



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
January 8, 2019
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

SWEARING IN

- A. Swear in Mayor & Council Members* (p. 4)

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Street snow removal comments should be sent to info@cityofbirchwood.com
- B. We are in need of a representative for the WBLCD. Contact City Hall if interested
- C. Community Club Yoga Class – Tuesdays 5-6pm at City Hall
- D. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 5)
- B. Birchwood Historical Article* (pp. 7-8)
- C. Sex Offender Laws* (pp. 9-13)
- D. Digitizing City Historical Records Update* (pp. 15-20)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from December 11, 2018* (pp. 21-28)
- B. Approve Treasurer’s Report* (pp. 29-39)
- C. Approve Resolution 2019-01, Designating the White Bear Press as the Official Newspaper for Publication* (p. 41)
- D. Approve Resolution 2019-02, Naming U.S. Bank and the 4M Fund as Official Depositories of Municipal Funds* (p. 43)
- E. Approve Resolution 2019-03, Accepting a Cash Donation from Artists Group Members* (p. 45)
- F. Approve NYFS Agreement and Rate Increase* (pp. 47-48)

* Denotes items that have supporting documentation provided

- G. Approve WBL Fire Services Agreement and Rate Increase* (pp. 49-50)
- H. Water Superintendent Standby Rate Increase* (p. 51)

CITY BUSINESS – REGULAR AGENDA

- A. Council Business* (pp. 53-60)
 - a. Council Member Assignments* (p. 54)
 - b. Council Member Training* (pp. 55-58)
 - c. Council Agenda Guidelines* (pp. 59-60)
 - d. Committee/Commission Guidelines

Time Budget: 20 Minutes
- B. WBLCD Appointment* (pp. 61-64)
 - a. Review Letter of Interest
 - b. Council Deliberation and Selection

Time Budget: 5 Minutes
- C. Sewer Lift Station #1* (p. 65)
 - a. Approve Scope Expenses
 - b. Ratify Emergency Approval for Engineering Expenses

Time Budget: 5 Minutes
- D. Utility Rate Increases* (p. 67)
 - a. Approve Rate Increases
 - b. Approve ACH Cost Saving Proposal

Time Budget: 10 Minutes
- E. Planning Commission Appointments (2)* (pp. 69-71)
 - a. Review Letters of Interest
 - b. Council Deliberation and Selection

Time Budget: 5 Minutes
- F. Roads Committee Recommendations and Appointments* (pp. 73-75)
 - a. Review Letters of Interest
 - b. Council Deliberation and Selection
 - c. Review Special Assessment Policy

Time Budget: 10 Minutes
- G. City Attorney's Report
 - a. Dog Ordinance Update
 - b. Easement Usage License
 - i. Approve Ordinance 2019-01-01* (pp. 77-78)
 - ii. Discuss next step - license

Time Budget: 15 Minutes
- H. Council Member Reports: None
- I. City Administrator's Report

* Denotes items that have supporting documentation provided

- a. City Hall inspection update
- b. Kayak Rack Reservation Fees
- c. City Bank Card

Time Budget: 5 Minutes

ADJOURN

* Denotes items that have supporting documentation provided



OATH OF OFFICE

*State of Minnesota
County of Washington*

CITY OF BIRCHWOOD VILLAGE

*I, **STATE YOUR NAME**, do solemnly swear to support the Constitution of the United States, the Constitution of the State of Minnesota, and to discharge faithfully the duties of the office of **MAYOR/ COUNCILMEMBER** of the City of Birchwood Village, Minnesota, to the best of my judgment and ability, so help me God.*

Signature

Subscribed and sworn to before me this 8th day of January, 2019.

*Tobin Lay
City Administrator-Clerk*

MEMORANDUM



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

Birchwood Village

Dear Mayor & City Council Members:

Below is a reporting of all law enforcement incidents and citations for December 2018.

Incident Summary Report

From:12/1/2018 12:00:00 AM To:12/31/2018 11:59:59 PM

WASHINGTON COUNTY SHERIFFS OFFICE



BIRCHWOOD

12/1/2018 8:58:36 AM	WC18046557	XXX Hall Ave, BIRCHWOOD	911 ABANDONED/HANGUP/OPEN LINE
12/2/2018 2:28:42 AM	WC18046680	XXX Hall Ave, BIRCHWOOD	ASSIST OTHER AGENCY
12/3/2018 5:51:16 PM	WC18046899	Lake Ave / Wildwood Ave, BIRCHWOOD	SUSPICIOUS PERSON/ACTIVITY
12/5/2018 6:48:05 PM	WC18047158	XXX Wildwood Ave, BIRCHWOOD	SUSPICIOUS PERSON/ACTIVITY
12/12/2018 7:38:16 AM	WC18048061	4XXX East County Line Rd, BIRCHWOOD	ANIMAL COMPLAINT
12/17/2018 5:58:46 PM	WC18048912	XXX Hall Ave, BIRCHWOOD	THREATS
12/21/2018 10:04:19 AM	WC18049438	XXX Wildwood Ave, BIRCHWOOD	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
12/21/2018 10:25:22 AM	WC18049441	4XXX East County Line Rd, BIRCHWOOD	ASSIST OTHER AGENCY
12/21/2018 4:59:27 PM	WC18049493	XXX Hall Ave, BIRCHWOOD	follow up phone call
12/27/2018 12:17:17 AM	WC18050135	XX White Pine Ln, BIRCHWOOD	SUSPICIOUS PERSON/ACTIVITY
12/27/2018 9:47:01 AM	WC18050172	XX White Pine Ln, BIRCHWOOD	PROPERTY DAMAGE
12/27/2018 11:40:23 PM	WC18050282	2-6 HALL CT, BIRCHWOOD	TRAFFIC STOP
12/28/2018 2:21:32 PM	WC18050378	XX Oakridge Dr, BIRCHWOOD	CITIZEN/PUBLIC ASSIST

Citations for: Birchwood

12/1/2018 To 12/31/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	12/4/2018	820051833801	WC1214	J. Ackerson	Citation		0 e county road lane				Birchwood	MOV-No Insurance-Driver Violation	169.797.3
WCSO	12/14/2018	820031834801	WC1205	R. Boleen	Citation	500	HALL AVE				Birchwood	REG-Motor Vehicle Displaying Expired Registration	168.09.4
WCSO	12/27/2018	820031836101	WC1205	R. Boleen	Citation	5	HALL CT				Birchwood	REG-Motor Vehicle Displaying Expired Registration BW - No overnight parking	168.09.4
WCSO	12/27/2018	820031836101	WC1205	R. Boleen	Citation	5	HALL CT				Birchwood	REG-Motor Vehicle Displaying Expired Registration BW - No overnight parking	502.040

Thanks!

MEMORANDUM



Birchwood Village

DATE: January 4, 2019
TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Birchwood Historical Article

This article was written for the next washco historical society newsletter:

I travel a lot, mostly while on my bicycle. Being out in the open air lends itself well to starting up a conversation with others on the road. And I tend to have a strong Minnesota “accent” so folks often inquire as to where I am from. The conversation invariably goes something like this: “I am from St Paul” (to avoid someone wrongly assuming I am a Minneapolitan). If the person says they know about St Paul, I correct myself and say “I am from White Bear Lake.” If the person acknowledges they are familiar with White Bear Lake, I say “I really am from Birchwood”. Then I get the blank stare. I explain that our town has a long history and is a relic from the street car days and summer cottages on White Bear Lake. Here are some things that you might find interesting about our village.

Birchwood used to be part of Grant Township and has been in existence longer than some of our neighboring communities. We are now working on plans to celebrate our centennial in 2021, including researching the history of our village. We need to do some repairs to the village hall roof and siding so it seemed prudent to learn about the history of the building as well.

Over the years our village hall has been a fixture of community events, including providing space for Boy Scout, Cub Scout, Girl Scout and Brownies meetings; local painter and writer groups; bridge and Christmas parties; wedding and funeral receptions; and birthday parties and family reunions. The hall was re-sided in the 1970s. An addition to the back was built in the late 1980s.

