)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		48,974.20	
Total Receipts and Other Financing Sources		86,397.57	
Total Disbursements and Other Financing Uses		102,538.95	
Cash Balance as of 12/11/2018		32,832.82	

As on 12/11/2018

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	698.39	698.39
Sewer Fee	0.00	103,317.94	103,317.94
Total Acct 341	0.00	104,016.33	104,016.33
SPECIAL ASSESSMENTS	0.00	16,978.01	16,978.01
Delinquent Water/Sewer Fees	0.00	2,975.67	2,975.67
Total Acct 361	0.00	19,953.68	19,953.68
Total Revenues	0.00	123,970.01	123,970.01
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	1,341.60	(1,341.60)
Total Acct 414	0.00	1,341.60	(1,341.60)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,960.00	(4,960.00)
Total Acct 416	0.00	4,960.00	(4,960.00)
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	37.93	(37.93)
Total Acct 419	0.00	37.93	(37.93)
Utility Locates			
Contracted Services	0.00	268.55	(268.55)
Total Acct 428	0.00	268.55	(268.55)
Sewer Utility			
Sewer - Wastewater Charge	0.00	53,336.17	(53,336.17)
PROFESSIONAL SERVICES (301 through 319)	0.00	67,972.50	(67,972.50)
Contracted Services	0.00	8,891.07	(8,891.07)
Utility Services (381 through 389)	0.00	9,117.96	(9,117.96)
Utility Services: Gas Utilities	0.00	339.08	(339.08)
Total Acct 431	0.00	139,656.78	(139,656.78)
Total Disbursements	0.00	146,264.86	(146,264.86)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		123,970.01	
Total Disbursements and Other Financing Uses		146,264.86	
Cash Balance as of 12/11/2018		42,701.72	

RESOLUTION 2018-23

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

A RESOLUTION DESIGNATING POLLING PLACES FOR 2019 ELECTIONS

WHEREAS, Minnesota Statutes 204B.16, subd 1 requires the City Council, by ordinance or resolution, to designate polling places for the upcoming year; and

WHEREAS, changes to the polling place locations may be made at least 90 days before the next election if one or more of the authorized polling places becomes unavailable for use; and

WHEREAS, changes to the polling place locations may be made in the case of an emergency when it is necessary to ensure a safe and secure location for voting.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Birchwood Village hereby designates the following polling places for elections conducted in the city in 2019:

**Birchwood Village Hall
207 Birchwood Avenue**

AND BE IT FURTHER RESOLVED, that the city clerk is hereby authorized to designate a replacement meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution that becomes unavailable for use by the city;

AND BE IT FURTHER RESOLVED, that the city clerk is hereby authorized to designate an emergency replacement polling place meeting the requirements of the Minnesota Election Law for any polling place designated in this Resolution when necessary to ensure a safe and secure location for voting;

AND BE IT FURTHER RESOLVED, that the city clerk is directed to send a copy of this resolution and any subsequent polling place designations to the Washington County Elections Office.

Resolution duly seconded and passed this 11th day of December, 2018.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE
2019 SUMMARY BUDGET STATEMENT**

The purpose of this report is to provide summary 2019 budget information concerning the City of Birchwood Village to interested citizens. The budget is published in accordance with Minnesota Statute Section 471.6965. This budget is not complete; the complete budget may be examined at Birchwood City Hall, 207 Birchwood Ave., Birchwood Village, MN 55110.

Governmental Funds 2019 Adopted Budgeted

	2018 Budget	2019 Budget
Revenues:		
Property Taxes	354,500	364,000
Licenses and Permits	0	0
Intergovernmental Revenues		
County and Other Local Governments	0	0
Charges for Services	0	0
Fines and Forfeits	0	0
Interest on Investments	0	0
Miscellaneous Revenues	0	0
Total Revenues	354,500	364,000
Expenditures:		
Current:		
General Government	160,631	162,059
Public Safety	75,639	80,600
Public Works	43,500	43,400
Sanitation	24,500	16,300
Culture and Recreation	15,570	28,590
Conservation	2,000	2,000
Miscellaneous	2,660	1,051
Transfer to other funds	30,000	30,000
Total Expenditures	354,500	364,000
Excess (deficiency) of Revenues over (under) Expenditures	0	0
Property Tax Levy Requirement to Fund This Budget	354,500	364,000

RESOLUTION 2018-25

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

**A RESOLUTION ADOPTING THE FINAL BUDGET FOR THE MUNICIPAL
OPERATIONS OF THE CITY OF BIRCHWOOD VILLAGE, WASHINGTON
COUNTY, MINNESOTA FOR FISCAL YEAR 2019**

WHEREAS, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

WHEREAS, the City has the legal authority to levy necessary funds to operate; and

WHEREAS, the City continually monitors its expenditures and develops a budget based on a calendar year's expenses.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Washington County, Minnesota that the final budget for the municipal operations of the City of Birchwood Village, Washington County, Minnesota, for fiscal year 2019, and as indicated in the attached exhibit, is hereby adopted.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 11th day of December 2018.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

	A	B	J	M	N	O	P
1	City of Birchwood Village Revenue and Expenditure Trends						
2			2015	2016	2017	2018	2019
3							
4	RECEIPTS						
5	General Property Taxes (levy)		\$326,299.00	\$326,299.00	\$326,299.00	\$354,500.00	\$364,000.00
6	LICENSES AND PERMITS						
7	Business Licenses and Permits						
8	Building Permits						
9	Plan Check Fee						
10	Variances						
11	Animal Licenses						
12	INTERGOVERNMENTAL REVENUES						
13	Federal Grants and Aids						
14	State Grants and Aid						
15	State of MN Pera						
16	Local Grants and Aids						
17	Recycle Grant						
18	Cable Commission Grant						
19	CHARGES FOR SERVICES						
20	GENERAL GOVERNMENT						
21	City Hall Rent						
22	Certified Bills						
23	Delinqnt Utilities - Garb/CEC						
24	PUBLIC SAFETY						
25	HIGHWAYS AND STREETS						
26	CULTURE AND RECREATION						
27	Park Fees						
28	OTHER CHARGES						
29	State & Misc Fees						
30	Sales Tax						
31	FINES AND FORFEITS						
32	Fines						
33	Forfeits						
34	MISCELLANEOUS REVENUES						
35	Surcharge						
36	Interest Earnings						
37	Contrib. & Donations-Private						
38	Refunds and Reimbursements						
39	Sale of Investments						
40	Recycling Charge (Maht/Willemie)						
41	Cable/Excess Franchise Fee						
42	Miscellaneous						
43	NON-LEVY REVENUE		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
44	ALL REVENUE - including levy		\$326,299.00	\$326,299.00	\$326,299.00	\$354,500.00	\$364,000.00
45	TOTAL REVENUES		\$326,299.00	\$326,299.00	\$326,299.00	\$354,500.00	\$364,000.00
46							
47	DISBURSEMENTS						
48			2015	2016	2017	2018	2018
49	GENERAL GOVERNMENT						
50	Publishing						
51	Printing and Binding	100-41130-350	\$80.00	\$80.00	\$80.00	\$0.00	\$0.00
52	Legal Notice Publication	100-41130-351	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
53	Subtotal Publication		\$2,080.00	\$2,080.00	\$2,080.00	\$2,000.00	\$2,000.00
54	City Council						
55	Wages and Salaries	100-41310-100	\$4,200.00	\$3,900.00	\$3,900.00	\$3,900.00	\$3,900.00
56	Employer Cont.-Retirement	100-41310-121				\$195.00	\$195.00
58	Medicare - Employer	100-41401-100				\$242.00	\$242.00
59	Social Security Employer	100-41401-100				\$57.00	\$57.00
62	City Council Subtotal		\$4,200.00	\$3,900.00	\$3,900.00	\$4,394.00	\$4,394.00
63	Clerk						
64	Wages and Salaries	100-41401-100	\$70,000.00	\$65,000.00	\$65,000.00	\$65,000.00	\$66,500.00
67	Employer Cont.-Retirement	100-41401-121				\$9,100.00	\$5,000.00
69	Medicare - Employer	100-41401-100				\$943.00	\$960.00
70	Social Security Employer	100-41401-100				\$4,030.00	\$4,100.00
73	Other Pay	100-41401-100				\$6,000.00	\$6,000.00
74	Mileage						
75	Recording and Reporting						
76	Accounting (Treasurer)						
77	Wages and Salaries	100-41401-100	\$2,000.00	\$5,000.00	\$5,000.00	\$7,128.00	\$8,640.00
78	Employer Cont.-Retirement	100-41401-121				\$1,000.00	\$700.00
79	Medicare - Employer	100-41401-100				\$105.00	\$200.00
80	Social Security Employer	100-41401-100				\$448.00	\$700.00
83	Office Support						
84	Wages and Salaries	100-41401-100					\$1,000.00
85	Medicare - Employer	100-41401-100					\$15.00
86	Social Security Employer	100-41401-100					\$60.00
87	Admin. Staff Subtotal		\$72,000.00	\$70,000.00	\$70,000.00	\$93,754.00	\$93,875.00
88	Elections						
89	Wages and Salaries	100-41410-100	\$3,500.00	\$1,750.00	\$1,750.00	\$1,750.00	\$1,750.00
90	Operating Supplies	100-41410-210	\$250.00	\$125.00	\$125.00	\$125.00	\$125.00
91	Repair & Maint. Supplies	100-41410-220	\$500.00	\$500.00	\$500.00	\$500.00	\$500.00

