



AGENDA OF THE  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
207 BIRCHWOOD AVENUE  
WASHINGTON COUNTY, MINNESOTA  
June 11, 2013  
7:00 P.M.

CALL TO ORDER (Roll Call for attendance)

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

Recommended motion: "Move to adopt the agenda as presented"

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT AGENDA

1. Approval of the May 14, 2013 Regular Meeting Minutes (see exhibit)
2. Acceptance of Treasurers Report and Approval of Disbursements (see exhibit)
3. Approve Mayor & Clerk to sign amended Manship Plumbing & Heating contract. (see exhibit)
4. LMCIT Liability Coverage Waiver Form – Decline Waving monetary limits on tort liability

CITY BUSINESS – REGULAR AGENDA

5. MS4 Permit Birchwood Village Public Hearing June 11, 2013 (see exhibit)  
(Permit completed by Mayor per 5/14/13 council action)  
*Open Public Hearing*  
Hear Comments  
*Close Public Hearing*  
Council Action: Ordinance 2013-06-01 Code Section 202.100 Illicit Discharge & Elimination  
Repeal & Adopt new language  
Resolution 2013 -12 – Summary Publication of 202.100
6. Planning Commission Items –  
Variance/CUP Requests: O’Loughlin (7 CUP & Variances)– Resolution 2013-13  
(Planning Comm. Presenter: John Lund - see Exhibit)  
(6/7/2013 TABLED BY REQUEST OF PROPERTY OWNER UNTIL JULY 11, 2013)  
  
Definition “Structure” DRAFT presented for review (LaFoy)  
Council direction to Planning Commission to hold Public Hearing July & Clerk to publish PHN
7. Lift Storage Update – 423 Wildwood Ave. (Wingfield – no exhibit)
8. Review of inventory & tools on hand – (Wingfield – no exhibit)
9. Review of Locates – When required (Wingfield – no exhibit)
10. City Website Update (LaFoy – no exhibit)
11. Administrative Fines vs. Tickets (LaFoy – no exhibit)

12. **Law Enforcement - Incident Report on Street Sign Graffiti Damage  
KEJ Estimate of replacement signs (Wingfield - see exhibit)**
  
13. **July Meeting Items**
  - a. **Manship – Hydrant Report from City Certified Water Operator**
  - b. **Amended Structure Ordinance code section 300.010(51) and 302.020(4)**

**ADJOURN**

REVISED

Birchwood Village  
Treasurer's Report  
6-7-2013  
Council Meeting 6/11/2013

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

**Financial Report**

Attached are the CTAS reports:

The **DISBURSEMENTS REGISTER** is for those claims presented for approval and/or payment this eve. Disbursement Register includes check numbers or EFT identifier. **THE DISBURSEMENT REGISTER is for expenses of period between council meetings (May 15 – June 11, 2013).** Checks issued are #27769-27807 & 27812 (Payroll 27808 for 6/14, Music In Park #27809, 27810 & 27811 for June dates. Wildwood Electric – Permit for Warm House ck#27813 for \$110 date 6/15 – J Lund request.) and EFTs for Xcel Sewer LIFT 052013, POST052813 for UB/Newsletter/CCR, US Bank Service Charge (SC – if any), PERA051513, PERA053313, FED052013 and MN052013 payroll taxes.

The **Interim Financial Report** shows the year to date totals for each revenue and expense of each Fund. The report is presented by ACCOUNT code. Fund 100 is the operating fund (General Fund) for which property taxes are levied, and also includes other revenues the city receives. In the disbursement section of this report you will find a running total (YTD) and variance (remaining balance) of the full year budgeted amount for each category of expense. **The Interim Financial Report is provided for 2013 through council meeting date June 11, 2013.**

The **Cash Balance Statement** is the beginning balances (same as: prior year-end). The beginning balances are all cash balances – which reside at 4M Fund /US Bank (checking for operating funds, savings, enterprise fund accounts for various funds & reserves). Special Revenue Project FUND includes budget for special projects for Elm Easement (Assigned Fund #211) & Turf Management projects established in 2012. The balance of the Special Revenue Fund includes \$3,200 (YE 2012) for deposits on reserve by the city for potential dock/slip holders.

**Current Items of Interest-**

- **POSTALIA Invoice** – \$425 Postage for utility bills, newsletter and Consumer Confidence Report (CCR)
- **Music In The Park** – June 2 & June 9 performers paid (\$150 each) Performer payments; June 16, 23 and June 30 checks #27809 – 278011 provided for payment AFTER performance.
- **WA County's Assessing Service** \$5493.67 invoice (budget \$5450)
- **HD Waterworks** \$718.58 Water meters/touchpads
- **Schifsky & Sons** – \$69,682.50 street project to date – on track per quote
- **WB Locksmiths** \$240.31 Fireman's Lockbox for City Hall – emergency entry
- **Tennis Sanitation – Roll –off** \$470 Dumpster for demolition of TS Park shed
- **JN Johnson Fire & Safety** – \$157.11 Replace outdated/expired fire extinguishers at city hall
- **Manship Plumbing & heating** - \$727.42 (pro-rata may & June monthly flat rate), \$120 curbstop repair, \$420 emergency broken water service.
- **Tailored PC Documents** - \$153 May 14, 213 minutes transcription service
- **US Bank 3 inactive accounts**, rolled thru main US Bank account to 4MFund balance
- **White Bear Lake Fireworks Fund** – Request for \$200 contribution (**requested motion for approval May - disbursement item for JUNE**).
- **Cemstone** – Credit App for warming house concrete slab submitted and approved. (J Lund request)
- **Receipts;** Refund received for 483.90 (pro-rata for termination of contract)  
Special Assessment PIF 618 Hall \$738.04.

Please call/email with any questions.

*Cindie J Reiter.* Birchwood City Treasurer

Fund Name: All Funds  
Date Range: 05/15/2013 to 06/11/2013

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/17/2013	Resdients via St Anthony Village	UB - SAV 5/19	961	\$387.65	601-34110	\$146.97
					601-34160	\$12.23
					601-34170	\$6.59
					605-34160	\$17.83
					605-34190	\$204.03
05/29/2013	REsdients - via St Anthony village	Utility Billing - SAV 5/29	962	\$46.71	601-34110	\$14.43
					601-34160	\$1.41
					601-34170	\$1.48
					605-34160	\$2.76
					605-34190	\$26.63
06/05/2013	Stoerzinger Const.	O'Loughlin CUP/VAR #13-2-SB	947	\$206.00	100-32280	\$206.00
06/05/2013	City of St. Paul	REfund - pro-rata water service fee	948	\$483.90	601-36240	\$483.90
06/05/2013	Burnet Title	Spec Asmt PIF 30.030.21.42.0036	949	\$738.04	305-36110	\$738.04
06/05/2013	Velin, John	Garge Rental June 2013	950	\$21.00	100-34101	\$21.00
06/05/2013	RWSCC	Cable caster service reimbursement Qtr 1	951	\$195.38	100-33625	\$195.38
06/05/2013	Anderson, Mark	Bldg Permit #WB057200	952	\$84.69	100-32210	\$84.69
06/05/2013	Lutz, Jeff	Bldg permit #WB057184	953	\$39.25	100-32210	\$39.25
06/05/2013	Werra, Danny	Bldg permit #WB057209,057210,057211	954	\$115.35	100-32210	\$70.25
					100-32210	\$35.00
					100-32210	\$10.10
06/05/2013	Custom Craft Bldrs	Bldg Permit #WB0576967	955	\$677.63	100-32210	\$677.63
06/05/2013	Heagarty Construction Inc	Bldg Permti #WB056997	956	\$272.95	100-32210	\$272.95
06/05/2013	Nybo peterson Plumbing Inc	Bldg Permit #WB057003	957	\$35.00	100-32210	\$35.00
06/05/2013	Simpson, Gerald	Bldg Permit #WB057049 & 057050	958	\$95.00	100-32210	\$65.00
					100-32210	\$30.00
06/05/2013	Pratt Construction Inc	Bldg Permit #WB057053	959	\$186.25	100-32210	\$186.25
<b>Total For Period</b>				<b>\$3,584.80</b>		
<b>Total Year To Date</b>				<b>\$67,747.88</b>		