Records for our hall’s history are scant so we were referred to the Washington County Historical Society for more information. What a treasure trove it had! Brent Peterson, the Executive Director, referred us to an excerpt from “Birchwood: A Bicentennial Memory” by the Birchwood Bicentennial Committee. It provided information about the actual construction of the building. The land was purchased in 1927 from the first Birchwood “president” Lee Hall for \$661.40. Construction started in July of 1931 and was completed ten months later at a cost of \$3,900. The general contractor was Edwards and Anderson of St. Paul. The first council meeting was held there May 3, 1932.

Mr. Peterson supplied us with a picture of our city hall when it was new and was profiled in a French architectural magazine. Here is a picture from the August 1932 La Revue Moderne article. The Birchwood Village Hall and the former St Paul Women’s City Club (and subsequently the Minnesota Museum of Art in 1972) in downtown St Paul were noted as Art Deco works by Architect Magnus Jemne.

Mr. Peterson also provided us with a fantastic letter dated October 12, 1981 from the Museum of Art Curator’s office about Mr. Jemne’s style. It highlighted James Grey’s architectural column in the May 20, 1932 St Paul Dispatch:

“Honesty in the use of materials is another of the tenets of Mr. Jemne’s philosophy. The tubular construction boards which became popular a few years ago in construction of the imitation log cabins

were a sort of esthetic fake. They pretend to be something they actually were not. Mr. Jemne discovered that by using them in a vertical instead of horizontal position he could achieve a charming effect without indulging this log siding in its sophisticated pretention to rusticity. The Town Hall at Birchwood, Minnesota done in this fashion is a conspicuous example of his straight-forward sincerity to the use of materials.”

Wow. That is quite a declaration. It also is quite a point of civic pride to know our little village hall has such worldly, architectural significance. Fortunately, the hall looks very similar to its original condition and we have an opportunity to preserve the charm and quaintness that Mr. Jemne envisioned nearly a hundred years ago. Thanks to the Washington County Historical Society for providing us with the history to guide us into our next century.

MEMORANDUM



DATE: January 4, 2019
TO: Birchwood City Council
FROM: Randy LaFoy, City Council Member
SUBJECT: Current State of Sex Offender and Birchwood

Birchwood Village

After Birchwood passed its ordinances are sex offenders, I spoke with Mary Jo Emerson from White Bear Lake as she was going to be the new chair of the League of Cities. Megan and I spoke with Senator Wiger and he said the Legislature would not take any action until the League came up with some recommended language. At that point in time, there were 84 different ordinances – and there was a rapid balkanization of the issue.

I was able to join the Improving Service Delivery Policy Committee and did attend their meetings. I tried to bring this issue up, but was really shunted to the side and the committee did not address this issue. I was not invited to last summer's meetings. In short, it is my opinion no one wants to touch this issue.

There was one Federal Court case on this issue that has helped to clarify the law. The City of West St. Paul was the defendant. Our city attorney said our ordinances are far better written and are legal. <https://www.twincities.com/2018/06/11/sex-offender-who-sued-west-st-paul-to-get-84g-in-settlement/> (enclosed).

In January 2018, Dayton was sued on its ordinances. <http://m.startribune.com/minnesota-sex-offenders-challenge-a-city-s-ban/470718623/> (enclosed).

There is an article that starts as follows (but to continue reading you need to subscribe)

After an ongoing lawsuit that sparked in 2016, the city of Dayton's Sexual Offender Ordinance was void and preempted by state law Dec. 11...

Sex offender who sued West St. Paul to get \$84K in settlement. He now lives in St. Paul.

By [NICK FERRARO](#) | nferraro@pioneerpress.com | Pioneer Press
PUBLISHED: June 11, 2018 at 5:22 pm | UPDATED: June 12, 2018 at 11:05 am

A sex offender who sued West St. Paul over its 2016 ordinance that restricted where he could live will receive \$84,000 as part of a settlement agreement approved by a federal judge Monday.

U.S. District Court Chief Judge John Tunheim entered an order that dismissed without prejudice the lawsuit that Level 1 sex offender [Thomas Wayne Evenstad filed against the city in August](#). As part of the settlement, both parties will pay their own costs and attorney fees.

West St. Paul is among at least 84 cities, townships or counties in Minnesota with residency restrictions for sex offenders, according to the Department of Corrections.

But Evenstad, 52, and his attorneys argued that West St. Paul's ordinance was too broad and unconstitutional because it imposed retroactive punishment by banishing him from almost all of the city.

Tunheim agreed, granting in January Evenstad's motion for a preliminary injunction that prevented the city from enforcing the ordinance against him. Tunheim concluded that Evenstad likely would prevail with his lawsuit in trial because the ordinance is "significantly more restrictive than those upheld by the 8th Circuit."

Adele Nicholas, a Chicago civil rights attorney who agreed to take on Evenstad's lawsuit, said Monday that she and Evenstad are pleased with the result.

"We think Judge Tunheim's decision is really important because it establishes that municipalities don't have unlimited discretion to pass law that restricts where people are allowed to live. There are some limitations and the restrictions have to be reasonable," she said.

Nicholas noted how [West St. Paul amended the ordinance in March](#), loosening the restrictions. It now applies only to Level 2 and Level 3 offenders whose crimes involved children, not to Level 1 offenders or those whose crimes involved adults. Also, group homes were eliminated from a 1,200-foot restriction.

In 1999, a jury found Evenstad guilty of raping an 18-year-old Richfield woman he met through a telephone dating chat line. Before he was released from prison in 2008, he was assessed to be a Level 1 offender, meaning he is least likely to re-offend.

Evenstad moved into a friend's West St. Paul home last August. Three days later, a West St. Paul police investigator called the landlord and said Evenstad had to go.

On Monday, Evenstad said that he left West St. Paul in mid-March and now lives in St. Paul, which imposes no limitations on sex offenders.

"In all honesty, I think it's poetic justice," he said.

Minnesota sex offenders challenge a city's ban

By [CHRIS SERRES](#), STAR TRIBUNE

January 24, 2018 - 11:12 PM

Three convicted rapists awaiting release from state custody are suing Dayton, Minn., over an ordinance that virtually bans them from living in the city, arguing that the measure violates their constitutional rights and is trumped by state law.

The men are challenging [a far-reaching 2016 ordinance](#) that forbids convicted sex offenders from living within 2,000 feet of any school, day care, park, playground, public bus stop — even a pumpkin patch or apple orchard — within the city of Dayton, a rural community of about 5,000 residents northwest of the Twin Cities.

Because of the ordinance, the three argue, they remain unjustly confined at the Minnesota Sex Offender Program (MSOP) facility in St. Peter. More than a year ago, they were cleared for conditional release to a three-bedroom group home in Dayton, where they would have lived under 24-hour surveillance. [The lawsuit](#) was filed this month in Hennepin County District Court.

The suit is among the first legal challenges in Minnesota to local residency restrictions against sex offenders and could determine the fate of dozens of similar measures across the state. More than 80 localities have enacted such ordinances, amid a growing local backlash against the state's efforts to return sex offenders to the community.

The restrictions have created a dilemma for the state agency that oversees the MSOP, which is under legal pressure to release more offenders but is running out of community facilities where it can send them. A total of 12 offenders who have been approved for conditional release remain stuck at the program's treatment facilities as a large and growing swath of the state becomes off-limits to them.

"The current situation is untenable," said Eric Janus, a professor at Mitchell Hamline School of Law and author of a book on sex offender laws. "These former offenders are entitled to be released, yet they continue to be held, by local actions that are subverting state law."

Dayton's mayor, Tim McNeil, said Tuesday that the city "intends to defend the ordinance to the extent that we can" but declined to comment further. In a response filed with the court Wednesday, the city said it has authority for land-use regulation and to promote public safety.

Deemed safe

The three offenders seeking to move to Dayton are older men with long and violent criminal histories. They include Ben Braylock, 86, who stabbed his wife to death in 1981 and, after serving prison time for the murder, raped two teenage girls; Demetrius A. Mathews, 54, who was sentenced to prison in 1983 for raping his 12-year-old niece, and later admitted to molesting a 3-year-old girl; and Marvin L. Breland, 60, who was convicted on three separate cases of forcing women into sexual acts while threatening them with weapons, according to court records.

Despite those histories, their lawyer argues, they have served their time and completed their required treatment. “These are individuals who have served their criminal sentences and that professionals have determined are safe to return to the community in a limited setting,” said Andrew Holly, a partner with the Minneapolis law firm Dorsey & Whitney LLP, which brought the suit.