	A	B	J	M	N	O	P
92	Mileage						
93	Legal Notice Publication	100-41410-351	\$400.00	\$200.00	\$200.00	\$200.00	\$200.00
94	Elections Subtotal		\$4,650.00	\$2,575.00	\$2,575.00	\$2,575.00	\$2,575.00
95	Office Supplies						
96	Office Supplies	100-41911-200	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
97	Operating Supplies						
98	Repair & Maint. Supplies						
99	Office Equipment	100-41911-230	\$800.00	\$800.00	\$800.00	\$800.00	\$800.00
100	Small Tools & Minor Equip						
101	Contracted Services	100-41911-314	\$375.00	\$375.00	\$375.00	\$625.00	\$625.00
102	Postage/Postal Permits						
103	Office Supplies	100-41430-200	\$650.00	\$650.00	\$650.00	\$200.00	\$0.00
104	Refunds & Reimbursements						
105	Office Operations Subtotal		\$3,825.00	\$3,825.00	\$3,825.00	\$3,625.00	\$3,425.00
106	Financial Administration						
107	Auditing Services		\$0.00				
108	Fees (banking)	100-41501-437	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
109	Subtotal		\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
110	Insurance - City						
111	Insurance						
112	Packaged Liability (incl. gen. liab.)	100-41945-361	\$3,800.00	\$4,000.00	\$6,100.00	\$5,499.00	\$5,400.00
114	Worker's Comp (for employees & contractors per audit)	100-41945-150	\$1,100.00	\$1,100.00	\$1,600.00	\$2,159.00	\$2,500.00
116	Excess Liability	100-41945-369	\$900.00	\$1,000.00	\$1,000.00	\$855.00	\$855.00
119	Insurance Subtotal		\$8,190.00	\$8,650.00	\$11,250.00	\$8,513.00	\$8,755.00
120	Assessing						
121	Contracted Services	100-41550-314	\$5,450.00	\$5,450.00	\$5,450.00	\$6,300.00	\$6,200.00
122	Legal Services						
123	Professional Services	100-41601-300	\$7,000.00	\$7,000.00	\$7,000.00	\$18,000.00	\$18,000.00
124	Engineer Service						
125	Professional Services	100-41650-300	\$7,000.00	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00
126	Per Diem (Planning Commission)	100-41913	\$600.00	\$500.00	\$500.00	\$500.00	\$0.00
130	Planning & Zoning	100-41910-314	\$200.00	\$0.00	\$0.00	\$0.00	\$0.00
131	Services Subtotal		\$20,250.00	\$19,950.00	\$19,950.00	\$29,800.00	\$29,200.00
132	City Training & Development						
133	Training	100-41914-310				\$2,005.00	\$2,500.00
134	Travel & Subsistence	100-41914-334	\$100.00			\$600.00	\$1,200.00
135	Dues & Subscriptions	100-41914-433	\$1,063.00	\$1,040.00	\$1,040.00	\$215.00	\$220.00
136	Grants (pandemic 2008)		\$0.00				
137	Grants - Counseling Center (NYFS)	100-41905-438	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00
138	T & D Subtotal		\$3,163.00	\$3,040.00	\$3,040.00	\$4,820.00	\$5,920.00
139	City Hall-Gov't Buildings						
140	Repair, Operating & Maint. Supplies	100-41940-220	\$500.00	\$500.00	\$500.00	\$500.00	\$765.00
141	Professional Services	100-41940-300	\$0.00				
142	Contracted Services	100-41940-314	\$500.00	\$500.00	\$600.00	\$750.00	\$1,000.00
143	Telephone	100-41940-321					
144	Utility Services	100-41940-380	\$3,500.00	\$4,500.00	\$4,500.00	\$3,500.00	\$3,500.00
145	Buildings & Structures	100-41940-520	\$0.00				
146	Computer/Internet	100-41940-320	\$4,500.00	\$5,200.00	\$5,200.00	\$6,000.00	\$6,250.00
147	Gov't Bldgs Subtotal		\$9,000.00	\$10,700.00	\$10,800.00	\$10,750.00	\$11,515.00
148	Cable Eqpmt and Service						
149	Contracted Services	100-41950-314					
150	Communication	100-41950-320	\$0.00				
151	Newsletter						
152	Operating Supplies	100-41960-210	\$25.00				
153	Contracted Services	100-41960-350					
154	Printing and Binding	100-41960-350	\$100.00				
155	Communication Subtotal		\$125.00	\$0.00	\$0.00	\$0.00	\$0.00
156	TOTAL Gen Government		\$127,883.00	\$125,120.00	\$127,820.00	\$160,631.00	\$162,059.00
157	PUBLIC SAFETY						
158	Police						
159	Contracted Services	100-42101-314	\$48,000.00	\$51,000.00	\$52,000.00	\$53,000.00	\$57,600.00
160	Fire						
161	Contracted Services	100-42201-314	\$21,000.00	\$20,000.00	\$20,000.00	\$21,139.00	\$22,000.00
162	Building Inspection (non levy)						
163	Small Tools and Minor Equipment						
164	Contracted Services	100-42401-314	\$8,000.00	Non Levy	Non Levy	Non Levy	Non Levy
165	Fees (variance, cond.use permits)	100-42401-437	\$100.00	\$100.00	\$100.00	\$500.00	Non Levy
166	Other Protection						
167	Contracted Services (Code Red)	100-42801-314	\$100.00	\$100.00	\$150.00	\$100.00	\$100.00
168	Dept. of Labor Fees						
169	County Environmental Charge						
170	Animal Control	100-41916-314	\$600.00	\$900.00	\$1,000.00	\$900.00	\$900.00
171	Operating Supplies						
172	Refuse Collection						
173	Refunds & Reimbursements						
174	PUBLIC SAFETY TOTAL		\$77,800.00	\$72,100.00	\$73,250.00	\$75,639.00	\$80,600.00
175	PUBLIC WORKS						
176	Improv Other than Bldg						
177	Survey Public Spaces		\$0.00	\$0.00	\$0.00		
178	Highways, Streets & Roadways						
179	Repair & Maint. Supplies	100-43101-220	\$1,000.00	\$1,000.00	\$1,000.00	\$500.00	\$500.00

	A	B	J	M	N	O	P
180	Contracted Services (Pot Holes)	100-43101-314	\$5,000.00	\$5,000.00	\$5,000.00	\$3,000.00	\$5,500.00
181	Street Sweeping	100-43103-314	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00	\$4,000.00
182	Seal Coat						
183	Crack Sealing						
184	Street Signs (Council action to place in Own Fund)						
185	Street Maintenance Subtotal		\$10,000.00	\$10,000.00	\$10,000.00	\$7,500.00	\$10,000.00
186	Street Lights						
187	Utility Services	100-43160-380	\$15,000.00	\$18,000.00	\$18,000.00	\$19,000.00	\$16,000.00
188	Drainage - Structure Care						
189	Stormwater Pond						
190	Contracted Services (pd Jan 2013 \$2358 - '12 Exp)	100-43150-314	\$1,600.00	\$1,600.00	\$1,600.00	\$1,600.00	\$2,000.00
191	Fees (mpca)	100-43150-437	\$400.00	\$400.00	\$400.00	\$400.00	\$400.00
192	Subtotal		\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,400.00
193	Ice and Snow Removal						
194	Operating Supplies (salt, sand)	100-43125-210	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
195	Contracted Services	100-43125-314	\$11,000.00	\$11,000.00	\$11,000.00	\$10,000.00	\$10,000.00
196	Snow & Ice Subtotal		\$16,000.00	\$16,000.00	\$16,000.00	\$15,000.00	\$15,000.00
197	Water Utility						
198	Refunds & Reimbursements	100-43180-810	\$0.00				
199	Sewer Utility						
200	Refunds & Reimbursements	100-43190-810	\$0.00				
201	Weed Control \$135 moved to line 232		\$0.00				
202	TOTAL - Public Works		\$43,000.00	\$46,000.00	\$46,000.00	\$43,500.00	\$43,400.00
203	CULTURE & RECREATION						
204	Recreation						
205	Operating Supplies		\$0.00				
206	Dues & Subscriptions	100-45101-433	\$200.00	\$200.00	\$200.00	Non Levy	Non Levy
207	Community Events (Volunteer Recognition)	210-45101-440	\$1,500.00	\$200.00	\$1,500.00	Non Levy	Non Levy
208	TOTAL Recreation		\$1,700.00	\$400.00	\$1,700.00	\$0.00	\$0.00
209	Parks						
210	Wages and Salaries	100-45207-100	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$20,000.00
211	Employer Cont.-Retirement	100-45207-121					\$1,560.00
212	Federal Tax - Employee						
213	State Tax - Employee						
214	Unemployment Compensation						
215	Medicare - Employer	100-41401-100				\$70.00	\$450.00
216	Social Security - Employer	100-41401-100				\$300.00	\$1,780.00
217	Social Security - Employee						
218	Medicare - Employee						
219	Office Supplies						
220	Operating Supplies	100-45207-210	\$200.00				
221	Repair & Maint. Supply/Contractual	100-45207-400	\$2,000.00	\$500.00	\$500.00	\$600.00	\$1,500.00
222	Professional Services						
223	Contracted Services	100-45207-314	\$1,000.00	\$1,000.00	\$2,000.00	\$3,000.00	\$2,500.00
224	Utility Services	100-45207-380	\$1,000.00	\$1,000.00	\$1,000.00	\$600.00	\$800.00
225	Fees	100-45207-530	\$800.00				
226	Buildings & Structures						
227	Furniture and Fixtures						
228	Garbage Pickup						
229	Tree Removal		\$0.00				
230	Projects		\$1,000.00			\$1,000.00	\$0.00
231	Parks GF Subtotal		\$16,000.00	\$12,500.00	\$13,500.00	\$15,570.00	\$28,590.00
232	TOTAL Parks & Recreation		\$17,700.00	\$12,900.00	\$15,200.00	\$15,570.00	\$28,590.00
233	SANITATION						
234	Tree Care - Inspection & Removal						
235	Contracted Services	100-43104-314	\$0.00			\$500.00	\$1,300.00
236	Tree Removal						
237	Operating Supplies	100-43135-210					
238	Diseased Trees		\$0.00				
239	Contracted Services	100-43135-314	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00
240	Sanitation - Recycling						
241	Contracted Services	100-43300-314	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
242	Recycling grant projects		\$0.00				
243	Lawn Care/Maintenance						
244	Contracted Services	100-45208-100	\$13,000.00	\$10,000.00	\$10,000.00	\$9,000.00	\$0.00
245	Weed Control - MILFOIL						
246	TOTAL - Sanitation		\$28,000.00	\$25,000.00	\$25,000.00	\$24,500.00	\$16,300.00
247	CONSERVATION - NATURAL RESOURCE						
248	Fees, Dues & Subscriptions	100-46101-437	\$1,916.00	\$1,885.00	\$1,885.00	\$2,000.00	\$2,000.00
249	USGS Lake Study		\$0.00	\$0.00	\$0.00		
250	TOTAL - Conservation		\$1,916.00	\$1,885.00	\$1,885.00	\$2,000.00	\$2,000.00
251	UNALLOCATED EXPENDITURES						
252	Other Pay						
253	Operating Supplies						
254	Refunds & Reimbursements						
255	Sales Tax						
256	Miscellaneous	100-49201-430		\$13,294.00	\$7,144.00	\$2,660.00	\$1,051.00
257	Surcharge						
258	Gopher State and Locates						
259	Purchase of Investment						
260	Transfer to Capital Projects Fund	100-49360-722	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00
261	Transfer to Sewer Fund						

	A	B	J	M	N	O	P
262	Transfer to Water Fund						
263	TOTAL - Other Unallocated		\$30,000.00	\$43,294.00	\$37,144.00	\$32,660.00	\$31,051.00
264	TOTAL OPERATING EXPENDITURES (DISBURSEMENTS)		\$326,299.00	\$326,299.00	\$326,299.00	\$354,500.00	\$364,000.00
265							
266							
267							
268						<u>2018</u>	<u>2019</u>
269	Levy					\$ 354,500	\$ 364,000
270	Proposed \$\$ Change		\$0	\$0	\$ 28,201	\$ 9,500	
271	Proposed % Change		0%	0%	8.64%	2.68%	

RESOLUTION 2018-24

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

**A RESOLUTION ADOPTING THE FINAL LEVY ON REAL PROPERTY
LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF
BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA PAYABLE
IN FISCAL YEAR 2019**

WHEREAS, the City of Birchwood Village is required to maintain a budget to fund its regular operations; and

WHEREAS, the City has the legal authority to levy necessary funds to operate; and

WHEREAS, the City continually monitors its expenditures and develops a budget based on a calendar year’s expenses; and

WHEREAS, the City conducted a Truth In Taxation meeting on December 11, 2018 to solicit public input on the proposed levy.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Washington County, Minnesota that the 2018 levy on real property located within the corporate limits of the City of Birchwood Village, Washington County, Minnesota, payable on property taxes in the year 2019, be set at \$364,000.00

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 11th day of December 2018.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Resolution 2018-26, Utility Certification

Dear Mayor and Council Members,

There are currently about 48 homes in Birchwood that have delinquent water and sewer utility accounts, amounting to over \$13,000 in utility charges. It is anticipated that this number will decrease as we near the certification deadline.

Letters have been mailed to each home owner of a delinquent account to inform them of the City's intention to certify these unpaid charges to the respective property taxes. Additionally, a public hearing has been published for tonight's meeting on the subject.

Recommendation/Request

Staff requests Council:

- 1) Open the public hearing on this subject; and
- 2) Approve the enclosed Resolution 2018-26 to allow for the certification of the delinquent utility accounts to the County to be applied to the respective property taxes. Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA**

RESOLUTION 2018-26

RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION

WHEREAS, the City of Birchwood Village has identified residents who are delinquent in payment of their utility bills, and

WHEREAS, the City has given notice to those residents that the City Council would conduct a public hearing on December 11, 2018, at which residents who are considered delinquent would have an opportunity to be heard; and

WHEREAS, the City has provided ample opportunity for residents to pay their utility bills.