Fund Name: All Funds  
Date Range: 05/15/2013 to 06/11/2013

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
05/15/2013	Payroll Period Ending 04/30/2013		27737DD	\$1,039.10	100-41400-100	\$1,039.10
05/15/2013	Payroll Period Ending 04/30/2013		27738DD	\$528.54	100-41400-100	\$528.54
05/15/2013	Ronnan, Kenny	April 9 Service 2013 (3.5)	27769	\$78.75	100-41950-305	\$78.75
05/16/2013	Xcel Energy	Lift Stn Elec May 2013	LIFT052013	\$600.36	605-43190-380	\$600.36
05/21/2013	PERA	Staff Retirement PE 4/30/2013	PERA051513	\$293.29	100-41400-120	\$157.51
					100-41400-121	\$135.78
05/28/2013	POSTALIA EFT for Postage Meter	Postage Meter EFT (UB/CCR/Newsletter)	POST052813	\$400.00	100-41430-200	\$150.00
					601-41430-210	\$150.00
					605-41430-210	\$100.00
05/29/2013	U S Bank	Debt Service #305 Payment	EFT052913	\$3,138.61	305-47100-610	\$3,138.61
05/31/2013	Payroll Period Ending 05/15/2013		27770	\$739.63	100-41400-100	\$739.63
06/06/2013	IRS - US Treasury	FED Taxes May 2013	FED052013	\$721.07	100-41400-110	\$244.63
					100-41400-160	\$45.15
					100-41400-162	\$193.07
					100-41400-164	\$45.15
					100-41400-166	\$193.07
06/06/2013	MN Department of Revenue	State W/H May 2013	MN052013	\$129.26	100-41400-115	\$129.26
06/06/2013	PERA	Staff Retirement PE 5/15/2013	PERA053013	\$127.12	100-41400-120	\$68.27
					100-41400-121	\$58.85
06/11/2013	Simmons, Mary Sue	Office Asst. Pay (36)	27771	\$630.00	100-41400-100	\$630.00
06/11/2013	Mark & Amy Adams-Westin	Music In The Park - performers June 2, 2013	27772	\$150.00	100-45100-300	\$150.00
06/11/2013	HD Supply Waterworks, Ltd	Water Meters - Regular (6)	27773	\$718.58	601-43180-210	\$718.58
06/11/2013	White Bear Lake Fireworks Fund	Annual Contribution - 2013	27774	\$200.00	100-45100-433	\$200.00
06/11/2013	Barrett, John	Music In The Park - Fab. Fairlanes 6/9/13	27775	\$150.00	100-45100-300	\$150.00
06/11/2013	TA Schifsky & Sons, INC	Birchwood Village Street Project	27776	\$69,682.50	100-43100-305	\$4,383.61
					100-43100-305	\$20,727.89
					401-43100-305	\$44,571.00
06/11/2013	Washington County	Variance Recordings (2) - BWD-Park, Rahkola	27777	\$92.00	100-41910-430	\$46.00
					100-41910-430	\$46.00
06/11/2013	Gopher State One Call	Locates 37 -May 2013	27778	\$53.65	601-42805-305	\$26.82
					605-42805-305	\$26.83

**City of Birchwood Village**

**Disbursements Register**

**06/06/2013**

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
06/11/2013	City of Birchwood Village	City Hall Utility Billing Qtr 2 - 2013	27779	\$53.59	100-41940-380	\$53.59
06/11/2013	St. Anthony Village	UB Fee Qtr 2, 2013	27780	\$1,717.70	601-43180-305 605-43190-305	\$858.85 \$858.85
06/11/2013	City of White Bear Lake Police	Law Enforcement June 2013	27781	\$7,612.33	100-42100-305	\$7,612.33
06/11/2013	TSE, INC	City Hall Cleaning 4/25/13	27782	\$19.00	100-41940-305	\$19.00
06/11/2013	City of White Bear Lake Fire	Fire Srvc June 2013	27783	\$1,605.83	100-42200-305	\$1,605.83
06/11/2013	Press Publications	Publicatuion - Ord 2013-01	27784	\$58.20	100-41130-351	\$58.20
06/11/2013	Ronnan, Kenny	April 30 (2) May 14 (3.5) Service 2013	27785	\$123.75	100-41950-305 100-41950-305	\$78.75 \$45.00
06/11/2013	Menards - Maplewood	Swing repair supplies TS Park	27786	\$31.94	100-45200-220	\$31.94
06/11/2013	Washington County	Truth in Taxation Notice 2013	27787	\$78.52	100-41550-430	\$78.52
06/11/2013	City of White Bear Lake Bldg Inspec	Bldg Inspections -April 2013	27788	\$668.00	100-42401-305	\$668.00
06/11/2013	White Bear Locksmith	Install Fire Dept Lockbox 2013	27789	\$240.31	100-41940-220	\$240.31
06/11/2013	City of White Bear Lake Public Work	Lift Stn Mo.Mntnc/ #2 Added Mntnc/ Call out 4/27/13	27790	\$2,143.58	605-43185-305 605-43185-305 605-43190-305 605-43190-305	\$471.58 \$176.50 \$1,215.50 \$280.00
06/11/2013	Xcel Energy	City Hall Elec/Gas May 2013	27791	\$195.54	100-41940-380	\$195.54
06/11/2013	Washington County	2013 Assessment Fee	27792	\$5,493.67	100-41550-430	\$5,493.67
06/11/2013	Ken Johnson	Street Sweeping Spring 2013	27793	\$2,150.00	100-43123-305	\$2,150.00
06/11/2013	Washington County	Salt/Sand March & april 2013	27794	\$2,049.25	100-43125-305	\$2,049.25
06/11/2013	Tennis Sanitation - Roll Off LLC	Demo dumpster for old park shed	27795	\$470.00	210-45200-210	\$470.00
06/11/2013	TSE, INC	City Hall Cleaning 5/9/13	27796	\$19.00	100-41940-305	\$19.00
06/11/2013	MN Dept of Health Drinking Water	Water Supply Connection Srvc Qtrly Fee 2013	27797	\$562.00	601-43180-430	\$562.00
06/11/2013	J.N. Johnson Fire & Safety	Fire Extinguisher Replacement (3)	27798	\$157.11	100-41940-210	\$157.11
06/11/2013	S&T Office Supplies	Markers/Scissors/Stapl e Remover/key tags	27799	\$24.53	100-41420-200	\$24.53
06/11/2013	On-Site Sanitation Inc	Rental Unit -TS Pk June 2013	27800	\$86.95	100-45200-305	\$86.95
06/11/2013	Press Publications	SWPPP Notice Publication	27801	\$87.30	100-41130-351	\$87.30