The push to enact such ordinances has intensified since the summer of 2015, when U.S. District Judge Donovan Frank ruled that Minnesota’s sex offender program was unconstitutional and ordered sweeping changes. Although that ruling was overturned by a higher court, the state has been under pressure to show that it operates an effective treatment program and is not simply confining sex offenders indefinitely as punishment.

In response, local governments rushed to pass residency restrictions before offenders moved in. There are now 85 communities in Minnesota with such restrictions, up from about 50 less than two years ago, according to the Minnesota Department of Corrections. Two counties, Chisago and Le Sueur, have passed countywide residency restrictions.

Dayton’s ordinance, passed in October 2016, is unusually broad. It declares a long list of areas off-limits for convicted sex offenders, including athletic fields, ice skating rinks, bowling alleys, dance academies and public libraries.

Attorneys for the offenders argue that the ordinance is superseded by [Minnesota’s sex offender law](#), which regulates how and when the state can return a civilly committed sex offender to a community. Under the law, offenders have a right to petition for release and state panels have the sole authority to approve or reject them, according to the suit.

“By restricting them from living in the normal world,” Holly said, the city of Dayton “is making it impossible to follow court orders and the appropriate state rules and regulations.”

Criminal justice researchers have found that geographic-based residency restrictions are largely ineffective at preventing sex crimes, in part because offenders tend to victimize people they know rather than pursue strangers living in proximity to them.

[In a widely cited study](#), research director Grant Duwe at the state Department of Corrections analyzed the case histories of 224 sex offenders who were reincarcerated for a sex crime before 2006. He found that none of their offenses would have been prevented by a residency law. Of the few offenders who contacted a juvenile victim near their homes, none did so near a school, park, playground or other location included in residential restriction laws, he found.

“There is absolutely no public safety benefit to residency restrictions — none at all,” Duwe said.

Chris Serres • 612-673-4308

MEMORANDUM

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Digitizing City Historical Records Update



Dear Mayor & City Council Members:

Mayor Wingfield previously informed the Council that she was seeking a grant opportunity through Legacy Funds to assist the City in digitizing its historical records.

The purpose of this memo and its enclosures is to provide an update on this process and to obtain Council's approval to authorize the enclosed Signature Authority Form.

Signing the Signature Authority Form signifies Birchwood's willingness to act as the Lead Partner on this joint-partner agreement and to enable completion of a pre-application for this grant opportunity. Signing the form does NOT require a financial obligation from Birchwood (see enclosed email).

Enclosed with this memo are:

- An email dated January 4, 2019; and
- Heritage Partnership Program Signature Authority Form.

Request/Recommendation

Staff requests Council:

- Review the enclosed documents that support this memo; and
- Authorize City Administrator to sign the enclosed Signature Authority Form.

Thanks!

Regards,
Tobin Lay

Enclosure(s)

Tobin Lay

From: Mary Wingfield <wingfield.mary@gmail.com>
Sent: Friday, January 4, 2019 6:42 AM
To: Sara MarkoeHanson
Cc: Tobin Lay
Subject: Re: Digitizing records update

Great...we will put this on our agenda for authorization on Tuesday. Thanks for the update!

m

On Thu, Jan 3, 2019, 10:25 PM Sara Markoe Hanson <sara@whitebearhistory.org> wrote:

Hi Mary,

That is correct. I've spoken with the Grants Office at the MNHS and they are recommending we do it as a partnership between us and the Washington County Historical Society and use Birchwood Village as the pilot municipality. This would involve some planning stages regarding how the records can be accessed at our library/your offices, etc. if there are any restrictions, best practices, etc. I will be fleshing that out through the pre-application which is due on 1/25 and then based on the feedback we receive will adjust for the final application deadline in March. As you stated, there would be no fiscal requirement to Birchwood, with the possible exception of staff/representative time to have periodic meetings to plan, review the process, etc.

We will need Birchwood to officially complete the attached Signature Authority Form enabling the WBLAHS to act as the Lead Partner and fiscal agent on the project. I have attached the SAF as well as the full Grants Program Manual in case you have questions on the process, etc. We would be pursuing a grant through the "Shared Services" category. If the council is comfortable and would authorize the SAF I can include that with the pre-application.

Let me know if you have any questions or concerns at this point.

Thanks,
Sara

From: Mary Wingfield [mailto:wingfield.mary@gmail.com]
Sent: Thursday, January 03, 2019 10:09 PM
To: Tobin Lay
Cc: Sara MarkoeHanson
Subject: Digitizing records update

Hi Tobin .

Sara Markoe Hanson at the Wblhs is going to work on coordinating a grant for getting a digitizing machine (really big bucks) for scanning the records of a number of local communities. The grant would also include the Washington co historical society as an applicant. The idea is that Legacy funds could be available for such and that grant does not require matching funds. Apparently, there is less competition for that specific pot of money as well. she will contact us when she wants our acknowledgement and resolution of support.

SO AT THIS TIME IT IS BEST THAT WE NOT INCLUDE ANY AGENDA ITEMS ON THE SUBJECT UNTIL SARA TELLS US SHE IS READY TO PROCEED.

I have copied Sara on this in case I have missed something.

m

APPENDIX D

SIGNATURE AUTHORITY FORM

This form identifies the Lead Partner for grant applications in the Heritage Partnership Program and establishes the ability of the Lead Partner as the partner responsible for coordinating the program work, serving as the fiduciary and project director, and submitting all final reports to the Minnesota Historical Society Grants Office. After a grant award has been approved, the authorized officer of the Lead Partner must sign an agreement outlining the terms and conditions of the award. The Lead Partner is signing the grant agreement on behalf of all Partnering Organizations, as allowed by their signatures below.

Please print, sign, scan to PDF, and upload this form to the Request Documents section of the online application.

Through their signatures below:

- The Lead Partner and the Partnering Organization(s) affirm their active, vested interest in the successful completion of the partnership program and acknowledge that their mutual goals are described within the Heritage Partnership Program application, having been discussed and agreed upon prior to submittal of the grant application.
- The Lead Partner and the Partnering Organization(s) understand the scope of work and budget may be adjusted through review and approval of the grant application and that the approved scope of work and budget in the executed grant agreement will supersede those that were submitted as part of the grant application.
- The Lead Partner agrees to provide administrative services and oversight to the partnership program, and to assume legal and financial responsibility for carrying out the program in accordance with the grant agreement and within the approved budget.
- The Partnering Organization(s) authorize the Lead Partner to sign the grant agreement on their behalf.

Heritage Partnership Program Title:

Lead Partner:

Name of Organization

Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
EIN

Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
EIN

Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
EIN

Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
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Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
EIN

Signature

Printed Name and Title

Date

Partnering Organization:

Name of Organization
EIN

Signature

Printed Name and Title

Date

(Print, sign, and upload additional Partnering Organization pages, as needed.)

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
DECEMBER 11, 2018**

MINUTES

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

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

Others Present: Leonard Pratt, Ellen Maas Pratt, Barton Winter, Steve Wolgamot and Anna Vang.

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 Steve Walgamot to Roads Committee in order to speak about Lake Links Trail.

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

OPEN PUBLIC FORUM

Leonard Pratt (301 Wildwood): Recommended Council use simple application and refundable deposit for easement access to address items such as tree removal. (Time Stamp 00:02:19)

Ellen Maas Pratt (301 Wildwood): Stated support for general public easement access and refundable deposits in the case of work related needs for homes abutting easements.

Administrator Lay: Notified Council of a resident letter. Council instructed him to read the letter during the Dog Ordinance and Lake Links Trail items.

ANNOUNCEMENTS

- A. We hope to open the Ice Rink this week – please 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 WBLCD and Planning Commission
- D. Community Club Christmas Party – Dec 12, 5:30pm-7pm at City Hall
- E. Community Club Yoga Class – Tuesdays, 5pm-6pm at City Hall
- F. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from November 13, 2018
- B. Approve Treasurer's Report
- C. Approve Resolution 2018-23, Designating Polling Place

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

CITY BUSINESS – REGULAR AGENDA

A. Truth in Taxation/Adoption of Final Levy and Budget

a. Public Hearing

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

b. Review of Proposed 2019 Levy and Budget

Mayor Wingfield: Stated the numbers proposed are the same numbers reviewed and approved in September.

c. Approve Resolution 2018-25, Final Budget Adoption

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2018-25, FINAL BUDGET ADOPTION. ALL AYES. MOTION PASSED.

d. Approve Resolution 2018-24, Final Levy Adoption

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2018-24, FINAL LEVY ADOPTION. ALL AYES. MOTION PASSED.