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

1. The City of Birchwood Village hereby makes the delinquent utility payments on the following accounts a charge against the resident identified and hereby certifies these unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected.
2. The resident may pay the amount due at any time. If payment is made before December 18, 2018, the delinquency will not be certified to the county.
3. After December 18, 2018, the City Administrator shall transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county and such assessment shall be collected and paid in the same manner as property taxes.

I certify that the City Council of the City of Birchwood Village, Washington County, Minnesota adopted the above Resolution on this 11th day of December 2018.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

MEMORANDUM

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



Dear Mayor and Council Members,

The Parks and Natural Resources Committee presents the following recommendations for your consideration and approval:

Kayak/Canoe Racks

- We recommend canoe/kayak rack on the west side of Birch, [north of the current racks, closer to the lake].
- We do NOT recommend canoe/kayak racks on Kay because it is a swimming beach and boats are not recommended.
- We do recommend the east side of Dellwood beach for an additional canoe/kayak rack.
- We do NOT recommend specific paddle board racks at this time but continuing to use the kayak/canoe racks for now and monitor usage/need.
- We recommend increasing the canoe/kayak/paddleboard fee to \$30 per year.

Dog Waste Stations

- We recommend reinstallation of the garbage cans on the dog waste stations due to complaints of increased dog waste in personal garbage cans.

Tighe-Schmitz Park

- We support the Washington County and Rice Creek Conservation Districts feasibility study of the water quality entering Tighe and Hall's Marsh.

Ana Vang will represent the Committee to answer Council questions. Thanks!

Regards,
Tobin Lay

**Birchwood Parks and Natural Resources Committee Meeting
Minutes**

Tuesday 11/27 at 7:00 City Hall

In attendance: Houstoun Clinch, Judy Walker, Ana Vang, Dave Remely, Bridget Sperl

Reminder: there will be no December meeting

The dog waste stations: have had their trash containers removed - feedback was given that residents have returned to dumping dog waste into peoples' own trash containers. The committee strongly urges the council to reinstall them.

Feasibility study: Ana reported that both Rice and Washington conservation districts are willing to partner to assess the water in Tigh Schmitt and Halls Marsh. There is a concern they are absorbing water from Priby Lake which is man made and holds only run off. Ana will update the mayor. The committee passed a motion in supportive of proceeding with this work.

Horse shoe pit: Dave Remely brought plans. He agreed to get more specifics and we would then incorporate into the Birchwood Parks Improvement Plan currently being developed.

Kayak storage: The city has asked for the parks committee recommendation as to where they should be placed. We still recommend they be placed on the west side of Birch and the east side of Dellwood and not on Kay as it is a non boat swimming beach. We also recommend that fees be increased to \$30.00 as an additional revenue source for the city.

We were also asked to explore adding paddleboard racks to the beaches. For now, we recommend no paddleboard racks but instead use the additional kayak racks for paddleboards.

Birchwood parks improvement plan update: the draft of a plan is well underway. additional feedback was given and a more complete draft will be shared and reviewed at the January Parks meeting. It takes into account the survey feedback and covers all our parks, paths and beaches.

Birchwood Comprehensive Plan: Concerns were raised about the plan, its accuracy and integrity, Feedback has and will be given to Tobin from members of the committee. All are encouraged to read it.

Questions we will be asking of Tobin:

Status on city arborist and Rainbow tree work

Status on Playground safety inspection

Agenda for Birchwood Parks and Natural Resources
Committee - January 2019 Meeting

Review Birchwood Parks improvement plan

Status update on work being done by Rainbow trees

More Detailed view of the horseshoe pit

Report back on Birchwood playground safety inspection

Tobin Lay

From: Seth Plunkett
Sent: Saturday, December 1, 2018 4:45 PM
To: Tobin Lay
Subject: Re: Roads Committee

Good Evening Tobin,

I appreciate the opportunity to strengthen my relationship with the community and look forward to contributing towards the roads and maintenance around Birchwood Village. My name is Seth Plunkett and I grew up in the Twin Cities. After getting married, my wife Zoie and I purchased our first home here in Birchwood Village off of Wildwood Dr. December 2017 and we have enjoyed every minute. Zoie & I both have fond memories on White Bear Lake throughout our childhood. We plan on starting a family here and look forward to many more great years! I have generally held sales positions but have had minor experience in years past with bridge and road construction in Eden Prairie. Please let me know if any further information will be required.

Best Regards,

Seth Plunkett

December 10, 2018

To: Birchwood City Council

CC: Tobin Lay, City Administrator

From: Mark Foster

Subject: Roads Committee Vacancy, Letter of Interest

Dear Mayor and Council Members,

It has come to my attention that there are multiple vacancies on the Roads Committee. I would like to submit my name as an interested party in filling one of these vacancies. As a new resident of Birchwood Village I believe this would be an opportunity to get involved in the community and share a different insight as a millennial homeowner.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Mark Foster". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Mark Foster

215 Cedar St, Birchwood, MN

MEMORANDUM



TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2018-11-01 Amending Conditional Uses

Birchwood Village

Dear Mayor and Council Members,

Please be advised that this amendment is no longer necessary. It turns out that this change was included and adopted in the April 10, 2012 amendment but the correction was not physically made at that time.

Accordingly, there is no need to hold the public hearing on this issue and no reason to proceed. Thanks!

Regards,
Tobin Lay

PROPOSED DOG ORDINANCE

Proposed Dog Ordinance

There have been a number of complaints regarding the safety of residents as it relates to aggressive dogs in the neighborhood. The new substantive language below is intended to adopt a code that addresses dangerous and potentially dangerous dogs and clean up the current code.

The following is the Birchwood city code when the numbers start with 605. The other code numbers are from the Maplewood city code. The goal is to compartmentalize all the dog provisions together. The code numbers will be coordinated if the council believes adopting the Maplewood language is appropriate. Currently the Birchwood animal code has chicken, pig, dog and animal provisions all mashed up and at times has inconsistent provisions.

Delete 605.010 6. Exposed to rabies...not used as a term of art in the code.

605.010 Definitions. [add]

3. Animal Control office or Officer means the person or person employed by the Council as its enforcement officer.

6. Dog means any living dog.

10. Veterinary hospital means any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.

DELETE 605.020-.026

DELETE 605.030 -.050

DOGS

Sec. 10-62. - Rules and regulations relating to permits and humane treatment.

The council shall promulgate regulations governing the issuance of permits, and such regulations shall include requirements for humane care of the owner's dogs and for compliance with all sections of this article and other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect dogs from cruelty.

Sec. 10-63. - Limitation on number for each dwelling unit in residential zones.

No more than ~~two~~ three dogs over three months of age shall be housed or be kept on any one residential site in any area of the city ~~zoned R-1 residence district or R-2 residence district.~~ ~~No more than one dog of any age shall be kept in a dwelling unit in any area of the city zoned R-3 residence district.~~

Sec. 10-64. - Enforcement.

Officers designated by the city administrator ~~manager~~ and approved by the council shall have police powers in the enforcement of this article; and no person shall interfere with, hinder or molest any such officer in the exercise of such powers.

(a)

Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section 1-15.

(b)

~~If any person is found guilty by a court of violation of section 10-1, his permit to own, keep, harbor or have custody of dogs shall be deemed automatically revoked; and no new permit may be issued for a period of one year.~~

DIVISION 2. - PERMIT

Sec. 10-91. - Required; exceptions.

No person shall, without first obtaining a permit in writing from the clerk, own, keep, harbor, or have custody of any dog over three months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.

(a)

Upon a showing by any applicant for a permit required under this division that he is prepared to comply with the regulations promulgated by the council, a permit shall be issued following payment of the applicable fee, as follows:

(1)

For each dog, the fee is as may be imposed, set, established and fixed by the city council, by resolution, from time to time.

(2)

No fee or permit shall be required of any Humane Society or veterinary hospital.

(b)

No permit shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date, but not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the permit to be issued, unless stated upon the certificate that the vaccination is effective for at least three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the applicant shall present an original certificate from a qualified veterinarian showing that the dog to be permitted has been given a vaccination against rabies and the date on which the vaccination was administered.

Sec. 10-93. - Term; renewal; late penalty charge.

A new permit shall be obtained each even year by every owner and a new fee paid. A permit, if not revoked, shall be valid until the end of the permit period. Renewal permits must be obtained prior to the expiration date, and there shall be a late penalty charge on all renewal permits issued after the expiration date.

The city ~~manager~~ administrator may revoke any permit issued under this division if the person holding the permit refuses or fails to comply with this article, any regulations promulgated by the council pursuant to this article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.

Sec. 10-95. - Tags.

Upon issuing a permit to keep any dog under this division, the clerk shall issue to the owner a metallic or durable plastic tag stamped with an identifying number and with the month/date/year of expiration and so designated that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened

to the dog's collar or harness by the owner and shall be worn at all times. The clerk shall maintain a record of the identifying numbers and shall make this record available to the public.

Sec. 10-96. - Exemptions from division.

The sections of this division requiring a permit shall not apply to owners of certified seeing eye and other handicapped-aid dogs, owners and handlers of bona fide working dogs (guard dogs, search dogs, etc.) and nonresidents of the city who are keeping only domestic pets, provided that domestic pets of nonresident owners shall not be kept in the city longer than 30 days annually and the animals shall be kept under restraint.

DIVISION 3. - RUNNING AT LARGE; NUISANCE

Sec. 10-126. - Restraint.

All dogs shall be kept under restraint at all times in the city.

Sec. 10-127. - Duty of owners.

(a)

No owner or custodian of any dog, whether permitted or unpermitted, shall allow such dog to run at large, ~~with the exception of within a designated off-leash dog area.~~ It shall be the obligation of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent any such dog at anytime to be on any street, public park ~~(with the exception of a park within an off-leash dog area as designated by Ramsey County or the City of Maplewood),~~ school grounds or public place without being effectively restrained by a chain or leash not exceeding eight feet in length.

(b)

Any person having custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody and control of any dog to have on such person possession of a device or equipment for picking up and removal of animal feces. This subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.

(c)

No owner or custodian of any dog within the city shall allow the dog to remain outside and unattended for a period exceeding four consecutive hours. For the purpose of this subsection, the term "outside and unattended" shall mean that the dog is on or has free access to the exterior grounds of any premises and the owner or custodian is not physically present and in the company of the dog.

(d)

Owners or custodians of dogs are hereby charged to prevent their dogs from barking or making other noises which unreasonably disturb the peace and quiet of any person. The phrase "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of noises, by such dogs, audible to a peace officer or animal control officer outside the building or premises where the dogs are being kept and which noise occurs repeatedly over [a] five-minute period with a time lapse of one minute or less between repetitions over a five-minute period. Failure on the part of the owner or custodian to prevent a dog from committing such acts shall be guilty of a misdemeanor ~~subject penalty provided in section 10-65.~~

Sec. 10-128. - Female dogs in heat.

Every female dog in heat in the city shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog, except for planned breeding.

Sec. 10-129. - Duty of temporary visitors to city.

It shall be unlawful for any person temporarily in the city, while staying at any private home ~~or at any public accommodation such as a hotel or motel~~, to have a dog running at large or to permit his dog at any time, ~~when out of the room or suite occupied by such person~~, to be upon the street or in any public or private place, unless firmly upon a leash at all times.

DIVISION 4. – IMPOUNDMENT

605.067 [keep] Animals Which Cannot be Impounded

Delete 605.070-.996

Sec. 10-156. - Authority; notice to known owners; reclamation by owners; humane disposal of unclaimed dogs.

Unrestrained dogs running at large in the city may be taken by police, the animal control officer or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If by a permit tag or by other means the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. A dog not claimed by its owner within five days shall be humanely disposed of by an agency delegated by the council to exercise that authority.