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
06/11/2013	Press Publications	PHN OLoughlin Publication	27802	\$130.95	100-41130-351	\$130.95
06/11/2013	Manship Plumbing & Heating Inc	Monthly Standby Charge May pro-rata & June 2013	27803	\$727.42	601-43180-305	\$550.00
					601-43180-305	\$177.42
06/11/2013	Manship Plumbing & Heating Inc	REpair curb stop - replace pipe and cap 618 Hall	27804	\$120.00	601-43180-305	\$120.00
06/11/2013	Manship Plumbing & Heating Inc	145 BWD Ave - Emergency broken water service	27805	\$420.00	601-43185-305	\$420.00
06/11/2013	League of Mn Cities Insurance Trust	Work Comp 2013/2014	27806	\$677.00	100-41945-150	\$677.00
06/11/2013	Infratech Technologies, Inc	Vac Storm Sewer Service (7)	27807	\$1,540.00	605-43190-305	\$1,540.00
06/11/2013	Tailored PC Documents	Minutes transcription May 14, 2013	27812	\$153.00	100-41400-305	\$153.00

**Total For Period****\$108,888.93****Total Year To Date****\$283,342.72**

As of 12/31/2013

## General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$336,013.00	\$3,970.86	(\$332,042.14)
Total Acct 310	\$336,013.00	\$3,970.86	(\$332,042.14)
Building Permits	\$8,500.00	\$2,487.73	(\$6,012.27)
Dog Licenses	\$200.00	\$35.00	(\$165.00)
Zoning App Fee	\$0.00	\$412.00	\$412.00
Total Acct 322	\$8,700.00	\$2,934.73	(\$5,765.27)
Local Government Aids	\$238.00	\$0.00	(\$238.00)
Total Acct 334	\$238.00	\$0.00	(\$238.00)
Recycle Grant	\$1,000.00	\$1,678.00	\$678.00
Cable Comm. Grant	\$7,000.00	\$6,288.30	(\$711.70)
Total Acct 336	\$8,000.00	\$7,966.30	(\$33.70)
City Hall and Garage Rent	\$500.00	\$201.00	(\$299.00)
Total Acct 341	\$500.00	\$201.00	(\$299.00)
Fines	\$650.00	\$53.33	(\$596.67)
Total Acct 351	\$650.00	\$53.33	(\$596.67)
Miscellaneous	\$100.00	\$0.00	(\$100.00)
Total Acct 361	\$100.00	\$0.00	(\$100.00)
Interest Earnings	\$50.00	\$0.00	(\$50.00)
Contrib. and Donations-Private	\$500.00	\$700.00	\$200.00
Refund-Reimbursemnt-Dividend	\$0.00	\$584.50	\$584.50
Total Acct 362	\$550.00	\$1,284.50	\$734.50
<b>Total Revenues</b>	<b>\$354,751.00</b>	<b>\$16,410.72</b>	<b>(\$338,340.28)</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Publishing	\$2,100.00	\$747.82	\$1,352.18
Total Acct 411	\$2,100.00	\$747.82	\$1,352.18
City Council	\$4,200.00	\$252.70	\$3,947.30
Total Acct 413	\$4,200.00	\$252.70	\$3,947.30
Clerk - Treasurer	\$58,240.00	\$25,945.83	\$32,294.17
Elections	\$500.00	\$822.50	(\$322.50)
Office Operations/Supplies	\$3,525.00	\$557.38	\$2,967.62
Postage/Postal Permits	\$650.00	\$375.34	\$274.66
Total Acct 414	\$62,915.00	\$27,701.05	\$35,213.95
Financial Administration	\$400.00	\$35.00	\$365.00
Assessing	\$5,450.00	\$5,493.67	(\$43.67)
Total Acct 415	\$5,850.00	\$5,528.67	\$321.33

Legal Services	\$7,200.00	\$2,141.50	\$5,058.50
Engineer Service	\$10,000.00	\$0.00	\$10,000.00
Total Acct 416	\$17,200.00	\$2,141.50	\$15,058.50
Per Diem	\$1,560.00	\$0.00	\$1,560.00
Total Acct 418	\$1,560.00	\$0.00	\$1,560.00
Grants	\$1,825.00	\$0.00	\$1,825.00
Planning and Zoning	\$0.00	\$92.00	(\$92.00)
City Training and Development	\$2,335.00	\$265.00	\$2,070.00
City Hall-Gov't Buildings	\$7,000.00	\$2,925.13	\$4,074.87
City Insurance	\$7,380.00	\$677.00	\$6,703.00
Cable Eqpmnt and Service	\$800.00	\$397.88	\$402.12
Newsletter	\$125.00	\$0.00	\$125.00
Total Acct 419	\$19,465.00	\$4,357.01	\$15,107.99
Police	\$91,348.00	\$45,673.98	\$45,674.02
Total Acct 421	\$91,348.00	\$45,673.98	\$45,674.02
Fire	\$20,593.00	\$9,634.48	\$10,958.52
Total Acct 422	\$20,593.00	\$9,634.48	\$10,958.52
Building Inspection	\$8,400.00	\$3,001.00	\$5,399.00
Total Acct 424	\$8,400.00	\$3,001.00	\$5,399.00
Other Protection	\$100.00	\$68.38	\$31.62
Animal Control	\$897.00	\$897.00	\$0.00
Total Acct 428	\$997.00	\$965.38	\$31.62
Streets and Road Mntnc	\$5,250.00	\$25,977.89	(\$20,727.89)
Crack Seal Project	\$10,000.00	\$0.00	\$10,000.00
Seal Coat project	\$25,000.00	\$0.00	\$25,000.00
Street Sweeping	\$4,000.00	\$2,150.00	\$1,850.00
Ice and Snow Removal	\$16,000.00	\$13,542.65	\$2,457.35
Tree Removal	\$5,000.00	\$190.00	\$4,810.00
Utility - Drain Structure Care	\$1,200.00	\$2,403.09	(\$1,203.09)
Street Signs	\$1,500.00	\$0.00	\$1,500.00
Street Lights	\$15,600.00	\$6,496.30	\$9,103.70
Total Acct 431	\$83,550.00	\$50,759.93	\$32,790.07
Weed Control - Milfoil	\$1,200.00	\$0.00	\$1,200.00
Total Acct 432	\$1,200.00	\$0.00	\$1,200.00
Sanitation - Recycling	\$12,000.00	\$4,788.60	\$7,211.40
Total Acct 441	\$12,000.00	\$4,788.60	\$7,211.40
Lawn Care/Mntnc	\$6,000.00	\$0.00	\$6,000.00
Total Acct 450	\$6,000.00	\$0.00	\$6,000.00
Recreation	\$1,900.00	\$3,031.97	(\$1,131.97)
Total Acct 451	\$1,900.00	\$3,031.97	(\$1,131.97)
Parks	\$14,000.00	\$6,901.79	\$7,098.21
Total Acct 452	\$14,000.00	\$6,901.79	\$7,098.21
CONSERVATION - NATURAL RESOURC	\$2,082.00	\$0.00	\$2,082.00
Total Acct 461	\$2,082.00	\$0.00	\$2,082.00