Mayor, Council Members and Administrator Lay: Discussed briefly \$364,000 budget total, a 2.68% increase of 2018.

B. Resolution 2018-26, Certification of Delinquent Utility Accounts to the County

a. Public Hearing

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

Mayor Wingfield: Stated for the record that these are resident accounts from sewer and water utilities unpaid to date.

Administrator Lay: Informed council on collections process. Provided list of unpaid utility accounts at Council request.

Mayor, Council Members and Administrator Lay: Discussed timing and fees related to residents deemed behind.

Administrator Lay: Stated many pay before deadline and the list will be halved by year's end.

b. Council Deliberation and Approval

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE RESOLUTION 2018-26, CERTIFICATION OF DELINQUENT UTILITY ACCOUNTS TO THE COUNTY. ALL AYES. MOTION PASSED.

C. WBLCD Update – Rep. Barton Winter

Barton Winter (WBLCD): Updated Council on lake level lawsuit issues.

Mayor and Council Members: Discussed court order, enforcement and status of appeal. Asked Mr. Winter to look into a recent toilet efficiency program to provide an update to Council and for purposes of public notification.

Barton Winter (WBLCD): Committed to look into the toilet efficiency program and stated regarding lake level issues he believes a resolution extension for continued appeal is likely as long as there is no public pushback.

D. Parks Committee Update and Recommendations

a. Presentation and Q&A.

Administrator Lay: Introduced council's request for advice on location of Kayak Rack placement at Kay Beach and Anna Vang of the Parks Committee.

b. Kayak Rack Placement

Anna Vang (Parks Committee): Stated Parks Committee recommended new racks along the West side of Birch Beach next to existing rack, along the East side of Dellwood Beach and no rack at Kay Beach. Stated also Parks Committee recommended the Canoe/Kayak storage fee be increased to \$30 in 2019.

Mayor, Council Members, Administrator Lay and Anna Vang (Parks Committee): Discussed fees, last month's Kayak/Canoe rack installation decision, rack locations and related signage in detail.

Mayor and Council Members: Determined new racks will be doublewide as a convenience to residents.

Administrator Lay: Informed Council WBLCD may charges City for racks although the City has not yet been charged – he is waiting for confirmation from WBLCD. Warned Council may not want to vote on rate increase until an answer has been received from WBLCD.

Mayor and Council Members: Asked Administrator Lay to research rack fees and report to Council in January. Discussed Canoe/Kayak storage rates. Calendared item for January's meeting and determined Administrator Lay will decide on locations. Discussed resident feedback, increasing access and decided to revisit item after installation of racks at Kay and Birch in 2019.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO INSTALL ONE DOUBLEWIDE KAYAK/CANOE RACK AT BIRCH AND KAY BEACHES, WITH LOCATIONS TO BE DETERMINED BY ADMINISTRATOR LAY. ALL AYES. MOTION PASSED.

c. Dog Waste Stations

Administrator Lay: Provided Council with a brief background on the Dog Waste Stations.

Mayor and Council Members: Discussed servicing garbage cans, individual pet owner responsibility, monitoring and maintenance and convenience and fines for dropping dog litterbags on the ground at waste receptacle areas.

Councilmember Woolstencroft: Pondered why City staff should be tasked with handling a resident's hazardous waste.

Mayor and Council Members: Decided to table matter until April and keep waste-baskets off as-is at present.

Anna Vang (Parks Committee): Reminded Council the Parks Committee has also recommended paddleboard storage to be considered at these rack areas. Committee agreed the racks should not be installed until a need is observed.

Mayor and Council Members: Decided to follow the Parks Committee recommendation of not approaching paddleboard racks until the new canoe/kayak rack usage has been observed.

d. Tighe-Schmitz Park Feasibility Study

Anna Vang (Parks Committee): Introduced grant opportunity regarding Tighe-Schmitz Park Feasibility Study to Council.

Mayor, Council Members and Anna Vang (Parks Committee): Discussed the grant, the study, the Parks Committee recommendation, cost and potential costs, watershed and runoff management and potentially adding item to the agenda.

Mayor Wingfield: Stated discomfort participating in the study; no information has been provided.

Councilmember LaFoy: Stated the idea is good, but is not worth spending money without any time or prior information.

Mayor and Council Members: Declined participation in the Tighe-Schmitz Park Feasibility Study.

E. Roads Committee Update and Recommendations

a. Appoint Committee Member

Administrator Lay: Stated Roads Committee recommended an additional member and there are two applicants. Also, Roads Committee Chair Tom Stangl has decided to step down, which will put the Roads Committee at seven members including the two new applicants. Mr. Stangl would be willing to stay on until an appointment is placed.

Mayor Wingfield: Recommended publishing seats and applicants attend next month's committee meeting as non-voting members.

Mayor and Council Members: Decided to post the openings and revisit the Roads Committee appointments in January.

b. Road Escrow

Administrator Lay: Stated the Roads Committee has offered to make recommendations on road escrow issue.

Mayor and Council Members: Agreed. Decided to revisit the item in February.

F. Lake Links Trail Update

a. Council Deliberation

Mayor Wingfield: Offered a background of Lake Links Trail in relation to the City's participation status. Stated that all signage is up, but the City is still waiting on proposals for other possible changes in Birchwood beyond what is already in place. Recommended the Roads Committee get involved.

Administrator Lay: Added that the Roads Committee initiated the Lake Links Trail discussion in Birchwood and desires to stay involved.

Steve Wolgamot (Lake Links Trail): Stated he met with some residents recently. Suggested meeting with the Roads Committee and/or holding an informational meeting at City Hall in January 2019. Updated council on Lake Links Trail progress.

Mayor Wingfield: Stated the City has done all that is required and the City's unique roads lend themselves to Birchwood easily meeting the Lake Links Trail requirements. Observed the stop signs also appears to aid traffic flow.

Steve Wolgamot (Lake Links Trail): Affirmed Birchwood has calmed traffic and new signage has been very effective. Elaborated on successes citing positive changes in recent City traffic and safety statistics.

Mayor and Council Members: Asked Mr. Lay to arrange Roads Committee/Lake Links meeting in early 2019.

Councilmember White: Invited public to learn about the City, get more involved in these meetings and read the agendas.

Mayor and Council Members: Thanked Steve Wolgamot for his time and for being so readily available to the public.

Administrator Lay: Recommended Council post this meeting as open to the public in the weekly email listserv also.

G. Special Assessments Policy

a. Council Deliberation

Mayor Wingfield: Stated item has to come from Roads Committee and a draft of the policy will be available in January.

Attorney Kantrud: Offered to be available on the development of this policy if needed.

Mayor and Council Members: Asked Administrator Lay to include Attorney Kantrud in coordinating meeting schedules.

H. Lake Avenue Feasibility Report

a. Council Deliberation

Administrator Lay: Clarified for Council that this is in fact the "temporary stop sign" issue at Iris St. and Wildwood Ave.

Mayor Wingfield: Provided a brief background on the Lake Avenue Feasibility Report for Council.

Mayor and Council Members: Took no action on temporary traffic signs at Wildwood and Iris; Discussed the Lake Avenue Feasibility Report and decided to table the item until spring until assessment policy is reviewed and changes in topography at Iris/Wildwood intersection can be finalized.

I. Second Reading Ordinance 2018-11-01, Amending Conditional Uses

a. Cancel Public Hearing

Administrator Lay: Informed Council that this item was a moot point as it had been included in the 2012 amendments.

Mayor Wingfield: Recommended publishing the earlier amendments since it was unknown if it was published at the time.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the need to publish.

Mayor and Council Members: Decided Mayor Wingfield will verify if amendments were previously published and inform Council in January.

J. Exterior Storage

a. Council Deliberation

Councilmember White: Urged Council to explore exterior storage. Proposed Council amend code in 2019.

Administrator Lay: Reminded Council that Ordinance 2017-07-01 had been put forward previously and no action was taken.

Mayor Wingfield: Recalled no action was taken because proposed provision actually opened door wider for exterior storage in yards and driveways. Stated too many loopholes and no new information meant there was nothing to act on.

Councilmember White: Offered to bring a proposal to Council for consideration.