Sec. 10-157. - Fees; additional penalties.

Any owner reclaiming a dog under this article, which has been impounded for any reason, shall pay a fee as set by council resolution from time to time. The owner may also be proceeded against for violation of this article, and his permit may be revoked.

Sec. 10-158. - Return to owner of dog found at large.

Notwithstanding the sections of this division, if a dog is found at large in the city and its owner can be identified and located, such dog need not be impounded but may, instead, be taken to the owner.

DIVISION 5. - DANGEROUS DOGS

Sec. 10-189. - Dangerous/potentially dangerous dogs.

The provisions of Minn. Stats. §§ 347.50—347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Birchwood Village. Where a conflict exists between the provisions of the City Code and the provisions of Minn. Stats. §§ 347.50—347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

(1)

Definitions: For the purpose of this section, the terms defined have the meaning given to them:

Dangerous dog means any dog that has:

- a. Without provocation, inflicted substantial bodily harm on a human being on public or private property; or
- b. Killed a domestic animal without provocation while off the owner's property; or
- c. Been found to be potentially dangerous, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals. Great bodily harm has the meaning given it under Minn. Stats. § 609.02, subdiv. 8. Owner means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog. Potentially dangerous dog means any dog that:
 - a. When unprovoked, inflicts bites on a human or domestic animal on public or private property; or
 - b. When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
 - c. Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals, or
- d. Exhibits unusually aggressive behavior, such as an attack on another animal. [source N St Paul code]

Proper enclosure means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which the windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

Provocation means an act that adult could reasonably expect may cause a dog to attack or bite.

Substantial bodily harm has the meaning given it under Minn. Stats. § 609.02, subdiv. 7a.

(2)

Initial determination. The city's designated animal control authority shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous dog or a dangerous dog. The animal control authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.

(3)

Notice of initial determination. The notice of initial determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.

(4)

Request for hearing and hearing. An owner may appeal the initial determination by filing a request and payment of the applicable fee for the hearing with the city manager within five days of the owner's receipt of the notice of initial determination. A hearing shall be held within seven days after the city's receipt of the request for hearing. The ~~city manager~~ administrator shall assign a hearing officer, who

shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the animal control authority, the testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (final determination). The findings shall be made within five days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.

(5)

Seizure of dangerous dog or potentially dangerous dog. The animal control authority shall immediately seize any dangerous or potentially dangerous dog if, within 14 days after the service of the notice of final determination declaring a dog to be a dangerous dog:

a.

The owner has not registered the dog in compliance with the provisions of subsection ~~10-189(8)a. or (10)a.~~

b.

The owner does not secure the proper surety bond or liability insurance pursuant to subsection ~~10-189(8)a.2. or (10)a.4.~~

c.

The dangerous or potentially dangerous dog is not maintained in a proper enclosure.

d.

The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.

(6)

Reclaiming a dangerous dog or potentially dangerous. A dangerous or potentially dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees and upon presentation of proof to the animal control authority that the requirements of subsection 10-189(8)a. or (10)a. have been satisfied. A dangerous or potentially dangerous dog not reclaimed under this provision within seven days may be disposed of as provided in Minn. Stats. § 35.71, subdiv. 3, and the owner shall be liable to the animal control authority for costs incurred in confining and disposing of the dangerous dog.

(7)

Substantial/great bodily harm. Upon a final determination and notwithstanding the provisions of subsections ~~10-189(2)–(6)~~, a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority.

(8)

Dangerous dog restrictions.

a.

Registration required. No person may keep a dangerous dog in the City of Birchwood Village unless the dog is registered with the city clerk as provided in this section. The city clerk shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

1.

Proper enclosure. A proper enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.

2.

Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00

payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog.

3.

Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

4.

Warning symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

5.

Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times. The design of the tag must have been approved by the Minnesota Commissioner of Public Safety.

6.

Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

7.

Proof of disclosure. The owner of a dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

(9)

Dangerous dog regulations.

a.

Annual fee. The owner of a dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b.

Annual renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.

c.

Death/transfer from city. The owner of any dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d.

Notice to landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement, and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

e.

Sale. The owner of a dangerous dog must notify the purchaser that the animal control authority has identified the dog as a dangerous dog. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

f.

Muzzling. If the dangerous dog is outside a proper enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

g.

Sterilization. The animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the animal control authority may have the animal sterilized at the owner's expense.

(10)

Potentially dangerous dog restrictions.

a.

Registration required. No person may keep a potentially dangerous dog in the City of Birchwood Village unless the dog is registered with the city clerk as provided in this section. The city clerk shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents the following information:

1.

Microchip. The owner has had a microchip identification implanted in the potentially dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

2.

Warning symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

3.

Proper enclosure. A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.

4.

Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

5.

Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

6.

Proof of disclosure. The owner of a potentially dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

(11)

Potentially dangerous dog regulations.

a.

Annual fee. The owner of a potentially dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b.

Annual renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new jurisdiction.

c.

Death/transfer from city. The owner of any potentially dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d.

Notice to landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

e.

Sale. The owner of a potentially dangerous dog must notify the purchaser that the animal control authority has identified the dog as potentially dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

(12)

Annual review requests. If there are no additional reports of the behavior described in subsection (1)a. or (1)b. of this section within a 12-month period from the date of the designation as a dangerous dog or a six-month period from the date of the designation as a potentially dangerous dog, the dog's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the Maplewood Animal Control Authority, which shall rule on the review request based on the record. The owner of the dog shall be notified in writing of the review results within ten business days of receipt. An administrative fee shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the animal control authority, the administrative fee may be reduced or waived. The fees for such review shall be imposed, set, established and fixed by the city council, by resolution, from time to time.

~~Sec. 10-216. Construction and purpose of division.~~

~~This division is supplementary to and in addition to all other sections of this Code or other ordinances in effect relating to the ownership, care and custody of dogs within the city and is deemed necessary by the council in order to regulate and control the ownership and the keeping of dogs in and near residential areas of the city.~~

Delete 605.091, .092

Is 605.130 constitutional?

Rest of code remains from 605.135 on...

605. ANIMALS

605:010. DEFINITIONS. For the purpose of this Chapter, terms defined herein shall have the following meaning ascribed to them:

1. Animals

Domestic-House Pet: For the purposes of this code, a domestic house pet shall be defined as those animals such as dogs, cats and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to said structure requiring a building permit from the City.

Domestic-Farm: Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.

“Amended by Ordinance 1998-1; May 12, 1998.”

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

2. Animal Control Authority. The provisions of this Code shall be enforced by the Council.

3. Animal Control Officer. The person or persons employed by the Council as its enforcement officer.

4. Animal Shelter. Any premises designated by action of the City for the purpose of impounding and caring for all animals found in violation of this Code.

5. At Large. Any animal which is not effectively restrained within a fenced area or any animal which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any animal which is permitted to be on any street, public park, or public place without being effectively restrained by chain or leash shall be deemed to be running at large.

“Amended by Ordinance 1998-1; May 12, 1998.”

6. Exposed to Rabies. A dog has been exposed to rabies within the meaning of this Code if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.

7. Kennel. The keeping of more than three (3) dogs of age 6 months or greater on any premises.

8. Owner. Any person, group or persons, or corporation owning, keeping, or harboring an animal or animals for three (3) or more consecutive days.

Quarantine: The strict confinement, upon the private premises of the owner, ~~UNDER~~ restraint by leash, closed cage, or paddock. The quarantine shall be conducted under the order of the Animal Control Officer designating the

Specific place, manner, and position of the quarantine.

Keep

“Amended by Ordinance 1998-1; May 12, 1998.”

9. Restraint. On a leash of not more than six (6) feet in length or on a leash which can be retracted to a length of six (6) feet or less, and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner’s property by enclosure or fencing (electronic or physical barrier).

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

10. Spayed Female. Any bitch which has been operated upon to prevent conception.

11. Wild Animal. Shall mean and include any animal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:

a. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

b. Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.

c. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.

d. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.

e. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.

f. Any skunk, raccoon, fox, or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, said certification to be obtained within seven (7) days of receipt of the animal.

g. Any bear, ape, gorilla, monkey, or badger.

h. Any other animal or reptile which is commonly considered wild and not domesticated.

~~605.020. LICENSING~~

~~605.021. No persons shall own, keep or harbor any dog over six months (6) old within the City unless such dog is licensed as herein provided. Written application for such license shall be made to the City Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The application must be accompanied by a certificate from~~

a qualified licensed veterinarian certifying that the dog has been vaccinated against rabies on a date that is not more than 36 months prior to the expiration date of the license to be issued. The license fee shall be paid at the time of making application and a numbered receipt given to the applicant. The City Clerk shall keep and maintain an accurate record of identifying numbers.

“AMENDED NOVEMBER 12, 2013”

605.022. The license fee shall be as established from time to time and set forth in Chapter 701.

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

605.023. All dog licenses shall be issued for the license term as established from time to time by City Council resolution. Applications for licenses may be made prior to and for 30 days after the start of the licensing term without penalty, but when application is made after 30 days of the licensing term has elapsed, the applicant shall be assessed a penalty 50 percent of the license fee, which amount shall be added to and collected with the regular license fee, provided, however, if the dog did not become subject to licensing until after the start of the licensing term, then no penalty shall be assessed if application is made within 30 days after becoming subject to licensing.

605.024. In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of a fee to be set by the City Council.

605.025. If there is a change in ownership of a dog during the license term, the new owner may have the current license transferred to his name upon application and the payment of transfer fee to be set by the City Council.

605.026. No person shall use for any dog a license receipt or license tag issued for another dog, or counterfeit or attempt to counterfeit license tags.

605.028. CHICKENS

(1) Chickens may be kept within the City limits on residential properties subject to the following conditions:

- (a) A maximum of six (6) hen chickens or pullets are permitted.
- (b) Roosters are prohibited.
- (c) The butchering of chickens is prohibited.
- (d) Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner’s premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

- (i) All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.
- (ii) Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.
- (e) Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.
 - (i) Fencing must not exceed six (6) feet in height and must be built according to the zoning code.
 - (ii) Chickens are restricted to the rear yard.
 - (iii) Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.
- (f) Food Storage. Food materials that are stored outside shall be in closed containers with lids.
- (g) Manure Removal. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.
- (h) Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.
- (i) Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.

(2) License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk. The fee shall be established from time to time by resolution as set forth in Chapter 701.

- (i) A license shall be issued for a period of two years.
- (ii) Upon completion of the application form and receipt of the license fee, the City Clerk shall cause a license to be issued to the applicant.

(3) Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.029. MINIATURE VIETNAMESE POT-BELLIED PIGS.

(1) Restrictions. Miniature Vietnamese Potbellied Pigs may be kept within the City limits if it is kept as a “Domestic-House Pet” as defined in Code 605.010 (1), and shall be subject to the following conditions:

- (a) The possession of a Vietnamese Potbellied Pig is limited to two (2) per residence.
- (b) Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.
- (c) Adult Vietnamese Potbellied Pigs shall not weigh more than 120 pounds or stand more than 22 inches at the shoulders.
- (d) Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.

(2) Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within 100 feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right-of-way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants or property located on the opposite side of the street or right-of-way.

(3) License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the city Clerk. The fee shall be established from time to time by resolution as set forth in Chapter 701.

- (i) A license shall be issued for a period of two years
- (ii) Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk shall cause a license to be issued to the applicant.

(4) Inspection, The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where Vietnamese pot-bellied pig(s) are kept for the purpose of making an inspection to determine compliance with this Chapter.