**City of Birchwood Village Interim Financial Report by Account Number (YTD)****06/06/2013**

Unallocated Expenditures	\$8,050.00	\$0.00	\$8,050.00
Total Acct 492	\$8,050.00	\$0.00	\$8,050.00
<b>Total Disbursements</b>	<b>\$363,410.00</b>	<b>\$165,485.88</b>	<b>\$197,924.12</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$525,009.93</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$375,934.77</b>	

As of 12/31/2013

## Tree Canopy Care

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Tree Removal	\$0.00	\$8,350.00	(\$8,350.00)
Total Acct 431	\$0.00	\$8,350.00	(\$8,350.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$8,350.00</b>	<b>(\$8,350.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$8,350.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$0.00</b>	

As of 12/31/2013

**Special Rev Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$1,600.00	\$1,600.00
Total Acct 322	\$0.00	\$1,600.00	\$1,600.00
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$1,600.00</b>	<b>\$1,600.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$5,900.00	\$470.00	\$5,430.00
Total Acct 452	\$5,900.00	\$470.00	\$5,430.00
Unallocated Expenditures	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
<b>Total Disbursements</b>	<b>\$5,900.00</b>	<b>\$670.00</b>	<b>\$5,230.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$13,756.91</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$14,686.91</b>	

As of 12/31/2013

**Spec Project-Elm Easement**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$4,000.00	\$0.00	\$4,000.00
Total Acct 452	\$4,000.00	\$0.00	\$4,000.00
<b>Total Disbursements</b>	<b>\$4,000.00</b>	<b>\$0.00</b>	<b>\$4,000.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$0.00</b>	

As of 12/31/2013

**Sewer 2004 Bonds**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$143.53	\$143.53
Total Acct 361	\$0.00	\$143.53	\$143.53
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$143.53</b>	<b>\$143.53</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Bond Payment	\$0.00	\$1,246.13	(\$1,246.13)
Total Acct 471	\$0.00	\$1,246.13	(\$1,246.13)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$1,261.13</b>	<b>(\$1,261.13)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>(\$1,117.60)</b>	

As of 12/31/2013

**Birchwood In Re-hab Bond**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$183.00	(\$183.00)
Total Acct 415	\$0.00	\$183.00	(\$183.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$183.00</b>	<b>(\$183.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>(\$183.00)</b>	

As of 12/31/2013

**Sewer Re-hab 2008 Debt**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$1,690.27	\$1,690.27
Total Acct 361	\$0.00	\$1,690.27	\$1,690.27
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$1,690.27</b>	<b>\$1,690.27</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$243.00	(\$243.00)
Total Acct 415	\$0.00	\$243.00	(\$243.00)
Bond Payment	\$0.00	\$3,138.61	(\$3,138.61)
Total Acct 471	\$0.00	\$3,138.61	(\$3,138.61)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$3,381.61</b>	<b>(\$3,381.61)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>(\$1,691.34)</b>	

As of 12/31/2013

**Cap Project - PW**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Streets and Road Mntnc	\$0.00	\$44,571.00	(\$44,571.00)
Total Acct 431	\$0.00	\$44,571.00	(\$44,571.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$44,571.00</b>	<b>(\$44,571.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$44,571.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$0.00</b>	

As of 12/31/2013

<b>Capital Projects</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$58,587.99</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$58,587.99</b>	

As of 12/31/2013

**Cap Proj - Catchbasin**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$0.00</b>	

As of 12/31/2013

**Water Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$19,119.66	\$19,119.66
Penalty - Late Water/Sewer	\$0.00	\$326.90	\$326.90
State and Misc fees	\$0.00	\$685.34	\$685.34
Total Acct 341	\$0.00	\$20,131.90	\$20,131.90
Refund-Reimbursemnt-Dividend	\$0.00	\$483.90	\$483.90
Total Acct 362	\$0.00	\$483.90	\$483.90
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$20,615.80</b>	<b>\$20,615.80</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$250.00	(\$250.00)
Total Acct 414	\$0.00	\$250.00	(\$250.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Utility Locates	\$0.00	\$97.21	(\$97.21)
Total Acct 428	\$0.00	\$97.21	(\$97.21)
Water Utility	\$0.00	\$26,960.03	(\$26,960.03)
Wtr/Swr Emergency	\$0.00	\$420.00	(\$420.00)
Total Acct 431	\$0.00	\$27,380.03	(\$27,380.03)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$27,742.24</b>	<b>(\$27,742.24)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$31,968.02</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$24,841.58</b>	

As of 12/31/2013

**Sewer Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$346.72	\$346.72
Sewer Fee	\$0.00	\$26,940.84	\$26,940.84
Total Acct 341	\$0.00	\$27,287.56	\$27,287.56
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$27,287.56</b>	<b>\$27,287.56</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$200.00	(\$200.00)
Total Acct 414	\$0.00	\$200.00	(\$200.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Utility Locates	\$0.00	\$97.24	(\$97.24)
Total Acct 428	\$0.00	\$97.24	(\$97.24)
Wtr/Swr Emergency	\$0.00	\$977.21	(\$977.21)
Sewer Utility	\$0.00	\$31,774.84	(\$31,774.84)
Total Acct 431	\$0.00	\$32,752.05	(\$32,752.05)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$33,064.29</b>	<b>(\$33,064.29)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$115,000.00</b>	
<b>Cash Balance as of 12/31/2013</b>		<b>\$109,223.27</b>	

As of 06/06/2013

Fiscal Year:2013

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$525,009.93	\$16,410.72	\$165,485.88	\$375,934.77
Tree Canopy Care	\$8,350.00	\$0.00	\$8,350.00	\$0.00
Special Rev Projects	\$13,756.91	\$1,600.00	\$670.00	\$14,686.91
Spec Project-Elm Easement	\$0.00	\$0.00	\$0.00	\$0.00
Sewer 2004 Bonds	\$0.00	\$143.53	\$1,261.13	(\$1,117.60)
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$183.00	(\$183.00)
Sewer Re-hab 2008 Debt	\$0.00	\$1,690.27	\$3,381.61	(\$1,691.34)
Cap Project - PW	\$44,571.00	\$0.00	\$44,571.00	\$0.00
Capital Projects	\$58,587.99	\$0.00	\$0.00	\$58,587.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00
Water Enterprise Fund	\$31,968.02	\$20,615.80	\$27,742.24	\$24,841.58
Sewer Enterprise Fund	\$115,000.00	\$27,287.56	\$33,064.29	\$109,223.27
<b>Total</b>	<b>\$797,243.85</b>	<b>\$67,747.88</b>	<b>\$284,709.15</b>	<b>\$580,282.58</b>

Manship Plumbing and Heating Inc.  
1810 Briarwood Ave.  
Mahtomedi, Mn 55115  
651-426-1827

Re: RFI delivered March 28th concerning the one year request for  
Comprehensive water system management services dated March 2013

Manship Plumbing and Heating Inc (the company) has the ability to provide services as requested by the City of Birchwood Villiage(The City) to manage the public water system as specified in the RFI. John Manship holds an active Minnesota Class D water license since 1983 and has over 40 years experience working with water systems including Mahtomedi, Willernie, and Birchwood Villiage. The range of experience is from water meter install/repairs to water main repair under bitter cold weather conditions. John also holds a Minnesota Master plumbing license with 40 plus years experience in the plumbing service and construction industry. The company would be able to provide a 24hr response required to oversee the water system operation and emergency occurances as they present the need. A backup person and phone number would be available as needed.