Mayor and Council Members: Asked Councilmember Aakre to work with Councilmember White on these amendments and tabled the item until a proposal is received and discussed in forum.

Administrator Lay: Added that exceptions to code exist. Informed Council many informal complaints occur and many residents would be found in violation if enforced to the letter. Agreed exterior storage should be explored. Confirmed that a complaint form is required to generate a formal complaint.

Mayor and Council Members: Determined City will operate on a complaint-driven/aesthetic impact basis. Confirmed Administrator Lay has discretion in these matters.

K. Council Raises

a. Council Deliberation

Councilmember White: Asserted council representation is important, takes time and with a modest raise it is still basically volunteering. Provided Council 2016 rate comparison. Stated this will not impact her nor be valid until after 2020.

Mayor Wingfield: Recommended revisiting ahead of next election. Noted statutes and process must be observed.

Attorney Kantrud: Noted cities adopt different practices for approving raises and some cities let residents decide.

Mayor and Council Members: Decided to table the item.

L. Dog Ordinance

a. Council Deliberation

Mayor Wingfield: Stated code is difficult to follow and is thus hard to enforce, needs to be organized. Cited examples. Suggested adopting a dangerous dog section and asked Council if examining the dog ordinance further is worth pursuing.

Mayor, Council Members and Attorney Kantrud: Discussed format, layout, order of ideas and code enforcement.

Attorney Kantrud: Stated code makes sense and is workable but there are some questions about order of ideas and undefined terms like, "unusually aggressive". Offered to help work with Administrator Lay to revise the code appropriately.

Administrator Lay: Reminded Council of the letter from a resident on this topic and offered to read it aloud.

Mayor and Council Members: Declined.

Mayor Wingfield: Stated Council has read the letter, it is noted and its inclusion has added to these deliberations.

Councilmember LaFoy: Applauded Mayor Wingfield for her work on the dog ordinance stating the work is commendable.

M. Easement Usage Agreement

a. Council Deliberation

Administrator Lay: Provided background of easement usage agreement. Stated Planning Commission could only agree on limiting machine/motorboat access to one beach and that the other beaches should only be accessible by foot.

Mayor Wingfield: Clarified goal is for the City to have greater control of its space and any work done near easements occur with permission and follow conditions set by the City and that any related damages may be corrected or reimbursed. Recalled that private actors had done work in the past detrimental to city property and it has cost taxpayers.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the easement usage agreement.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO EXTEND EASEMENT USAGE AGREEMENT DISCUSSION BY 5 MINUTES. ALL AYES. MOTION PASSED.

Mayor, Council Members and Attorney Kantrud: Continued discussion including expansion of code and violations.

Mayor and Council Members: Requested Attorney Kantrud and Administrator Lay work on item and generate a license.

N. Council Member Reports

a. Mayor Wingfield

i. Utility Committee Update

Mayor Wingfield: Informed Council Utility Committee update was posted in the newsletter and will be covered in January.

ii. Digitizing City Historical Records Update

Mayor Wingfield: Informed Council Birchwood was denied a grant. Thanked Sarah Markoe Hanson for her work. Offered to pursue the Washington County Legacy Funds Grant with Council's tacit approval.

Council Members: Approved.

b. Councilmember LaFoy

i. City Investment Funds

Councilmember LaFoy: Stated Chris Mickleson met with him and Administrator Lay. Stated Mr. Mickleson offered an investment account with similar risk but greater returns, which like our current account may be withdrawn from as needed.

Mayor, Council Members and Administrator Lay: Discussed City investment funds and account option research.

Mayor and Council Members: Decided Treasurer Carroll will research and report on options and market by February.

ii. SCC (Suburban Cable Commission) Update

Councilmember LaFoy: Updated council on SCC negotiations and recommended the extension be signed as presented.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO SIGN AND APPROVE THE EXTENSION AGREEMENT BETWEEN THE SCC AND COMCAST. ALL AYES. MOTION PASSED.

c. Councilmember Woolstencroft

i. Council Member Chairs

Administrator Lay: Reminded Council that they had discussed replacing the Council chairs during the budget meeting in Sept. Councilmember Woolstencroft has purchased four from his employer at a discount. Requested approval to reimburse Woolstencroft and purchase remaining chairs.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE THE PURCHASE OF EIGHT TOTAL OFFICE CHAIRS. MAYOR WINGFIELD ABSTAINED, COUNCILMEMBER AAKRE VOTED AYE, COUNCILMEMBER LAFOY VOTED AYE, COUNCILMEMBER WHITE VOTED AYE AND WOOLSTENCROFT VOTED AYE. MOTION PASSED.

O. City Administrator's Report

a. Warming House Heater

Administrator Lay: Stated Kevin Woolstencroft inspected and repaired the warming house heater using a \$67 part. Thanked Woolstencroft. Requested reimbursing Woolstencroft and including \$100 as compensation for his Woolstencroft's labor.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE REIMBURSEMENT PLUS A \$100 PAYMENT FOR KEVIN WOOLSTENCROFT FOR REPAIRING THE WARMING HOUSE HEATER. ALL AYES. MOTION PASSED.

b. Lakewood Lane Update

Administrator Lay: Provided background and an update on the steep hill along Lakewood Lane. Stated MNDOT is set to assemble a team at no cost to inspect and provide options and cost estimates for recommended repairs.

Mayor and Council Members: Discussed Lakewood Lane briefly.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE \$1000 FOR CITY ENGINEER STEVE THATCHER AS COMPENSATION FOR HIS TIME ENGAGED IN THE LAKEWOOD LANE STUDY. ALL AYES. MOTION PASSED.

c. Diseased Trees on City Property

Administrator Lay: Provided Council background on identified diseased trees in the City and a bid for their removal.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE BID OF \$650 TO PROCEED WITH DISEASED TREE REMOVAL AS PROPOSED. ALL AYES. MOTION PASSED.

Administrator Lay: Informed Council of his duty per city rules of procedure to inform the Council when a resident's request for agenda items are not put on the agenda. Informed Council that Alan Mitchell had requested "New Council Member Training" be put on the agenda, but due to similar item planned for January it was left off.

Councilmember LaFoy: Invited Administrator Lay to summarize the annual metro cities meeting.

Administrator Lay: Summarized the annual Metro Area Cities meeting. Noted public communication is changing.

Councilmember LaFoy: Added it appeared communities share in the struggle to reach residents.

Mayor and Council Members: Wished everyone a Merry Christmas.

Administrator Lay: Noted that it was Councilmember White's final meeting.

Mayor and Council Members: Thanked Councilmember White for her service on the Council.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:29PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

For the Period : 12/12/2018 To 1/4/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$751,561.15	\$4,868.74	\$43,679.50	\$712,750.39
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	\$2,649.84	\$5,602.50	\$0.00	\$8,252.34
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	(\$25,181.54)	\$0.00	\$0.00	(\$25,181.54)
Sewer Re-hab 2008 Debt	\$25,339.25	\$0.00	\$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	\$32,832.82	\$0.00	\$3,218.00	\$29,614.82
Sewer	\$42,701.72	\$0.00	\$1,076.85	\$41,624.87
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	\$887,791.89	\$10,471.24	\$47,974.35	\$850,288.78

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
12/21/2018	Engquist-Geisenheyner, Saira	171734555*	Rental - Village Hall	(12/21/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
12/21/2018	Xcel Energy	171734556*	Permit	(12/21/2018) -	N	Business Licenses and Permits	100-32101-	\$ 420.00
								\$ 420.00
12/21/2018	Schwantes Heating and Air Condition	171734557*	Permit	(12/21/2018) -	N	Building Permits	100-32211-	\$ 157.50
								\$ 157.50
12/21/2018	League of MN Cities	171734558*	4M Fund Dividend 2018	(12/21/2018) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 221.00
								\$ 221.00
12/21/2018	Bear Roofing & Exteriors, Inc.	171734559*	Permit	(12/21/2018) -	N	Building Permits	100-32211-	\$ 270.25
								\$ 270.25
12/21/2018	Chiclana-Ayala, Marisol	171734560*	Rental - Village Hall	(12/21/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
12/21/2018	Rice Creek Watershed District	171734561*	Reimbursement - Birch Rain Garden	(12/21/2018) -	N	Refund-Reimbursemnt-Dividend	210-36240-	\$ 5,602.50
								\$ 5,602.50
12/21/2018	Monday Artist's Group	171734562*	Donation	(12/21/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 115.00
								\$ 115.00
12/21/2018	Farmer's Insurance	171734563*	Reimbursement - Oakridge Dr. Retaining Wall	(12/21/2018) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 3,465.00
								\$ 3,465.00
12/21/2018	Resident	171734564*	Rental - Village Hall	(12/21/2018) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
12/21/2018	MN Management & Budget	171734565*	Court Fines - Nov 2018	(12/21/2018) -	N	Court Fines	100-35101-	\$ 144.99
Total for Selected Receipts								\$ 144.99
								\$ 10,471.24