“AMENDED BY ORDINANCE 2014-08-01; SEPTEMBER 9, 2014”

~~605.030. TAG AND COLLAR.~~

~~605.031. Upon complying with the provisions of 605.020 of this Code, there shall be issued to the applicant a numbered metallic tag stamped with the number and the year issued and labeled "LICENSED CITY OF BIRCHWOOD VILLAGE".~~

605.030 DOGS (see Maplewood Code sec 10-62 et al)

~~605.032. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar, or harness of durable material which must be worn by the dog at all times.~~

~~605.033. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.~~

~~605.040. RESTRAINT. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner.~~

~~605.041 ANIMALS AT LARGE. No animal shall be allowed to be at large in the City.~~

“Amended by Ordinance 1998-1; May 12, 1998.”

~~605.042. The owner of a dog which habitually chases vehicles or chases or threatens pedestrians shall keep his dog under restraint at all times.~~

~~605.043. No person in custody of any animal shall permit said animal to enter and remain in any public building. Dogs in a public park or on any Public Lake Tract must be kept under restraint.~~

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

“AMENDED September 13, 2016”

~~605.044. REMOVAL OF ANIMAL FECES. Any person having ownership, custody or control over an animal on any property within the City shall immediately remove, and dispose of in a sanitary manner, all animal feces produced by such animal. If such feces are not removed, then the person in ownership, custody, or control of the animal shall be deemed in violation of this Code.~~

~~EXCEPTIONS. Requirements of immediate animal feces removal shall not apply to:~~

- ~~a. Visually impaired persons using certified guide animals; or~~
- ~~b. Disabled persons using service animals; or~~
- ~~c. Trained police animals utilized in connection with police activities; or~~
- ~~d. Animal feces produced within the limits of the private property of the animal's owner.~~

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

~~605.050. ANIMAL NOISE. No person shall own, keep or harbor any animal which shall by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or off of the premises where the animal is being kept and which noise occurs repeatedly over at least a 5-minute period of time with one minute or less lapse of time between each animal noise during the 5-minute period.~~

move to
605.114
(a)

move to
605.114
(b)

~~605.055. ODOR.~~ Persons who keep animals within the City shall not allow any odors which are offensive to the people inhabiting the City such that they constitute a nuisance as defined in Chapter 606, entitled "Public Nuisance", of the City Code.

"AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013"

~~605.060. IMPOUNDMENT.~~

~~605.061. Unlicensed dogs, or animals found running at large, or being kept or harbored any place within the City contrary to the provisions of this Code, shall be taken up by the agents of the City Council and impounded in the shelter designated as the Animal Shelter and there confined in a humane manner for a period of not less than five business days, and may thereafter be disposed of in a humane manner subject to Minnesota Statutes, Section 35.72, Subd. 3, if not claimed by their owners. Dogs and other animals not claimed by their owners before the expiration of five business days shall become the property of the City and be disposed of at the discretion of the City Council subject to Minnesota Statutes, except as hereinafter provided in the cases of certain dogs and animals.~~

~~**"Amended by Ordinance 1998-1; May 12, 1998."**~~

~~605.062. The City Council may upon request therefor transfer title of all animals held by it at its animal shelter to the University of Minnesota, or as otherwise provided by Minnesota Statutes, after the legal detention period has expired and the animal has not been claimed by its owner.~~

~~605.063. When animals are found running at large, and their ownership is known to the agents of the City Council, such animals need not be impounded, but the agent may at his discretion, cite the owners of such animals to appear in court to answer to charges of violation of this Code.~~

~~**"Amended by Ordinance 1998-1; May 12, 1998."**~~

~~605.064. Immediately upon impounding dogs or other animals, the agents of the City Council shall make every possible effort to notify the owners of such dogs or other animals so impounded and inform such owners of the conditions whereby they may retain custody of such animals.~~

~~605.065. Animals other than dogs or cats or those licensed under Chapter 605, shall be impounded when found running at large within the City limits and disposed of in accordance with law.~~

~~605.066. UNSPAYED FEMALE STRAY DOGS. No unspayed female dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed, or the Humane Society agrees to do so, and said prospective owner shall present to the Animal Control Officer~~

within ten days after such adoption a certificate from a veterinarian attesting that such dog has been spayed.

605.067. ANIMALS WHICH CANNOT BE IMPOUNDED.

1. If an animal is known to be vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after all reasonable effort or cannot be impounded without serious risk to the persons attempting to impound, such animal may be immediately killed.

When an animal cannot be impounded and is in violation of any part of this part of this chapter, the owner, as defined herein, shall be issued a citation.

“Amended by Ordinance 1998-1; May 12, 1998.”

~~605.070. REDEMPTION OF IMPOUNDED ANIMALS.~~

~~605.071 The owner shall be entitled to resume possession of any impounded animal, except as herein provided in the cases of certain dogs, upon compliance with the license provisions of 605.020, 605.028 or 605.029 of this Code and the payment of impoundment fees set forth herein.~~

~~605.072. Any other animal impounded under the provisions of this Code may be reclaimed by the owner upon the payment of impoundment fees set forth herein.~~

~~605.073. Any animal impounded under the provisions of this Code and not reclaimed by its owner within five business days may, subject to the provisions of Minnesota Statutes, be humanely destroyed by the Animal Control Officer or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this Code and such other regulations as shall be fixed by the City Council; provided, however, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by State Law, such law shall be complied with.~~

~~605.074. Notwithstanding this section, the owner shall remain subject to penalties for violation of this Code.~~

~~605.080. IMPOUNDMENT FEES. Any animal impounded hereunder may be reclaimed as herein provided upon the payment by the owner to the Animal Control Officer of the sums for impoundment and daily care as established from time to time by City Council resolution. Impoundment fees as established by resolution shall be collected by the Animal Control Officer and such additional sums as provided for keeping animals shall be collected by the Animal Control Officer and retained by it to help defray the cost of keeping such animals.~~

~~605.085. REGULATION OF DANGEROUS DOGS. The city shall, by reference, adopt the provisions of Minnesota Statute 347.50-347.565 with respect to the regulation of dangerous dogs. Where statute makes reference to “county” regulating authority it is the intention of the city to adopt a reference to “city” regulating authority.~~

“AMENDED BY ORDINANCE 2014-05-01; MAY 13, 2014”

605.090. CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS.

605.091. The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious animal, and not take such animal out of such building or secure enclosure unless such animal is securely muzzled or under restraint as appropriate.

“Amended by Ordinance 1998-1; May 12, 1998.”

605.092. Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.

~~605.093. To protect the health, safety and welfare of the citizens of the City, it shall be unlawful to keep any wild, dangerous or undomesticated animal within the corporate limits of the City, except as permitted pursuant to the provisions of this Ordinance.~~

~~605.094. Any animal described in the foregoing sub-sections of 605.090 of this Code, found at large, shall be impounded by the Animal Control Officer and may not be redeemed by owners, unless such redemption be authorized by court having jurisdiction.~~

~~605.095. Any dog, cat or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.~~

~~605.096. When in the judgment of the City Council, or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.~~

605.100. DISEASE CONTROL.

605.101. RABIES CONTROL. The Minnesota State Health Laws and Regulations pertaining thereto shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

605.102. BITING ANIMALS TO BE QUARANTINED. Whenever any animal has bitten a person or whenever a known or suspected rabid animal is picked up by the animal warden, such animal shall be kept in confinement for a period of ten (10) days after the occurrence ~~provided that the owner or custodian of such animal, after having been so notified either orally or in writing, shall have the right to direct where the animal will be quarantined provided that the location has proper State approved facilities for such quarantine.~~ Upon reasonable belief that the animal may be rabid, the animal shall be subjected to the tests necessary to establish the same by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing and treatment expenses, in addition to all other expenses incurred as the result of a animal biting a person, shall be the expense of the owner of the animal.

Move to 605.1115

“Amended by Ordinance 1998-1; May 12, 1998.”

605.103. REPORTS OF BITE CASES. It shall be the duty of every physician or other practitioner to report to the Animal Control Officer and the City Council names and addresses of persons treated for bites inflicted by animals, together with as much as other information as will be helpful in rabies control.

605.104. RESPONSIBILITIES OF VETERINARIANS. It shall be the duty of every licensed veterinarian to report to the City Council his diagnosis of any animal observed by him as a rabies suspect.

605.110. KEEPING OF ANIMALS.

605.111. FARM ANIMALS. Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, goat or other farm animal or any other fowl, including emus or pigeons, upon any lot or property within the City of Birchwood Village.

605.1115 No person shall keep or permit any wild animal upon any lot within the City of Birchwood Village
“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.112. CRUEL TREATMENT. No person shall treat an animal in a cruel or inhumane manner, or willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.

605.113. DOG KENNELS. No person shall operate a dog kennel or permit a dog kennel to be on his premises within the City.

605.114. MANNER OF KEEPING. No person shall keep any dog, cat or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

605.120. EXEMPTIONS. The licensing and vaccinations requirements of this Code shall not apply to any animal belonging to a non-resident of the City and kept within the City for not longer than thirty days, provided all such animals shall at all times while in the City be kept within a building, enclosure or vehicle, or be under restraint by the owner.

“Amended by Ordinance 1998-1; May 12, 1998.”

~~605.130. INVESTIGATION. For the purpose of discharging the duties imposed by this Code and to enforce its provisions, any agent of the City Council or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such a dog or the license for such dog. It is further provided that any agent of the City Council may enter the premises where any animal is kept in a reportedly cruel~~

*298 ?
CONSTITUTIONAL ?*

or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment.

~~605.135. REVOCATION.~~

1. An animal permit or license may be revoked if:
 - A. The person holding the permit or license refuses or fails to comply with the provisions of this Chapter, any other regulations promulgated by the City or any state or local law governing cruelty to animals or the keeping of animals.
 - B. An owner fails to provide the animal with necessary food, water, shelter, veterinary care, or humane care and treatment.
 - C. An owner overdrives, overloads, overworks, tortures, ill-treats, torments, neglects, or unjustifiably injures, maims, mutilates or cruelly works an animal when unfit for labor, or otherwise abuses any animal.
 - D. An owner causes or permits any dog fight, cock fight, or other combat between animals or between animals and humans.
 - E. An owner violates the terms of this Chapter three (3) times within a one (1) year period.
2. Any person whose permit or license is revoked shall, within fifteen (15) days, remove such animal(s) permanently from the City or humanely dispose of the animal(s) cited in the violation as being owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. In addition, the owner may be liable to court action under this Code, State Statutes and local laws for any of the actions cited above.
3. If a permit or license is revoked, no new permit or license may be issued for a period of one (1) year from date the permit or license is revoked.

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.140. INTERFERENCE. No person shall interfere with, hinder, or molest any agent of the City Council in the performance of any duty of such agent, or seek to release any animal in the custody of the City Council or its agents, except as herein provided.

605.150. RECORDS.

605.151. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into his custody.

605.152. It shall be the duty of the Animal Control Officer to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation reports of these cases, and of all reports of alleged violations and actions taken thereon.

See
Mykawa
Section
10.93

605.160. ENFORCEMENT. The provisions of this Code shall be enforced by the Animal Control Officer, City Police Officers, Deputy Sheriffs of Washington County or any other person or persons designated by the City Council.

605.170 PENALTIES FOR VIOLATION. Any person violating any of the provisions of this Code shall be judged guilty of a misdemeanor.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Easement Usage Agreement

Dear Mayor and Council Members,

During the October City Council meeting, the Council put a moratorium on access to Birchwood's lake easements. Until the moratorium is lifted, residents are not permitted to use the lake easements for any purpose other than pedestrian use and to remove boat lifts from the docks. The purpose of the moratorium is to allow time for the Council to consider and pass a solution that reduces or eliminates damage to the lake easements and creates accountability when using the easements.

This topic has gone back and forth between the Planning Commission and the City Council a few times since October. Although the Planning Commission has not reached a unified recommendation on an agreement, they have made the following recommendations for your consideration:

Unified Recommendation

- Commissioners unanimously recommend limiting machinery/motor vehicle access to only one (1) lake easement; they did not all agree on which easement that should be. All other lake easements should be restricted to foot access only.