The city will provide detailed sewer and water system maps along with a copy of the regulations, statutes, and rules as listed in the RFI prior to the start of the contract. Updates of notices, rules, and regulations will be provided to the company promptly as they become available to the city staff along with pending changes for the city that may affect the water system. Pipe locating equipment as specified by the company will be provided and maintained by the city for company use only. The locating equipment will be stored by the company for ease of use.

The City would set automatic payments each month for a flat rate of \$550.00 payable to Manship Plumbing and Heating Inc. Due to the unknown resources and time commitment of the duties as listed in the RFI a billed rate of \$120.00 per hour would apply to city water department work performed by the company. Water main breaks would have a minimum charge of 4 hours and other emergency dispatch calls would incur a 2 hour minimum charge. An accounting of the calls, work performed, and materials consumed will accompany the monthly billing. Water maps would be updated regularly by the comapany as changes dictate.

The City should have a secure heated storage area available 24hrs to the company. This area is for supplies necessary in operating the water system. This would include shutoff rods, reflective traffic cones, repair saddles, curb boxes, water meter and readers, fire hydrant parts, valve boxes, test equipment, and other misc. materials

John Manship

*Change to a per hour charge of  
120<sup>00</sup> per hour for all callouts  
J Manship 6/6/13*

Amended Contract per May 14, 2013 City Council action

Dated This 6th of June, 2013

\_\_\_\_\_  
Mary Wingfield Mayor

\_\_\_\_\_  
Cindie J Reiter Interim City Clerk

SECTION I: LIABILITY COVERAGE WAIVER FORM

Cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of the coverage purchased. The decision to waive or not to waive the statutory limits has the following effects:

- o *If the city does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000. on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits would apply regardless of whether or not the city purchases the optional excess liability coverage.
- o *If the city waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$1,500,000. on a single occurrence. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$1,500,000., regardless of the number of claimants.
- o *If the city waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

This decision must be made by the city council. **Cities purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage.** For further information, contact LMCIT. You may also wish to discuss these issues with your city attorney.

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Birchwood Village accepts liability coverage limits of \$ 500,000 from the League of Minnesota Cities Insurance Trust (LMCIT).

Check one:

- The city **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.
- The city **WAIVES** the monetary limits on tort liability established by Minnesota Statutes 466.04, to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council meeting June 11, 2013

Signature Cindie J. Reiter Position Interim City Clerk

Return this completed form to LMCIT, 145 University Ave. W., St. Paul, MN. 55103-2044

CITY OF BIRCHWOOD VILLAGE  
COUNTY OF WASHINGTON, STATE OF MINNESOTA

THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

**ORDINANCE NO. 202.100 (repealing current 202.100 and adopting the following)**

**AN ORDINANCE RELATING TO  
ILLICIT DISCHARGE DETECTION AND ELIMINATION**

THE BIRCHWOOD VILLAGE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

**202.100. PURPOSE AND OBJECTIVES.** The purpose of this Ordinance is to provide for the health, safety and general welfare of the citizens of Birchwood Village through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by the State and Federal Law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.

The objectives of this Ordinance are:

**202.100.1.** To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.

**202.100.1.2.** To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

**202.100.1.3.** To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

**202.100.2. DEFINITIONS.** For the purpose of this ordinance, the following terms shall have the following meanings:

**202.100.2.1. Authorized Enforcement Agency:** employees or designees of Birchwood Village or the Minnesota Pollution Control Agency (MPCA) as designated to enforce this Ordinance.

**202.100.2.2. Best Management Practices (BMP's):** Schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**202.100.2.3. Clean Water Act:** The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

**202.100.2.4. Construction Activity:** Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

202.100.2.5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.

202.100.2.6. Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

202.100.2.7. MPCA: Minnesota Pollution Control Agency

202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.

202.100.2.9. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.

202.100.2.10. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

202.100.2.11. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

202.100.2.12. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.

202.100.2.13. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

202.100.2.14. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.

202.100.2.16. City: Birchwood Village

202.100.2.17. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a property.

202.100.2.18. Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof.

202.100.3. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.

202.100.4. RESPONSIBILITY FOR ADMINISTRATION. Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.

202.100.5. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

202.100.6. DISCHARGE PROHIBITIONS.

202.100.6.1. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

202.100.6.1.1. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if de-chlorinated-typically less than one PPM Chlorine), fire fighting activities, and any other water source not containing pollutants.

202.100.6.1.2. Discharges specified in writing by the MPCA as being necessary to protect the health and safety.

202.100.6.1.3. Dye testing is an allowable discharge, but requires a verbal notification to the City clerk 48-hours prior to the start of the test.

202.100.6.1.4. The prohibition shall not apply to any non-stormwater discharge permitted under the NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal EPA, provided that the other applicable laws and regulations, and provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

#### 202.100.6.2. Prohibition of Illicit Connections.

202.100.6.2.1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

202.100.6.2.2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

202.100.6.2.3. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

#### 202.100.7. SUSPENSION OF MS4 ACCESS.

202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations. Birchwood Village may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the Waters of the State, or to minimize danger to persons.

202.100.7.2. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.

202.100.7.3. Restoration of Access. A person violates this Ordinance by restoring MS4 access to a premises that had access suspended or terminated pursuant to this Section. Restoration of access may only occur with prior written approval of the City.

#### 202.100.8. MONITORING OF DISCHARGES

202.100.8.1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, or construction activity as defined in this Ordinance.

202.100.8.2. If an officer or agent of the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the

overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.

**202.100.9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF THE BEST MANAGEMENT PRACTICES.** Birchwood Village has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural best management practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.

**202.100.10. WATERCOURSE PROTECTION.** Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

**202.100.11. NOTIFICATION OF SPILLS.** Notwithstanding any other requirements of law, as soon as any person responsible for a property has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. An owner or lessee is responsible for the residential property they own or occupy. For commercial and industrial property, responsible persons include an owner, but not be limited to the tenant, the operator, and an emergency response officer for the facility or operation. In the event of the release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Birchwood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the

actions taken to prevent its recurrence. Such records shall be retained for at least three years.

**202.100.12. ENFORCEMENT.**

202.100.12.1. Whenever Birchwood Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice of Violation to the responsible person. Such a notice may require without limitation:

202.100.12.1.1. The performance of monitoring, analyses, and reporting;

202.100.12.1.2. The elimination of illicit connections or discharges;

202.100.12.1.3. The violating discharges, practices, or operations shall cease and desist;

202.100.12.1.4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and

202.100.12.1.5. Payment of a fine to cover administrative and remediation costs; and

202.100.12.1.6. The implementation of source control or treatment best management practices; and

202.100.12.1.7. The deadline within which to remedy the violation.

202.100.12.2. If the abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

202.100.13. **APPEAL OF NOTICE OF VIOLATION.** Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.