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
12/21/2018	Payroll Period Ending 12/21/2018	30341	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30341					\$ 1,817.66
12/21/2018	Woolstencroft, Kevin	30342	Reimbursement - Warming House Heater & Council Chairs	N	Office Operations Supplies	100-41911-210-	\$ 639.92
		30342			Parks	100-45207-220-	\$ 167.52
	Total For Check	30342					\$ 807.44
12/21/2018	PERA	EFT122118A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT122118A					\$ 350.00
12/28/2018	Payroll Period Ending 12/21/2018	30343	Rink Attendant - Brandon Welton	N	Parks	100-45207-100-	\$ 217.54
	Total For Check	30343					\$ 217.54
12/28/2018	Payroll Period Ending 12/21/2018	30344	Rink Attendant - Owen Harrod	N	Parks	100-45207-100-	\$ 16.00
	Total For Check	30344					\$ 16.00
12/28/2018	Payroll Period Ending 12/21/2018	30345	Rink Attendant - Jim Rydeen	N	Parks	100-45207-100-	\$ 485.25
	Total For Check	30345					\$ 485.25
01/02/2019	Rydeen, Jim	30346*	Reimbursement - Mower/Blower Gas & Repair Parts	N	Parks	100-45207-810-	\$ 89.13
	Total For Check	30346					\$ 89.13
01/02/2019	Beckman, Greg	30347*	Reimbursement - Carpet Cleaning	N	Office Operations Supplies	100-41911-810-	\$ 77.20
	Total For Check	30347					\$ 77.20
01/02/2019	Lay, Tobin	30348*	Reimbursement - Key Cutting	N	Office Operations Supplies	100-41911-810-	\$ 2.95
	Total For Check	30348					\$ 2.95
01/02/2019	Tennis Sanitation, LLC	30349*	Recycling for Service Period: Nov - Dec 2018	N	Recycle	100-43300-314-	\$ 1,656.00
	Total For Check	30349					\$ 1,656.00
01/02/2019	Washington County Sheriff	30350*	Police Services: Jul - Dec 2018	N	Police	100-42101-314-	\$ 26,441.78

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	30350				\$ 26,441.78
01/02/2019	Core & Main	30351*	Water Meters	N	Water Utility	601-43180-220-	\$ 864.00
		Total For Check	30351				\$ 864.00
01/02/2019	Menard's - MAPLEWOOD	30352*	Parks Supplies - Dec 2018	N	Parks	100-45207-210-	\$ 32.73
		Total For Check	30352				\$ 32.73
01/02/2019	MENARD'S - OAKDALE	30353*	Parks Supplies - Dec 2018	N	Parks	100-45207-210-	\$ 44.70
		30353*				100-45207-210-	\$ 47.28
		Total For Check	30353				\$ 91.98
01/02/2019	City of Roseville	30354*	IT & Phone Service - Dec 2018 & 2018 Application Fee	N	General Government Buildings and Plant	100-41940-320-	\$ 366.00
		30354*				100-41940-320-	\$ 277.00
		30354*				100-41940-320-	\$ 62.12
		Total For Check	30354				\$ 705.12
01/02/2019	AirFresh Industries, Inc.	30355*	Portable Restroom Rental - Dec 2018	N	Parks	100-45207-314-	\$ 81.25
		Total For Check	30355				\$ 81.25
01/02/2019	Press Publications	30356*	***VOID\$48.45***Legal Notice Publication	Y	Ordinances and Proceedings	100-41130-351-	\$ -
		Total For Check	30356				\$ -
01/02/2019	Northeast Youth & Family Services	30357*	Partnership - 2019 Municipality Participation Amount	N	Grants	100-41905-435-	\$ 1,490.00
		Total For Check	30357				\$ 1,490.00
01/02/2019	BIRCH, INC.	30358*	Snow Plow Services: 12/02/2018 - 12/05/2018	N	Ice and Snow Removal	100-43125-314-	\$ 472.50
		30358*				100-43125-314-	\$ 180.00
		30358*				100-43125-314-	\$ 112.50
		30358*				100-43125-314-	\$ 157.50
		Total For Check	30358				\$ 922.50
01/02/2019	Modern Power Solutions	30359*	Lift Station Generator Annual Service - 2018	N	Sewer Utility	605-43190-380-	\$ 366.00
		Total For Check	30359				\$ 366.00
01/02/2019	Leeves, Robert	30360*	Videographer - Regular CC Meeting 12/11/2018	N	Cable Eqpmt and Service	100-41950-314-	\$ 84.38

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	30360				\$ 84.38
01/02/2019	King Scapes	30361*	Retaining Wall Repair - Oakridge Dr.	N	Unallocated Expenditures	100-49201-314-	\$ 3,465.00
		Total For Check	30361				\$ 3,465.00
01/02/2019	City of White Bear Lake	30362*	Lake Litigation Recovery Fee (Q1 2019)	N	Water Utility	601-43180-304-	\$ 1,444.00
		Total For Check	30362				\$ 1,444.00
01/02/2019	TSE Inc. - Work Account	30363*	Janitorial Service - Dec 2018 & Deep Clean - 11/30/18	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		30363*				100-41940-314-	\$ 138.00
		30363*				100-41940-314-	\$ 25.00
		Total For Check	30363				\$ 188.00
01/02/2019	Allstream	30364*	Analog Phone Line - Jan 2019	N	General Government Buildings and Plant	100-41940-320-	\$ 46.11
		Total For Check	30364				\$ 46.11
01/02/2019	Xcel Energy	EFT010219A*	Xcel Utility Billings & Street Lights - Dec 2018	N	General Government Buildings and Plant	100-41940-380-	\$ 118.47
		EFT010219A*				100-41940-383-	\$ 185.61
		EFT010219A*			Street Lighting	100-43160-380-	\$ 1,242.27
		EFT010219A*			Parks	100-45207-380-	\$ 46.54
		EFT010219A*			Sewer Utility	605-43190-380-	\$ 181.03
		EFT010219A*				605-43190-380-	\$ 73.76
		EFT010219A*				605-43190-380-	\$ 427.89
		EFT010219A*				605-43190-383-	\$ 28.17
		Total For Check	EFT010219A				\$ 2,303.74
01/04/2019	Manship Plumbing & Heating Inc	30365*	Monthly Standby, Locates & Hydrant Work - Dec 2018	N	Water Utility	601-43180-314-	\$ 910.00
		Total For Check	30365				\$ 910.00
01/04/2019	Payroll Period Ending 01/04/2019	30366	***VOID\$1752.99***Administrator	Y	Clerk - Treasurer	100-41401-100-	\$ -
		Total For Check	30366				\$ -
01/04/2019	Payroll Period Ending 01/04/2019	30367	***VOID\$357.49***Administrator - Insurance	Y	Clerk - Treasurer	100-41401-100-	\$ -
		Total For Check	30367				\$ -

Fund Name: All Funds

Date Range: 12/12/2018 To 01/04/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
01/04/2019	Payroll Period Ending 01/04/2019	30369	***VOID\$1832.00***Administr ator	Y	Clerk - Treasurer	100-41401-100-	\$ -
	Total For Check	30369					\$ -
01/04/2019	Payroll Period Ending 01/04/2019	30370	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 421.49
	Total For Check	30370					\$ 421.49
01/04/2019	Payroll Period Ending 01/04/2019	30371	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,835.91
	Total For Check	30371					\$ 1,835.91
01/04/2019	Payroll Period Ending 01/04/2019	30372	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 583.78
	Total For Check	30372					\$ 583.78
01/04/2019	PERA	EFT010419A*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 82.21
	Total For Check	EFT010419A					\$ 82.21
01/04/2019	PERA	EFT010419B*	***VOID\$352.41***Employee Retirement - Tobin Lay	Y	Clerk - Treasurer	100-41401-121-	\$ -
	Total For Check	EFT010419B					\$ -
01/04/2019	PERA	EFT010419C*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 95.20
	Total For Check	EFT010419C					\$ 95.20
Total For Selected Checks							\$ 47,974.35