Individual Recommendations

- *Commissioners Lund & Hegedus* – recommend requiring an agreement for easement usage.
- *Commissioner Winters* – recommends having no agreement.
 - An agreement to access the easements is too onerous and limits resident's enjoyment of their public property.
- *Commissioners Lund & Winters* – recommend that if an agreement is required then a damage deposit should be required and held through the use (similar to renting village hall).
- *Commissioner Danks* – recommends not having an agreement.
 - An agreement will encourage greater usage of the lake easements by machinery/motor vehicles and increase potential for damage.
 - Additionally, an agreement would favor property owners who abut easements as all other property owners (not abutting easements) can only access back yards through their own property.
 - If Council decides to require an agreement then a policy should be in place to qualify a need for access rather than merely a desire or convenience. Ex. a resident shows that access does not exist through their own property.

Enclosed is the agreement form originally proposed by Mayor Wingfield in October and recommendations from City Attorney Alan Kantrud (email).

Request/Recommendation

Staff requests Council:

- 1) Review and discuss Planning Commission recommendations and enclosed materials; and
- 2) Direct staff as to the moratorium and easement usage.

Tobin Lay

From: H. Alan <hakantrud@coyotelawyer.com>
Sent: Sunday, September 23, 2018 10:26 PM
To: Tobin Lay
Subject: Re: Escrow Fee Schedule & Easement Usage Agreement

Follow Up Flag: Follow up
Flag Status: Flagged

I think, based on the discussion of the Council, that the PC should consider the following language:

"When a resident adjacent to a public tract seeks to gain access to their lot from a public tract for the purposes of maintenance of their property they shall request a Limited License from the City for that purpose, describing the purpose for said access. The request for said License shall include the necessity for said access, description of the work contemplated and be limited to that purpose. The request shall state the dates and times that said activity shall occur, and include the contract for services (if applicable) and provide for insurance in the event of damage to the public tract in the process of the activity involved. In the case of a home-owner who seeks to conduct the activity accessing the public tract, 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 building inspector for the activity contemplated, and possible liability, and 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."

This seems to cover the issue... I'm not sure if you want to place a modest cost on the license...I would, say, 150 dollars, just to cover the consideration of the issue by you?

Just my thoughts.

Alan

On Thu, 20 Sep 2018 at 16:52, Tobin Lay <Tobin.Lay@cityofbirchwood.com> wrote:

Hello Alan,

Have you started anything on our assignment regarding the escrow fee schedule and easement usage agreement that the Council assigned us at the last meeting? The plan was to have the PC review at their next meeting and I'm putting their packet together now.

To jog your memory, here is the link to the meeting; relevant portion begins at 1 hr 20 min 45 sec:
<http://provod.rwcable.com/Cablecast/Public/Show.aspx?ChannelID=21&ShowID=13465> Thanks!

Tobin Lay
City Administrator-Clerk
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747
email: tobin.lay@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

CITY OF BIRCHWOOD VILLAGE EASEMENT AND PARK ACCESS RENTAL AGREEMENT

Renter:

Address:

Rental Fee Received: \$50.00/hour or \$500/day

Damage Deposit Received: \$1000.00

Deposit Returned:

Daytime Phone:

Date Key Issued:

Key Issued To:

Date Key Returned:

- Generally, no motorized vehicles are allowed on city easements and parks.
- Exceptions to the city ordinances will be considered for easement rental between October 15 and April 15.
- Easements are only rentable at the discretion of the City Administrator for the limited, special purpose of using mechanical equipment to gain access to owner’s real and/or personal property.
- Rental is limited to no more than five consecutive days and may not be renewed without permission from the city council.
- The Renter must sign this Rental Agreement in the space provided below. By doing so, the Renter agrees to adhere to the following requirements, unless special arrangements have been noted by staff on this Rental Agreement, and agrees to accept the consequences for their failure to do so.

A. Park hours. Renters are permitted to use the rented easement between the hours of 8:00 a.m. to 8:00 p.m.

B. Insurance. The Renter shall indemnify and hold the City harmless for any liability upon city property during the rental period.

C. Keys. Keys to the park lock(s) must be returned to City Hall the next business day immediately following the rental date. Renters shall be responsible for the cost of replacing lost or damaged keys, or re-keying the facilities. If preferred, Renters may return the key by depositing it in the drop box located in the entrance of City Hall.

D. Damage and deposit. There is a \$1000.00 deposit required in addition to the rental fee, which shall be returned only if City staff determines that all conditions of this Rental Agreement have been met. The Renter’s responsibility shall not be limited to the amount of the deposit. In the event of a violation of this Rental Agreement, the deposit may be retained to recover the administrative cost of recovering damages from the Renter, which shall be in addition to the deposit amount.

E. Adult. Renters must be at least eighteen years of age

F. Refunds. There are no refunds in part or in whole of rental fees, whether due to inclement weather or for any other reason.

Signature

Print Name

Date

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Lake Links Trail Update

Dear Mayor and Council Members,

A recent report from the Lake Links Assoc. highlighted plans that the Assoc. had been working on with the City of Mahtomedi regarding the portion of the trail that will go along Birchwood Road (Hall Ave). The proposed trail along this section of Mahtomedi’s road includes reevaluating the road’s design.

As this section of road turns into our Hall Ave, it might be wise to participate in these discussions. Staff recommends Council ask the Roads Committee to become part of these discussions and begin representing Birchwood and its interests. It was the Roads Committee that first brought the Lake Links Trail to your attention with their recommendation to allow the trail passage through Birchwood. This was a subject in which they wanted to have a say.

Following are excerpts from the Lake Links Assoc.’s updates. Additionally, staff has enclosed a presentation from the Association that provides an overview of the Birchwood Road plan.

November 12th 2018 Lake Links meeting update

1) Mahtomedi section: City of Mahtomedi has ordered WSB Engineering to begin final design work for the Birchwood Rd, Briarwood Ave, BN right of way, Streetcar park and MN 244 (Neptune to Maple) sections. There will be public open houses to review the designs in early 2019 with expectation of being ready for construction bidding in April 2019. The Birchwood Road section is expected to be two 10' wide traffic lanes with a turtle compatible sloped curb and a 10' wide bike/ped trail on the lake side.

Mahtomedi – \$1.4 million for Birchwood Road, Wildwood Beach Road, and Briarwood Road and trail elements

WSB Engineering (under contract from the City of Mahtomedi) is working on soil borings and detailed wetland delineation and topography along Birchwood Road. The design team is working to minimize impact on wetlands and habitat while ensuring a safe trail...

Do you have questions to ask and/or thoughts to share about the Lake Links Trail? We're all ears (and eyes). Send them to lakelinksmn@gmail.com and we'll make sure they get to the right people.

Request/Recommendation

Staff recommends Council:

- 1) Ask the Roads Committee to work with the Lake Links Assoc. and Mahtomedi to discuss trail plans and to return a recommendation for Council’s consideration.

Thanks!

Lake Links White Paper:

The Right Solutions for Birchwood Road/Hall Avenue



Lake Links
ASSOCIATION



BUILD ON WHAT WE HAVE!

How to accommodate pedestrians, casual bikers and cars, all in one space?

1. Provide enough space for all users, but not extravagance.
2. Consider what others have done.
3. Look at experience in our own cities and neighborhood
4. Don't reinvent the wheel
5. Listen to and respect local wishes

What Lake Links Proposes for Birchwood Road

- **Narrow traffic lane in each direction to 10' or less. Hall Avenue is already striped at less than 10'**
- **Shift roadway slightly to the west**
- **Install low angle sloped curb and asphalt trail on the east side**
- **Where possible trail to be 10' wide, as narrow as 8' (tapered transition) where less room is available**
- **Sloped curb is consistent with DNR requirements and recommendations for wildlife**
- **No extensive re-shaping or rebuilding of the causeway – build on what we have**
- **No dirt space between curb and trail. Just like Long Lake Road; Woodland Drive; Birch Lake Boulevard and . . . Lake Avenue – see pictures below**
- **Reduce speed limit to 20 or 25 mph. Addition of blinking “your speed” monitoring sign**
- **No trucks zone, per state statute – School buses, residential deliveries, and, oh yes, Amazon, still okay**
- **Stop Sign at Lost Lake Court**
- **Work to keep as many trees as possible.**

Will narrower lanes be unsafe?

- No – numerous studies have shown narrower lanes reduce speeds and reduced speeds save pedestrian lives.

- Best local, and very dramatic example:

MNDOT has narrowed the striping on MN 96 (11,000 cars per day, 40mph speeds) from 12' to 10.5'

In fact, there is authority for streets even narrower than 10' and they exist in our communities – something we might even consider.

Current Situation – Birchwood Road



100' Right of Way; (2) 12' lanes – 24'; about 2' of shoulder each

Total paved width – about 28'

Adjacent Wetlands have been delineated

Total width of non-wetland causeway – 38'- 40 feet

Wetland Delineators from white fogline in pond area

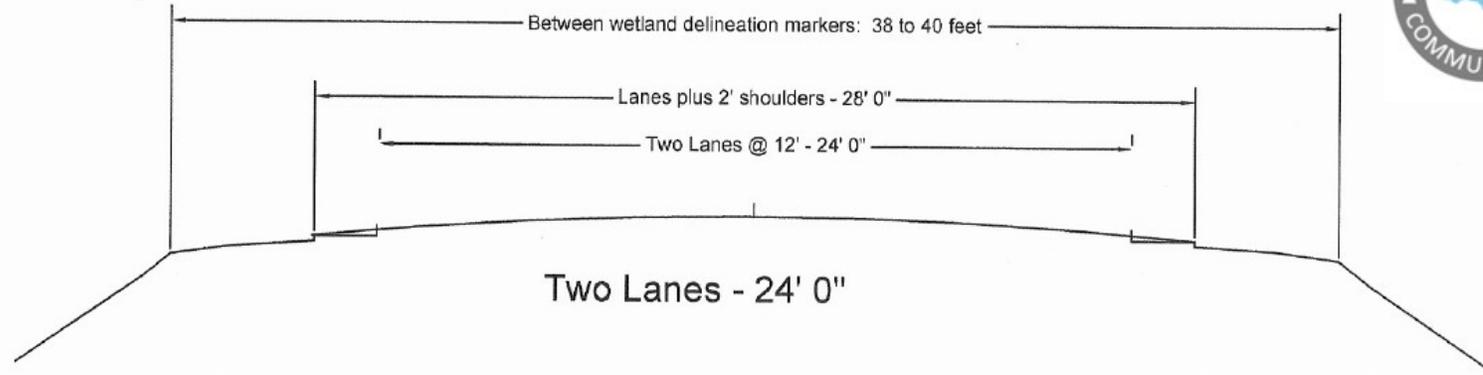
West Side 5', 7', 6', 7.5', 8', 8', 9.5' – East Side 8', 8', 9', 24.5'

What do the neighbors say*?