202.100.14. **ENFORCEMENT MEASURES AFTER APPEAL.** If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.

202.100.15. **COST OF ABATEMENT OF THE VIOLATION.** Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall

become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

**202.100.16. INJUNCTIVE RELIEF.** The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

**202.100.17. COMPENSATORY ACTION.** In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.

**202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE.** In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

**202.100.19. CRIMINAL PROSECUTION.** Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.

**202.100.20. REMEDIES NOT EXCLUSIVE.** The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**202.100.21. SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not effect the other provisions or application of this ordinance.

**202.100.22. EFFECTIVE DATE.** This Ordinance shall take effect and be in full force from and after its passage and publication.

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

Adopted by the City of Birchwood Village City Council

This 11th of June, 2013  
(Day) (Month) (Year)

Attest: \_\_\_\_\_ Mayor  
Mary Wingfield

Attest: \_\_\_\_\_, City Clerk  
Cindie J Reiter

**State of Minnesota  
County of Washington  
City of Birchwood Village  
Resolution No. 2013-\_\_\_\_\_**

**A Resolution Approving Summary Publication of Ordinance No. 202.100—An Ordinance  
Relating to Illicit Discharge Detection and Elimination**

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

WHEREAS, the City has adopted Ordinance 202.100, which repeals the existing City code 202.100, and adopting a new Code section 202.100, relating to illicit discharge detection and elimination; and

WHEREAS, the new ordinance is lengthy and would be costly for the City to publish in its entirety as required by law for the adoption of an ordinance.

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

1. Because the terms of Ordinance 202.100 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Adopted by the City Council on this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by the following vote:

Wingfield \_\_\_\_\_; LaFoy: \_\_\_\_\_; Donovan: \_\_\_\_\_; Woolstencroft: \_\_\_\_\_; Hullsiek: \_\_\_\_\_.

Approved:

\_\_\_\_\_  
Mary Wingfield, Mayor

Attest:

\_\_\_\_\_  
Cindie J Reiter, City Clerk

## SUMMARY OF ORDINANCE 202.100

On May 14, 2013, the Birchwood City Council enacted Ordinance 202.100, entitled "An Ordinance Relating to Illicit Discharge Detection and Elimination" which repeals the previously existing City Code, § 202.100, and adopts a new set of regulations under City Code §202.100. The terms of the new Ordinance are lengthy, and the City Council has approved summary publication of the Ordinance. The new Chapter 202.100 are summarized as follows:

- The purpose of Section 202.100 is to regulate, monitor and prohibit the discharge of pollutants or hazardous materials into the City's storm sewer system.
- Section 202.100.2 (Definitions) defines the various terms utilized in the code.
- Section 202.100.3 (Applicability) provides that the code applies to any and all materials entering the municipal storm sewer system other than storm water.
- Section 202.100.6 (Discharge Prohibitions) generally prohibits all discharge of materials, liquids, or pollutants into the storm sewer system, excepting the following: storm water runoff, flushing of potable water lines, irrigation or lawn watering, noncommercial washing of vehicles, uncontaminated pump groundwater, air conditioning condensation, dechlorinated swimming pool water, firefighting activities, or other uncontaminated sources of water not containing pollutants. Included in the prohibited activities are illegal connections to the storm sewer system (whether previously existing or not), regardless of whether the connection was permitted under previous laws.
- Section 202.100.7 (Suspension of MS4 Access) gives the City the right to suspend a resident's access to the storm sewer system due to violations of this Code.
- Section 202.100.8 (Monitoring of Discharges) provides the right to monitor discharges into the storm sewer, including by issuance of a search warrant.
- Section 202.100.9 (Best Management Practices) provides the City the right to adopt best management practices relating to storm water system management.
- Section 202.100.10 (Watercourse Protection) requires persons owning property through which a watercourse passes to maintain it free of trash, debris, excessive vegetation or other sources of contamination or obstruction of flow.
- Section 202.100.11 (Notification of Spills) requires property owners to notify emergency response authorities of known or suspected illegal discharges or pollutant discharges into the storm sewer system.
- Section 202.100.12 (Enforcement) provides various enforcement, violation, and abatement mechanisms to the City.

- Section 202.100.13 – 202.100.16 provide for the right to appeal a notice of violation, the right of the City to enforce the notice of violation if upheld, and the right to abate the violation, or seek an injunction.
- Section 202.100.17 – 202.100.20 provide for remedies including compensatory actions, declaring a public nuisance, and/or criminal prosecution, among any other remedies that may be available under Federal, State or Local law.
- The new ordinance is effective upon publication of this summary.
- A full copy of Ordinance No. 202.100 is available for inspection at the City Hall during regular office hours, and may also be mailed upon written request.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT  
AND SEVEN VARIANCES FOR 27 BIRCHWOOD LANE  
WITHIN THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

**WHEREAS**, a proposal (13-2-SB) has been submitted by Terrance and Mary Kay O’Loughlin requesting a conditional use permit and seven variances from the City of Birchwood Village Zoning Code:

- A Conditional Use Permit for a land disturbance activity where the slope of the land is toward a lake and the alteration is closer to the lake than the structure setback requirement, per Code Section 301.070.1.a;
- A 50-foot variance from the 50-foot setback requirement for two retaining walls, per 302.020.4.c, in order to locate one retaining wall at the OHWL and a second wall approximately 12 feet back from that;
- A 20-foot variance to grade within 20 feet of the Ordinary High Water Level, per 302.055.2.a.4;
- A 6-foot variance from the 10-foot side yard setback in order to construct the new top flight of stairs in the existing location: 4 feet from the north property line.
- A 2-foot, 8-inch variance from the 4-foot height limit, per 302.080.2.a, in order to construct one retaining wall 6 feet 8 inches tall (with only 5 feet 8 inches exposed) and a second retaining wall at 4-feet in height;
- A 4-inch variance from the 44-inch maximum width for stairways, per 302.080.2.a, in order to construct stairs which are 48 inches wide;
- A 70-square-foot variance from the 32-square foot maximum size for a landing, per 302.080.2.c, in order to construct a landing that is no more than 102 square feet in size and no more than 4 feet in width;
- A 4.4% variance from the 25% impervious area limit to allow 34.6% lot cover – the site being grandfathered-in at 30.2% (per 302.050); and

**At the following Site:**

ADDRESS: 27 Birchwood Lane

LEGAL DESCRIPTION: Lot 13, BIRCHWOOD, and all that part of Lot 12 BIRCHWOOD, lying between the westerly line of said Lot 12 extended to the shore of White Bear Lake and a line drawn from the southwest corner of said Lot 12 to said lakeshore that intersects a line drawn easterly at right angles to said west line at a point 192.48 feet northerly from said southwest corner and which said point of intersection is 4 feet east of said westerly line, according to the plat thereof on file and of record in the office of the County Recorder, Washington County, MN (PID #: 1903021330016); and

**WHEREAS**, the Planning Commission has held a public hearing as required by the City Zoning Code on June 4, 2013; and

**WHEREAS**, the proposed walls will stabilize the soil while attempting to maintain the natural slope of the land as much as safely possible; and

**WHEREAS**, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed variances upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village, that the City accepts and adopts the following findings of the Planning Commission:

For the Conditional Use Permit:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. That the special conditions attached in the form of a conditional use permit are hereby approved.
5. That the proposed action will not:
  - a. Impair an adequate supply of light and air to adjacent property,
  - b. Unreasonably diminish or impair established property values within the surrounding area,
  - c. In any other respect impair the public health, safety or welfare or the residents of the City.
  - d. Depreciate values in the area
  - e. Over-burden neither the existing public services nor the capacity of the City to service the area.
  - f. Alter traffic generation beyond the capabilities of the streets serving the site.