As on 1/4/2019

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		8,252.34	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 01/04/2019		8,252.34	

As on 1/4/2019

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 01/04/2019		66,233.91	

As on 1/4/2019

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	864.00	(864.00)
Professional Services: Legal Fees	0.00	1,444.00	(1,444.00)
Contracted Services	0.00	910.00	(910.00)
Total Acct 431	<u>0.00</u>	<u>3,218.00</u>	<u>(3,218.00)</u>
Total Disbursements	<u>0.00</u>	<u>3,218.00</u>	<u>(3,218.00)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		32,832.82	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>3,218.00</u>	
Cash Balance as of 01/04/2019		29,614.82	

As on 1/4/2019

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Sewer Utility			
Utility Services (381 through 389)	0.00	1,048.68	(1,048.68)
Utility Services: Gas Utilities	0.00	28.17	(28.17)
Total Acct 431	<u>0.00</u>	<u>1,076.85</u>	<u>(1,076.85)</u>
Total Disbursements	<u>0.00</u>	<u>1,076.85</u>	<u>(1,076.85)</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		42,701.72	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>1,076.85</u>	
Cash Balance as of 01/04/2019		41,624.87	

RESOLUTION 2019-01

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

A RESOLUTION DESIGNATING THE WHITE BEAR PRESS AS THE OFFICIAL
NEWSPAPER FOR PUBLICATION FOR ALL CITY LEGAL NOTICES

BE IT RESOLVED, by the City Council of the City of Birchwood Village that:

The White Bear Press is designated as the official newspaper for all City of
Birchwood Village legal notices.

I certify that the City of Birchwood Village adopted the above Resolution on this
8th day of January, 2019.

Mary Wingfield, Mayor

ATTEST:

Tobin Lay
City Administrator-Clerk

RESOLUTION 2019-02

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

**A RESOLUTION NAMING U. S. BANK, N.A. AND THE MINNESOTA MUNICIPAL
MONEY MARKET FUND (A/K/A “4M FUND”) AS THE OFFICIAL DEPOSITORIES
OF MUNICIPAL FUNDS**

SECTION 1. RESOLVED, that U. S. Bank, N.A. and the Minnesota Municipal Money Market Fund (a/k/a “4M Fund”) are hereby designated as depositories for the funds of the City of Birchwood Village. The City Treasurer is authorized to deposit city funds therein.

SECTION 2. RESOLVED ALSO, that before any deposits are made that exceed the amount that is guaranteed by the Federal Deposit Insurance Corporation (FDIC), the depository must supply to the City a corporate surety bond in the amount of at least 10 percent more than the amount on deposit at the depository’s cutoff hour. The bond is subject to the approval of the City Council. The surety bond must be conditioned to repay the above amount or any part thereof upon proper demand therefore and to perform such other duties in connection with the deposit as the council may require.

SECTION 3. RESOLVED FURTHER, that, in lieu of the above bond, the depository may furnish collateral in the manner and to the extent permitted by law. All such collateral must be approved by the City Council and accompanied by a written assignment providing that, upon default, the financial institution shall release to the City on demand, free of exchange or any other charges, the collateral pledged.

SECTION 4. RESOLVED FURTHER, all collateral must be placed in safekeeping in a restricted account at either a Federal Reserve Bank or in an account at a trust department of a commercial bank or other financial institution that is not owned or controlled by the financial institution that is furnishing the collateral. The selection must be approved by the City Council. In case of default upon the part of the depository, the City Council shall have full power and authority to sell such collateral or as much as may be necessary to realize the full amount due the city over such federal guarantee.

This designation is effective until subsequently rescinded by the Birchwood Village City Council.

I certify that the City of Birchwood Village adopted the above Resolution on this 8th day of January, 2019.

Mary Wingfield, Mayor

Attest:

Tobin Lay
City Administrator-Clerk

RESOLUTION 2019-03

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

**A RESOLUTION ACCEPTING A CASH DONATION FROM
BIRCHWOOD MONDAY PAINTERS GROUP**

NOW THEREFORE BE IT RESOLVED, by the City Council of the City of Birchwood Village that:

The City Council accepts the cash donations of \$115.00 from members of the Birchwood Monday Painters Group.

I certify that the City of Birchwood Village adopted the above Resolution on this 8th day of January, 2019.

Mary Wingfield, Mayor

ATTEST:

Tobin Lay, City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Approve NYFS Agreement and Rate Increase

Dear Mayor & City Council Members:

Enclosed is a spreadsheet of Birchwood's financial contribution rates for Northeast Youth & Family Services (NYFS). Birchwood's financial obligation for 2019 to continue our relationship with NYFS is \$1,490. That represents a \$41 or 2.8% increase over 2018.

Birchwood has partnered with NYFS at least since 2011 to provide discount services to residents for mental health counseling, senior chore services, juvenile delinquency diversion, and youth development.

NYFS is a nonprofit mental health and community services organization that has been serving the northeastern suburbs since 1976. Their mission is transforming lives today, creating a better tomorrow for youth, adults, families and our community.

Request/Recommendation

Staff requests Council:

- Review the enclosed contribution rates spreadsheet; and
- Authorize the Mayor and City Administrator to sign the 2019 partnership agreement.

Thanks!

Regards,
Tobin Lay

Enclosure(s)

Northeast Youth & Family Services
City Participation Figures

	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
	3% increase from 2011	1.7% increase CPI-U @ 6-12	1.1% increase CPI-U @ 6-13	2.1% increase CPI-U @ 6-14	.04% increase CPI-U @ 6-15	1.0% increase CPI-U @ 6/15	1.4% increase CPI-U @ 6/15	2.8% increase CPI-U @ 6/15
Birchwood Village	1,941	1,839	1,738	1,635	1,534	1,429	1,449	1,490

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: WBL Fire Services Agreement & Rate Increase

Dear Mayor & City Council Members:

The City of White Bear Lake (WBL) made significant changes to its Fire Dept. and increased its budget for fire services in 2019.

Birchwood's annual portion for these budget increases is \$24,362, a \$4,025 increase over 2018.

Enclosed is a letter from WBL explaining these increases.

Request/Recommendation

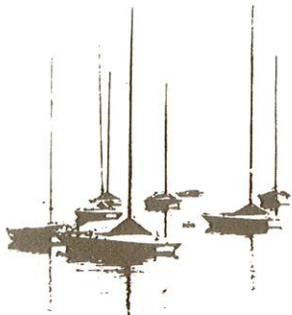
Staff requests Council:

- Review the letter from WBL; and
- Authorize the Mayor and Administrator to sign the revised contract.

Thanks!

Regards,
Tobin Lay

Enclosure(s)



City of White Bear Lake

4701 Highway 61 • White Bear Lake, Minnesota 55110
Phone (651) 429-8526 • Fax (651) 429-8500
www.whitebearlake.org

December 18, 2018

City of Birchwood Village
Attn: Tobin Lay
207 Birchwood Avenue
Birchwood, MN 55110

Dear Tobin:

Enclosed are two copies of the 2019 Fire Service contract addendum. The addendum is consistent with our long-standing agreement. Budget detail regarding the 2019 budget to support the budget calculations is attached for your information.

The 2019 addendum represents a significant change from previous years' service level and resulting service level costs. The City conducted a comprehensive fire and ambulance operational review during 2018. This review resulted in a departmental reorganization, which was implemented during the last four to five months of 2018. The reorganization addressed changing resident service level expectations and utilization. During the fire operational review, it became evident that the City's reliance on a "paid on call" fire and ambulance service membership was not feasible for providing quality future service levels. It is no longer feasible to expect fire service membership to be available to address the increasing service level demands on a strictly "paid-on-call" basis.

Due to service level, reorganizational operating costs were adjusted accordingly. Birchwood's tax capacity valuation increased more than the other contract communities did. Operating costs and valuation changes results in Birchwood's share of the 2019 fire contract amount being set at \$24,362.

Please sign copies of the addendum and return one copy to the City. The second copy is for your records.