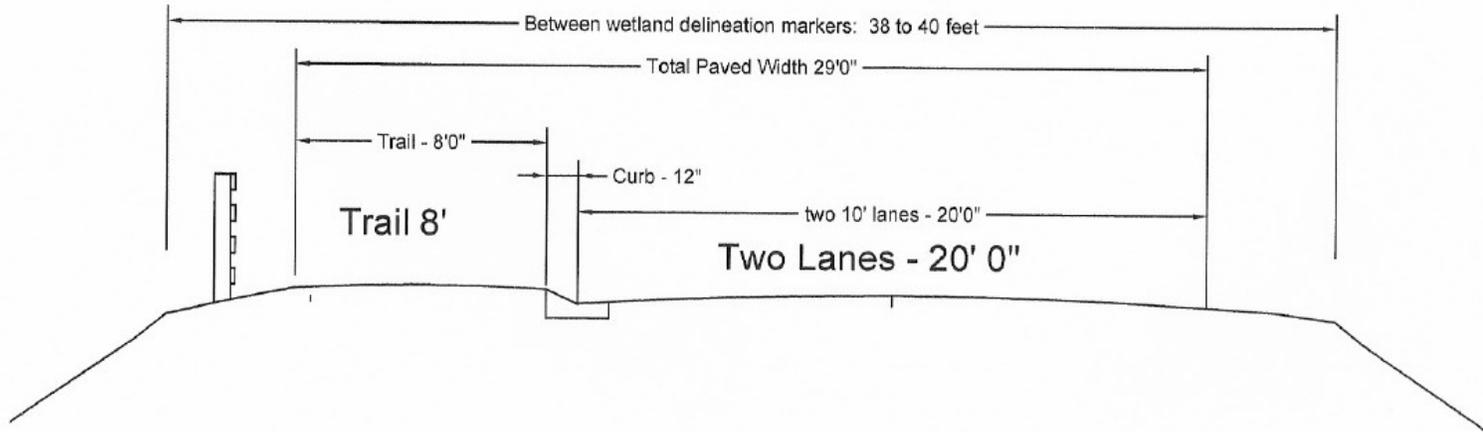
- **Current Concerns** – speeding traffic, unsafe walking and biking
- **Position on Lake Links** – support, delight, enthusiasm, but also want to **avoid great impacts.**
- **Concerns about a trail/route**
 - What will happen to wildlife, both flora and fauna?
 - What can be done to slow traffic?
 - How much land will be needed, and how many trees lost?
 - What about the turtles?

*Based on hours of conversation with neighbors, visits or correspondence with virtually all Birchwood Roaders, and time spent on measuring, talking and reviewing.

Birchwood Road Today



Birchwood with side trail



What are Lake Links Design Standards?

1. Use existing right of way, on street if necessary and low traffic
2. Where a trail, 10' wide if possible, hard surfaced
3. 12 mph bike speed limit – cruisers, not racers
4. Safe, as shown by existing applications
5. Easy on the neighbors, easy on the nature
6. A solution that meets the needs at each location, not a cookie cutter

Conditions on Birchwood/Hall?

- AADT (Average Annual Daily Traffic) - 1,600 cars
- Speed limits – 30 mph on Birchwood – 25 mph on Hall
- Comparables for perspective –
 - Traffic on Long Lake Road -5,600 aadt
 - Traffic on Dellwood Road at Meadow – 4,700 aadt
 - Traffic on South Shore west of Bellaire – 2850 aadt

Clear Zones

The profile doesn't show a dirt space between the trail and the road. Are there other trails that don't have such a space?



Long Lake Road, Mahtomedi 5,600 aadt



Lake Avenue Trail, WBL



Woodland Drive, Mahtomedi

And Birch Lake Boulevard!

Questions:

Who will own the trail/route? The cities of Mahtomedi and Birchwood Village

Will the Lake Links proposal require taking my land? NO!

Who will pay for the trail? The State – via a grant for this purpose, no local assessments, no increase in local taxes to pay for it.

What is Lake Links Association? A non-profit created for this purpose with directors from all around the lake. www.lakelinks.net

How wide is a trail supposed to be? Minimum 8' per Minnesota Administrative Rule 8820.9995. Note, though that those requirements are for a trail designed for bicycles going 20 mph – not the limited 12 mph speed of the Lake Links trail.



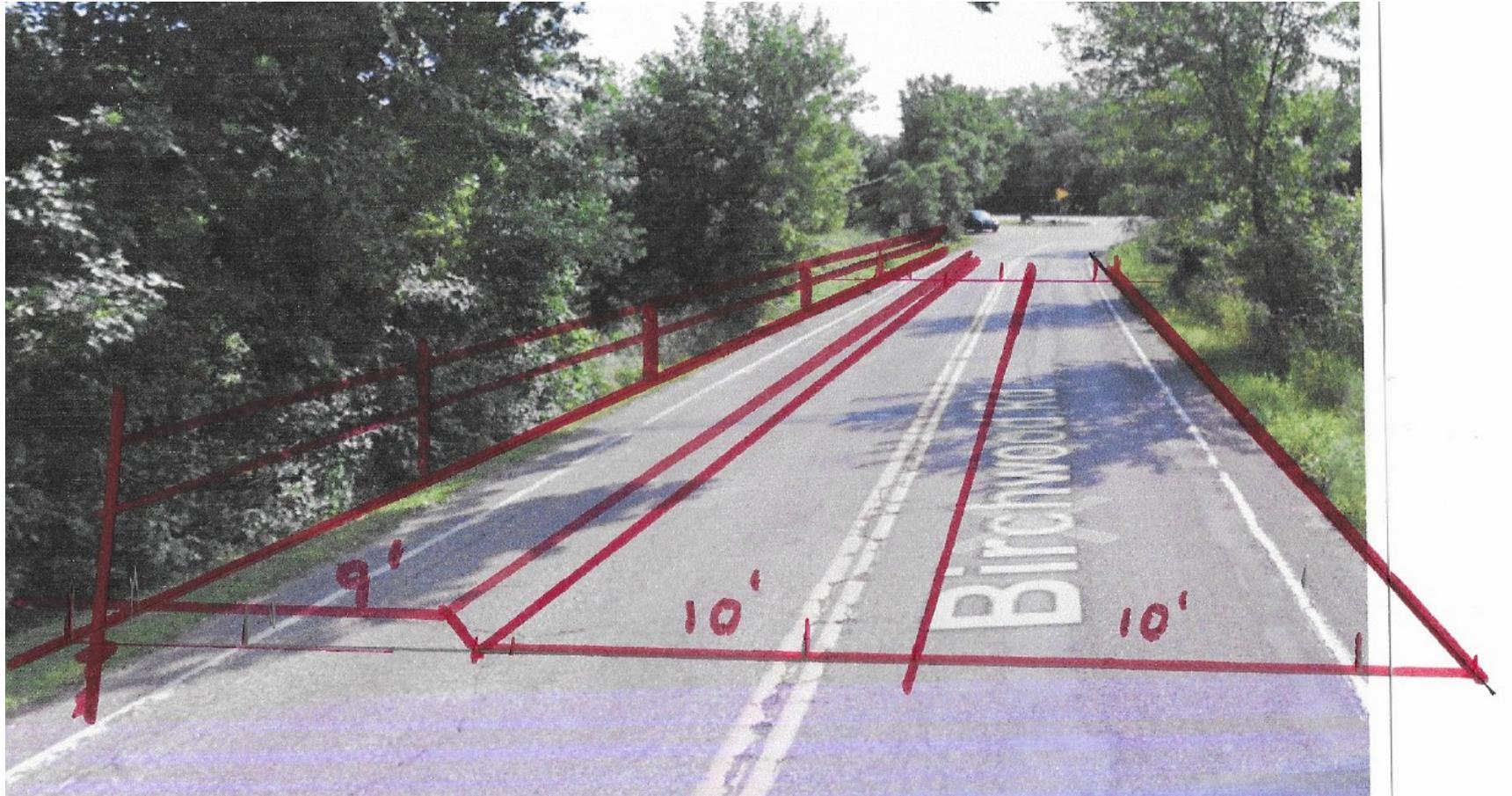
Objects 10' apart, thus 30' – at one of the narrowest points on Birchwood Road



Birch Lake Boulevard, by the water – note the flashing speed limit sign and 20 mph limit
This is what we would like to see Birchwood Road become.

Want to see it? Drive It? – Take 4th Street in WBL west across Otter Lake Road – you're on it!

What would it look like?



These three composite photos incorporate the roadway and trail of Birch Lake Boulevard. Everything else is Birchwood Road. Photos taken with the same camera on the same day.









- For Additional Information :
 - Steve Wolgamot, Washington County CoChair
612 209 6121; kwolgamot@Comcast.net
 - Mike Brooks, Washington County CoChair
262 442 4086, NEBikewalk@gmail.com
 - Dorian Grilley, dorian@bikemn.com (Dorian was co-chair of the original Lake Links study, completed in 2001)

www.lakelinks.net

MUNICIPAL INVESTMENT OPTIONS

Ehlers Investment Partners, a full service provider, focuses on municipal investment management and treasury services. Below are a few of the ways we differ from other providers.

		Bank/Broker	Municipal Pooled Funds
Fiduciary - Must act in your best interest	Yes	Not Required	Not Required
Governmental Investment Experts	Yes	Not Required	Yes
Cash Flow Analysis	Yes	Not Required	Not Required
Comprehensive Portfolio Management	Yes	Not Required	Not Required
Consolidated Reporting	Yes	Not Required	Not Required
Transparent Fees	Yes	Not Required	Not Required
Treasury Consulting Services	Yes	Not Required	No

Visit — <https://www.dol.gov/sites/default/files/ebsa/laws-and-regulations/rules-and-regulations/completed-rulemaking/1210-AB32-2/conflict-of-interest-chart.pdf> to review the Department of Labor's Conflict of Interest chart.

WHY EHLERS INVESTMENT ADVISORS

FIDUCIARY RESPONSIBILITY – EIP adheres to all fiduciary regulations of a true independent investment advisory firm. We operate in your best interest and serve as your investment department.

TRUST – Financial advice should be free of conflicts of interest. The EIP staff are regulated investment advisors. Our allegiance is to the local governments we serve.

'HANDS ON' EXPERIENCE – We have a clear understanding of the complexities of the municipal market, our clients' financial objectives, and the state and federal regulations that dictate how governments invest.

CUSTOMIZED OPTIONS – Every service we deliver is customized to address a community's unique situation, objectives and needs.

EHLERS INVESTMENT PARTNERS' MISSION

is simple – consider only the best interests of our clients by providing local government officials with convenience, confidence and peace of mind to help them effectively and safely manage investments for their community's future.





EHLERS

INVESTMENT PARTNERS

Managing Investments for your Community's Future



RYAN MILES
Direct: (651) 697-8590
rmiles@ehlersinvest.com

Ryan Miles Senior Investment Advisor

Ryan Miles joined Ehlers Investment Partners in 2018 with more than 10 years of experience serving clients in areas of public finance, commercial banking, cash management, and investment advisory services; most recently as a Cash Management Officer with Twin Cities based Venture Bank. Mr. Miles holds a Bachelor of Arts in Business Administration from Eastern Washington University and will be completing his MBA in Finance from Louisiana State University in late 2019. He is a current member of MN Government Finance Officers Association (MN GFOA) and MN Association of School Business Officials (MASBO). He is a registered Investment Advisor Representative with the SEC holding a Series 65 Registered Investment Adviser license. Ryan assists clients across all sectors of public finance to implement investment strategies for bond proceeds or general fund investing, develop cash flow forecasts, formulate investment policies, initiate banking RFPs, and overall portfolio asset management serving in his client's best interest.

AREAS OF EXPERTISE	
<p>INVESTMENT MANAGEMENT</p> <ul style="list-style-type: none"> • Investment advisor and asset manager for cities, counties, municipalities, school districts, special districts • Bond Proceeds investment • General Funds investment • Investment policy formulation • Investment strategy formulation and implementation • Asset allocation 	<p>CASH FORECASTING</p> <ul style="list-style-type: none"> • Single, multiple and consolidated entity forecasts • Near term and long-term forecasts • Rolling forecasts • Variance analysis <p>TREASURY MANAGEMENT</p> <ul style="list-style-type: none"> • Bank relationship management • Banking services structure • Treasury workstation evaluation and implementation
CERTIFICATIONS	
<ul style="list-style-type: none"> • Series 65 • Commercial Lending Academy 	
PROFESSIONAL MEMBERSHIPS	EDUCATION
<ul style="list-style-type: none"> • <i>MN Government Finance Officers Association</i> • <i>MN Association of School Business Officials</i> 	<ul style="list-style-type: none"> • <i>Bachelor of Arts in Business Administration, Eastern Washington University</i> • <i>MBA (Finance), Louisiana State University-Shreveport, 2019 Candidate</i>





SCHEDULE OF FEES

Fee schedule, effective date of 12/5/2018 for the **City of Birchwood Village, MN** ("Client") for services related to the Investment Advisory Agreement between Client and **Ehlers Investment Partners, LLC** ("Adviser").