For the Variances:

1. That the proposed actions will not:
  - a. Impair an adequate supply of light and air to adjacent property,
  - b. Unreasonably diminish or impair established property values within the surrounding area,
  - c. In any other respect impair the public health, safety or welfare or the residents of the City.
2. That the variances are proved necessary in order to secure for the applicant the right or rights enjoyed by other owners in the same area of the district.
3. That the variances are not being granted simply because there are no objections or because those

who do not object outnumber those who do.

4. That a financial gain or loss by the applicant is not a consideration.
5. Special conditions or circumstances exist which are peculiar to the land involved.

**FURTHER, BE IT RESOLVED**, that the City Council of the City of Birchwood Village hereby approves the requested conditional use permit and variances subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit.
2. Per Section 306.090, if within one (1) year after granting the conditional use permit and variances, the use has not been completed or utilized, the permit shall become null and void unless a petition for an extension of time in which to complete or utilize the use has been granted by the City Council.
3. Any violation of any condition set forth by this resolution shall be a violation of the City code and of the Conditional Use Permit and the City Council, after notification and procedures per Section 306.090, may terminate the Conditional Use Permit.
4. *The applicant shall obtain a zoning permit for the work prior to beginning any grading or construction activity.*
5. The applicant shall verify their property lines and have the property pins exposed throughout construction, including at the time of inspection, to insure that all work is contained within the limits of the property.
6. Maximum height of the wall closest to the OHWL is 6 feet, 8 inches. Maximum exposed height of the wall closest to the OHWL is 5 feet, 8 inches. Maximum height of the second wall (both actual and exposed) is 4 feet.
7. The proposed contours shall tie into the existing contours along the side lot lines so that the project does not affect adjacent properties.
8. The pervious paver landing shall be shaped as shown on the site plan and 3-D graphic – not as shown on the landscape plan.

Prior to the issuance of a zoning permit, the applicant shall:

9. Sign and return a copy of the resolution to the City Clerk as evidence of consent to comply with the conditions stated therein.
10. Provide stormwater calculations for the proposed pavers showing the rate of infiltration, to be reviewed and approved by the City Engineer. (Should be designed to accommodate the 2.8-inch rain event within 48 hours.)

- 11. Provide a stormwater mitigation feature to off-set the amount of new impervious area proposed. The feature should be designed to infiltrate at the 2.8-inch rain fall event within 48 hours. Design to be reviewed and approved by the City Engineer.
- 12. Provide soil borings or other infiltration test to document that the existing soils can infiltrate at the proposed rates. Data to be approved by the City Engineer.
- 13. Provide proof of neighbor’s permission to enter their property for the construction period.
- 14. Provide structural wall plans signed by a licensed structural engineer.
- 15. Revise the landscape plan to identify the rip rap material and to show the planting between the upper and lower walls. Revised landscape plan subject to approval by the staff planner.
- 16. Revise the plan to reflect the following elevations: the toe of bottom wall shall be placed at 924.4, the top of the bottom wall shall be at 931.0. There shall be at least 11 feet between the bottom wall and the upper wall and the grade shall rise at least 3 feet between the two. The toe of the upper wall shall be placed at 934.0 and the top of the upper wall shall be at 938.0. The rip rap on the waterward side of the bottom wall shall be at least one foot in height at a 3 to 1 slope, unless otherwise required by the DNR.
- 17. Revise the plan to show a 36-inch tall standard guard rail at the top of the bottom wall, design to meet 4-inch sphere standard.

During grading and construction activity on site, the applicant shall:

- 18. Install a silt fence at the toe of the slope.
- 19. Set pins at the OHWL, prior to installing the water-ward retaining wall.

The foregoing resolution, offered by Council member \_\_\_\_\_ and supported by Council member \_\_\_\_\_, was declared carried on the following vote:

Ayes:  
Nays:  
Passed:

\_\_\_\_\_  
Mary Wingfield, Mayor

**ATTEST:**

\_\_\_\_\_  
Cindie J. Reiter, Interim City Clerk



# City of Birchwood Village Planning Commission

June 4, 2013 DRAFT Meeting Minutes

**Date:** June 5, 2013  
**From:** Samantha Crosby  
**To:** Planning Commission Members  
City of Birchwood Village City Council

**Commissioners present:** Doug Danks (acting chair), John Winters, Randy Felt and John Lund (Pratt was excused).

**Other Attendees:** Samantha Crosby, Staff Planner; Terry and Mary O'Loughlin, Applicants; John Stoerzinger, Contractor

Danks called the Planning Commission meeting to order at 7:00 pm.

1. June 4, 2013 Meeting Agenda.

Winters moved approval of the agenda as proposed. Felt seconded the motion and the agenda was unanimously approved.

2. May 7, 2013 PC Meeting Minutes.

The minutes were not attached to the agenda; therefore no one had reviewed them. Consequently Winters moved to table approval to the July meeting. Lund seconded the motion and the item was unanimously tabled.

3. Case # 13-2-SB: Request by Mary and Terry O'Loughlin for a conditional use permit for land disturbance and six variances.

Danks immediately opened the floor to the public, requesting an overview of the report from staff first.

Crosby gave a brief summary of the request and recommendation, specifically pointing out the changes in the plan since the last submittal, and two significant conditions of approval which have been included in the draft resolution of approval.

Mr. O'Loughlin asked that the bottom wall (closest to the water) be located where the current wall is presently, as it was with the last submittal. This change was acceptable to all.

O'Loughlin asked that the top flight of stairs be located where they currently are, which is approximately 4 feet from the side lot line at the closest point. This change was also acceptable to all. There was then some discussion about the location of the landing in relation to the top flight of stairs. Would it need to shift, or could it be enlarged to accommodate the change? The consensus was that, if needed, the landing could be increased by 6 feet in length (for an additional 24 square feet in size). This changed the

variance associated with the landing to a 70 square foot variance (versus the 48 square feet requested).

Finally, O'Loughlin expressed concern about the amount of rip rap being proposed at the base of the bottom wall. Crosby pointed out that with the shifting of the bottom wall forward to the OHWL, the rip rap will be greatly reduced. In fact, the language in condition #16 about additional plantings along the rip rap could probably be stricken. However, this leaves more of the bottom wall exposed, probably 7 out of 8 feet.

There being no other public present to speak to the issue, Danks closed the public hearing and brought the issue to the board for discussion.

Lund inquired about the block type and O'Loughlin passed around a photo of a wall of a similar height, built with the proposed material. Lund then asked a couple structural questions about the wall design (foundation and drainage).

Danks expressed concern about the "apparent" height of the bottom wall. Since the bottom wall was now being shifted towards the water by 3 feet, there was the opportunity to shift the upper wall forward (waterward) as well. That combined with a steeper slope between the two walls could help mitigate some of the exposure of the bottom wall. Crosby pointed out that the steeper slope between the two walls would not have an adverse impact because the landing – the useable area - will still be flat.

There was much discussion about wall placement. In the end, it was decided that one course of block could be removed from the bottom wall, making it 6 feet 8 inches in height. At that height, if the toe of the wall started at 924.4, that would put the top of that wall at 931. Then, with a 3 foot change in grade between the two walls, the toe of the upper wall would be at 934.0 and the top of the upper wall would be at 938.

Now that wall elevations were set, discussion turned to placement. Stoerzinger stated that the minimum amount of (horizontal) space needed between the two walls is 11 feet. The commission agreed that if the applicant wanted to space the walls further apart, that was acceptable; however, 11 feet was the minimum distance required. To some degree, the wall heights and elevations will limit the separation distance.

Due to the additional wall height, the commission agreed that a safety railing should be provided at the top of the bottom wall.

Lund moved to recommend approval of the request with the conditions imposed by staff and the four changes discussed:

- Move bottom wall forward to OHWL, so the new wall will be located where the existing wall currently sits;
- Add a 6-foot variance to allow the top flight of stairs to be located where they currently sit;
- Increase the variance related to the landing to 70 square feet;
- Toe and Top wall elevations as agreed upon, above.

Felt seconded the motion.

Danks called for discussion.

Crosby inquired about the condition requiring a stormwater infiltration feature. She explained to O'Loughlin that the design of such a feature would need to be done by an engineer and would therefore cost money. Stoerzinger asked if some of the rock area behind the wall may be able to be used to comply with this requirement. Crosby said that would need to be reviewed and approved by the City's engineer.

Mr. O'Loughlin expressed discontent with the requirement to provide landscaping to soften the wall and screen the visibility of the wall from the lake. He would prefer to put no-mow grass between the two walls. He believes the proposed wall will look good and should be clearly seen by all. He believes that aesthetics are subjective and that government shouldn't be telling him what looks good. Crosby explained that it is not only about aesthetics, but about environmental quality. Retaining walls can negatively affect lakes by creating a barrier between upland areas and the shoreline environment. A lot of wildlife activity happens at the shoreline and both aquatic and terrestrial life can be adversely affected as well as the water quality of the lake itself. The requirement for landscaping is an attempt to offset these negative impacts. The lake is not a swimming pool and should not be artificially built up with concrete to look like one. Some plantings would help mitigate both the look and the impacts.

Danks pointed out that the most logical spot for the rain garden was likely between the two retaining walls. If the rain garden was located there, there might not be much room for other landscaping. The commission decided to reword condition #16 to allow the applicants to plant whatever they desire between the two walls, whether it be the infiltration feature or grass.

Lund accepted the amendment to his original motion to reword condition #16. Felt seconded the acceptance of the amendment and the motion passed unanimously (4-0).

4. Danks moved adjournment. With a second by Winters and a unanimous vote, the meeting adjourned at 9:00 pm.

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

**AN ORDINANCE AMENDING AND REVISING THE ZONING DEFINITIONS OF  
STRUCTURE AND NOMINAL STRUCTURES**

**THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:**

1. That Sections 300.010(51) and 302.020(4) of the Municipal Code of the City of Birchwood Village are hereby amended and revised as follows (underlining constitutes the new text):

300.010 (51) Structure: Anything which is built, ~~or constructed~~ or erected: an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner whether temporary or permanent in character including, but not limited to decks, buildings, cabins, manufactured homes, factories, sheds, screen porches, gazebos, platforms, shelters, pergolas, pools, whirlpools, detached garages, car ports, lean-tos, greenhouses, and other similar items, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles and other supporting facilities.

**302.020 STRUCTURE LOCATION REQUIREMENTS**

1.-3. [text unchanged]

**4. SETBACK REQUIREMENTS EXCEPTIONS.**

a. [text unchanged]

b. [text unchanged]

~~b.~~ c. Retaining wall setbacks: [text unchanged]

d. Nominal Structures: Front, back, side street and other lot line setback requirements shall not apply to nominal structures such as small arbors, moveable yard furniture, moveable docks, storage boxes, dog houses, mail boxes, library small boxes, lock boxes, flagpoles, lawn ornaments and other similar items, which shall be exempt from setback regulations, but not including decks, platforms, or shelters such as pergolas.

# City of Birchwood Village's

## Monthly Police Activity Report

Reported by the White Bear Lake Police Department

Compiled by Officer Robert Flick - 651/429-8511 / [Rflick@whitebearlake.org](mailto:Rflick@whitebearlake.org)



**May 2013:** This month there were 9 calls for police response/service, in addition to: officer-initiated traffic stops/citations issued, parking tags, gun applications, officer-initiated or citizen-requested 'extra patrols', etc.

CN	Date	Type	Sent	Cleared	Time	Locale	Description and Findings
13008359	1 May	Emergency Medical	17:11	17:32	21	1xx Birchwood Avenue	Assist ambulance.
13008603	5 May	Suspicious Incident	02:11	02:25	14	4xx Lake Avenue	Pickup parked by rink, two people went onto easement. Returned and moved truck down the block. Gone on officer arrival.
13008870	8 May	Alarm	07:05	07:15	10	1xx Birchwood Avenue	Residential burglar alarm, canceled as squad arrived.
13008871	8 May	Struck Deer	07:15	07:29	14	5xx Hall Avenue	Deer struck by vehicle, which drove off. Officer dispatched injured deer.
13009670	18 May	Assist Citizen	09:58	10:55	57	4xx Wildwood Avenue	Resident loaned car and it hasn't been returned. Officer assisted in tracking down car to be returned.
13009797	19 May	Traffic Hazard	17:25	18:46	81	Hall Avenue and Jay Street	Tree down blocking roadway. Found in Mahtomedi; moved off road.
13009834	20 May	911 Hang Up	01:10	01:27	17	4xx Wildwood Avenue	911 call with no one on line. Officers found no problem at residence.
13010063	23 May	Emergency Medical	01:26	02:05	39	Oakhill Court	Assist ambulance.
13010298	25 May	Damage to Property	11:04	11:33	29	Cedar Street and Wildwood Avenue	Several city signs at several locations were spray-painted.
<b>Average Time Spent Per Call:</b>					<b>31</b>	<b>minutes</b>	

**COPY**

Street Sign – Graffiti incident 5/25/2013

COPY

Per the WBL Police Incident Report provided:

KEJ was able to remove some of the graffiti from some city street signs.

He proposes to replace signs that could not have the purple paint removed.

Lowest vendor price obtained:

2 Regulatory Speed Limit Signs approx. \$30/each plus ship & tax.

1 No Parking Sign approx \$30 plus ship & tax.

He would propose to order a couple extra signs to have on hand if council so chooses.  
The sign would be of current required anti-reflectivity and size.