Investment advisory fees shall be incurred for all assets under the management of Adviser. **Investment advisory fees will be charged according to the schedule below based on average daily assets under management calculated on market value of said assets, payable monthly.** Fees are all inclusive of other services provided by Adviser to the Client under an investment advisory engagement.

ASSETS UNDER MANAGEMENT	ANNUALIZED RATE
Less than or equal to \$2,499,999 at	0.200%
Greater than or equal to \$2,500,000 up to \$9,999,999 at	0.175%
Greater than or equal to \$10,000,000 up to \$19,999,999 at	0.150%
Equal to or greater than \$20,000,000	0.100%

Initial cash forecast services and investment recommendations are provided at no charge. Fees as described above apply to actual assets under management if/when investment plan(s) are implemented. Fee arrangements will be memorialized under the Investment Advisory Agreement.

If Client engages Adviser to perform other services not related to cash forecasting or investment management, all services provided to Client by Adviser will be billed based on hours spent at the rate of \$200.00 per hour, or an agreed-upon flat fee amount.

Managing Investments for your Community's Future

Tobin Lay

From: Tim Finnerty <timfinnerty@scctv.org>
Sent: Monday, November 19, 2018 3:49 PM
To: Tobin Lay
Cc: Randy LaFoy
Subject: Proposed extension agreement
Attachments: Extension Agreement November 2018-c1 (1).PDF; Franchise Renewal Timeline (October 2018).pdf

Tobin:

Attached please find a proposed Agreement for another extension of the Franchise with Comcast. The Cable Commission is recommending that the City Council approve the Extension Agreement. The Agreement will extend the expiration date of the current Franchise from March 31, 2019 to August 31, 2019. The purpose of the proposed extension is to allow for continued informal negotiations between Comcast and the Cable Commission regarding the long-term renewal of the Franchise. Comcast is in agreement with this.

The extension is necessary in part due to Comcast being unable to meet for negotiations in the past two months, including due to illness of one of its key negotiation participants.

Background

As you know, the Cable Commission has been working on the matter of Franchise renewal with Comcast given that the existing Franchise Agreement that is set to expire March 31, 2019. The Commission and Comcast have been in direct negotiations for approximately a year, and prior to that, the Commission had developed and documented a comprehensive needs assessment to serve as the negotiation objective on behalf of member cities. The needs assessment report is available at:

<https://drive.google.com/drive/folders/0B37m--T9u7TcUNaZUh6MzIPWms>

Renewal issues can be resolved through “informal” processes (negotiation), or through a “formal” hearing process. Based on the time required to complete the formal process, the Commission has adopted and updated two schedules. In both, the parties start with negotiations, but move the formal process forward so that it would be completed by roughly the date scheduled for franchise expiration if negotiations were not successful. One schedule assumed that the expiration date stayed as is (March 31, 2019), and effectively required the parties to reach negotiated deal points by mid October. In the other, the parties would extend the franchise to give themselves more time to engage in negotiations.

Recommendation to Approve Extension

The Cable Commission and Comcast have exchanged proposed terms and counterproposals and held several negotiation sessions over the past year. While no proposed deal has yet been reached, both parties recommend extending the time schedule to allow for continuation of negotiations. Therefore, the parties have agreed to recommend extending the franchise expiration date to August 31, 2019 in order to allow negotiations to continue to proceed informally.

To accomplish this, Cable Commission recommends that the City approve the attached Extension Agreement. The Cable Commission believes this simple extension of the current franchise expiration will allow both parties to continue informal negotiations without being put at a disadvantage. The extension preserves the City's right to use the I-NET, and preserves existing support and channels (including high definition channels) for local cable programming. It does not harm the communities in any way.

Finally, please find attached a revised the franchise renewal schedule to reflect how the timeline proceeds under this extension. The Commission leadership believes it is important to follow this schedule to protect the interests of its Member Municipalities.

Please feel free to contact me after you have had a chance to review this if you wish to discuss it or have any questions. Thank you!

- Tim Finnerty
Executive Director
Ramsey/Washington Cable Commission
651-775-0042
timfinnerty@scctv.org

EXTENSION AGREEMENT BETWEEN AND AMONG THE MEMBERS OF THE RAMSEY WASHINGTON SUBURBAN CABLE COMMISSION AND COMCAST OF MINNESOTA

WHEREAS, Comcast of Minnesota, Inc., (“Franchisee”) operates a cable television system (the “System”) in communities which are members of the Ramsey/Washington Suburban Cable Commission (RWSCC) pursuant to a franchise scheduled to expire on November 1, 2018, to which the City of Birchwood Village, the City of Dellwood, the City of Grant, the City of Lake Elmo, the City of Mahtomedi, the City of North St. Paul, the City of Oakdale, the City of Vadnais Heights, the City of White Bear Lake, White Bear Township and the City of Willernie, Minnesota, are parties (each community is a “Franchisor”); a March 9, 1995 Memorandum of Understanding; and the April 10, 2014 Settlement Agreement, as amended by Section 2 of that certain 2015 Transfer Agreement Between and Among The Members of the Ramsey Washington Suburban Cable Commission, Comcast of Minnesota, Inc. and Midwest Cable, Inc. (collectively, the Franchise and these documents are the “Franchise Documents”); and

WHEREAS, the parties previously agreed to extend the expiration date of the Franchise, and of obligations in the Settlement Agreement, through March 31, 2019; and

WHEREAS, the parties wish to extend certain time periods provided under the Franchise Documents to provide time for the parties to work together to attempt to resolve renewal issues,

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1. The Franchise is extended through and including August 31, 2019.

Section 2. Paragraph 10 of the “Settlement Agreement Regarding PEG Capacity” is amended so that the reference to March 31, 2019 is changed to August 31, 2019.

Section 3. Otherwise, the Franchise Documents shall remain in full force and effect in accordance with their terms.

Section 4. Both parties agree that the further extension will not require recommencement of the renewal process under state or federal law, or require either party to re-conduct any studies or proceedings that may have been or are being conducted.

Section 5. This Extension Agreement does not confer upon the Franchisee any additional rights under Section 626 of the Cable Act.

Section 6. By entering into this Extension Agreement, the parties do not otherwise waive their rights to rely upon the rights, procedures, protections and recourses granted to them pursuant to applicable Federal, state, or local rule, regulation, law or precedent.

Section 7. This Agreement may be executed in counterparts, each of which shall be deemed to be an original, but all of which, taken together, shall constitute one and the same agreement

IN WITNESS WHEREOF, the Parties have caused this Extension Agreement to be executed by duly authorized representatives of each Party on the dates written below.

COMCAST OF MINNESOTA, INC.

By: _____
John D. Keller
Title: Regional Vice President

Date:

CITY OF MAHTOMEDI

By: _____
Title:

Date:

CITY OF BIRCHWOOD VILLAGE

By: _____
Title:

Date:
CITY OF DELLWOOD

By: _____
Title:

Date:
CITY OF GRANT

By: _____
Title:

Date:
CITY OF LAKE ELMO

By: _____
Title:

Date:
WHITE BEAR TOWNSHIP

By: _____
Title:

Date:

CITY OF NORTH ST. PAUL

By: _____
Title:

Date:
CITY OF OAKDALE

By: _____
Title:

Date:
CITY OF VADNAIS HEIGHTS

By: _____
Title:

Date:
CITY OF WHITE BEAR LAKE

By: _____
Title:

Date:
CITY OF WILLERNIE

By: _____
Title:

Date:

**Ramsey/Washington Cable Commission - Franchise Renewal Timeline
(Revised October 2018)**

DATE	INFORMAL PROCESS	FORMAL PROCESS
October 2018-March 2019	Informal negotiations	Preparation for drafting/issuing of renewal RFP
March, 2019	Negotiations Update/recommendations as to whether to issue RFP (formal process), or continue negotiations; final document preparation begins if applicable	Negotiations Update/deadline for recommendations as to whether to issue RFP (formal process), or continue negotiations; issue renewal RFP no later than March 15, 2019 if applicable
April, 2019	Final Franchise documentation is complete and provided to Commission office	Issue RFP with return date of no later than April 15, 2019
May, 2019	Public hearing on proposed Franchise	
June, 2019	Commission approval of final Franchise to be recommended to municipalities	Decision made to preliminarily deny or accept proposal; recommendations for conduct of formal proceeding
July, 2019	Final Franchise provided to each municipality for approval and signing	
August, 2019	Existing Franchise with Comcast expires; existing payment arrangement could terminate at earliest on October 28, 2019	Hearing commences on formal process (90 days of prehearing discovery)
September, 2019		
November, 2019	Municipal approval of final Franchise is completed; approved Franchises for each municipality if forwarded to Comcast for signing	
December, 2019		Hearing completed; recommendations for final action on franchise submitted to municipalities

Tobin Lay

From: Tim Finnerty <timfinnerty@scctv.org>
Sent: Tuesday, November 20, 2018 2:23 PM
To: Tobin Lay
Cc: Randy LaFoy
Subject: Comments filed in FCC proceeding
Attachments: LFA COMMENTS IN OPPOSITION-c1 (1).PDF

Hi Tobin:

You may recall that the FCC proposed a rule change in September regarding cable franchises called an "In-Kind Offset" rule that, if adopted, could drastically reduce or eliminate future cable franchise fee payments to local governments. I want share that the Ramsey/Washington Cable Commission (participating within a coalition of localities) filed comments in opposition to this last week. A copy is attached. No action is required on the part of the City.

The FCC proposal would force local governments to choose between providing community services or forfeiting rental fees paid by cable operators for use of the community's rights-of-way. The proposal is inconsistent with the Cable Act, the Cable Act's legislative history, case law, FCC precedent, and market realities. The FCC's actions would also harm consumers by making them pay for the same services twice.

The Ramsey/Washington Cable Commission joined scores of other localities in opposing the FCC proposal as Congress ever intended this choice, nor have the almost 35 years of market experience made it necessary. Our member communities have Comcast as a cable operator that provide multiple community cable channels and other franchise provisions that would be jeopardized should the FCC's proposal be adopted.

Finally, it should be noted that the cable industry has filed comments in support of the FCC's proposed rule, and within those comments is an attempt to use as support for its position examples from franchises across the country, including our franchise. Of course, those cable industry comments are erroneous, and we will soon provide reply comments accordingly.

In the meantime, please feel free to contact me if you should have any questions. Thanks!

- Tim Finnerty
Ramsey/Washington Cable Commission

MEMORANDUM

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Lakewood Lane Update



Dear Mayor and Council Members,

Last month Council discussed problems with Lakewood Lane and requested that the Planning Commission work with City Engineer Thatcher and consultants from MnDOT to discuss possible fixes and to provide a recommendation for next steps.

The Planning Commission met with Thatcher and a representative of MnDOT in November and reviewed the situation. The MnDOT representative recommended putting together a group of experts from Washington County and surrounding communities (including Thatcher) to study the road closer – he offered to help assemble the team. The Planning Commission agreed with the recommendation.

The team of experts is currently being assembled. Once the team has studied the road, they will bring options back to the Council along with cost estimates and recommended next steps.

Recommendation/Request

There is no request/recommendation at this time. Thanks!

Regards,
Tobin Lay