Please call me at 429-8517 if you have any questions.

Sincerely,

Don Rambow
Finance Director
Enclosures

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Water Superintendent Standby Rate Increase

Dear Mayor & City Council Members:

Birchwood's Water Superintendent, John Manship, is requesting an increase to his standby rate for 2019. Birchwood currently pays Manship \$550/month and he requests an increase to \$600/month. That represents a \$50/month or \$600/year increase. These rates have not increased since 2013.

Request/Recommendation

Staff requests Council:

- Approve the requested rate increase as requested.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Council Business



Dear Mayor & City Council Members:

The following business items need to be discussed:

Council Member Assignments

Enclosed is a spreadsheet of existing Council Member assignments. With the departure of Councilmembers White and Malvey, many assignments are left unassigned. Please discuss and advise.

Council Member Training

Enclosed is info about the Leagues upcoming Elected Official's Training/Conference. Two (2) members of the Council have shown interest in attending and both staff and the League strongly encourage all Council Members to attend. Please discuss and approve payment for all Council Members interested in attending.

In addition to the League training, Cities are encouraged to hold orientation/goal meetings annually or at least each election cycle. The Council's last orientation meeting was held in spring 2017.

Alan Mitchell requested the enclosed orientation agenda be presented to you as you consider an orientation meeting.

I would recommend the Council table discussion of its orientation meeting until after the League training in Feb. and adjust the agenda based on what was already covered in that training.

Council Agenda Guidelines

In an effort to make the Council meetings more efficient, staff offers amendments to Rules of Procedure Article 3, regarding Council meeting agendas. Please see enclosed Resolution 2019-04 and discuss accordingly.

Committee/Commission Guidelines

In further effort to make the Council meetings more efficient, staff has been asked by Council Members to include this topic on the agenda. Please discuss ways resident's concerns should be presented to the appropriate Committee/Commission and to City Council that accomplishes efficiency in your meetings.

Request/Recommendation

Staff requests Council:

- Determine Council Member assignments for 2019 (see enclosed);
- Approve payment for Council Member attendance at the Leagues training (see enclosed);
- Approve Resolution 2019-04 to amend Rules of Procedure Article 3 (see enclosed); and
- Discuss guidelines for improving efficiency in how resident's concerns are heard by Committees & the Council.

Thanks!

Enclosure(s)

City Council Assignments

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

Tobin Lay

From: League of Minnesota Cities <members@lmc.org>
Sent: Thursday, January 3, 2019 1:28 PM
To: Tobin Lay
Subject: Start Strong in Your New City Leadership Role

[View this email in your browser](#)



Got Questions? We've Got Answers!

Congratulations on winning your election! As you begin to take on your new leadership role, the League of Minnesota Cities is your resource to help you successfully carry out your responsibilities.

Get ahead of the curve at the [Newly Elected Officials: 2019 Leadership Conference](#) coming to your part of the state starting this month. During this conference, you will:

- Explore your role as you transition from candidate to elected city leader
- Get comfortable with your legal responsibilities and complex topics, including the Open Meeting Law
- Discover tips to help you work effectively with others and run productive meetings
- Learn about the trainings and resources available to you from the League of Minnesota Cities
- Create connections with experienced and newly elected officials
- And much more!

Dates & Locations:

- Jan. 25-26—Mankato
- Feb. 1-2—Plymouth
- Feb. 22-23—Brainerd

Coming to the conference from out of town? Make sure you take advantage of the [conference room rate](#) before the following dates: Jan. 4 in Mankato, Jan. 10 in Plymouth, and Jan. 21 in Brainerd.

Fee:

\$225 (conference fee does not include lodging)

[Explore the Full Agenda and Register](#)

City staff: please forward this to your newly elected officials.

Looking for additional resources for your new leadership role? [Bookmark this page!](#) *The League of Minnesota Cities has a variety of resources to help new city officials like you successfully carry out your responsibilities.*

The League of Minnesota Cities is your partner in good government. Since 1913, we have been the trusted membership organization of Minnesota cities. We are proud to support the elected officials and staff of more than 800 cities across our state.



As part of your membership in the League of Minnesota Cities, you will receive occasional emails from us about our events, products, and services. You can opt out of these emails by clicking the unsubscribe link below.

[Unsubscribe](#) from this list.

League of Minnesota Cities, 145 University Ave. W, Saint Paul, MN 55103-2044 | www.lmc.org

WORKSHOP AGENDA
ORIENTATION FOR NEW CITY COUNCIL
DECEMBER 13, 2012

- I. Birchwood is a Statutory City
 - Authority set by statute, e.g. Minnesota Statutes chapter 421
 - Charter cities are different (White Bear Lake is an example of a charter city)
 - Weak mayor system
 - Staff – city clerk/coordinator and city treasurer

- II. Role of City Councilmember
 - Open Meeting Law (Minnesota Statutes chapter 13D)
 - Data Practices Act (Minnesota Statutes chapter 13)
 - Councilmembers are not city staff
 - League of Minnesota Cities (www.lmc.org)
 - Handbook for Minnesota Cities
 - Mayors Handbook
 - New Members Training

- III. Council Meetings
 - Organizational Meeting - First meeting in January (set meeting date; make appointments)
 - Agendas/Notice/Executive Summaries/Packets
 - Quorum

- IV. Rules of Procedure

- V. City Code
 - Overview
 - Changes in last two years
 - Interim Use Permits (chapter 305)
 - Fees (chapter 701)
 - Designated Funds (chapters 801 – 805)
 - Complaints/Enforcement (chapters 618 and 619)

- VI. Budget/Levy
 - Preliminary (September each year)
 - Final (December each year)
 - Relationship between budget and levy
 - Audit
 - Paying the bills

VII. City Policies

List of Policies
Effect
Amendment

VIII. City Committees

Bylaws
Existing Committees
 Planning Commission
 Parks and Natural Resource Committee
 Personnel Committee
 Roads and Streets Committee

IX. Contracts

Importance
Format
Employment Agreements
Engineer
White Bear Police and Fire
St. Paul Regional Water
Snow Plowing

X. Resolutions

List of Resolutions passed in 2011 and 2012

XI. Issues

Hall/Cedar
Docks
Warming House
Enforcement

XII. Other Questions and Issues

XIII. Adjourn

RESOLUTION 2019-04**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA****A RESOLUTION AMENDING BIRCHWOOD VILLAGE
RULES OF PROCEDURE ARTICLE 3 AGENDAS**

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 the Birchwood Village Rules of Procedure; and

WHEREAS, the City amends its Rules of Procedure from time to time, as needed; and

WHEREAS, the City finds it prudent to now amend its Rules of Procedure to improve Council meeting efficiency.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village, Minnesota, that the Birchwood Village Rules of Procedure be amended as follows:

ARTICLE 3 AGENDAS

3.02. COUNCIL MEMBER ITEMS. The mayor and any city council member may request that an item be placed on a meeting agenda. The clerk shall determine whether to place the matter on the agenda, considering the number of items already on the agenda and whether supporting materials are available and the urgency of the matter. ~~The clerk shall advise the council at the next meeting of all requested items that were not placed on the agenda. The city council member whose requested agenda item has not been placed on the agenda may bring the matter to the attention of the council at the beginning of the council meeting.~~ The council may agree by majority vote to add the item or items to the agenda or direct the clerk to include the item or items on a future meeting agenda.

3.03. PUBLIC ITEMS. Any person may request that an item be placed on a council agenda. All requests to place an item on an agenda shall describe the subject matter to be considered by the council and any action requested. The clerk may require the person to submit the request in writing. The clerk shall determine whether or not to place the item on the agenda. ~~The clerk shall advise the council at the next meeting of all items that were requested to be placed on the agenda that were not included. The council may direct the clerk to include the item or items on a future meeting agenda or may take such other action as the council deems appropriate.~~ Any person whose requested agenda item has not been placed on the agenda may appear at the council meeting and bring the matter to the attention of the council pursuant to section 3.06 and 4.08 (Public Forum).

Resolution duly seconded and passed this 8th day of January, 2019.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: WBLCD Appointment

Dear Mayor & City Council Members:

The City has received the enclosed letter of interest from resident Cameron Sigecan for the position on the WBLCD.

Mr. Sigecan is present at the meeting and prepared to introduce himself and answer any question the Council may have.

Request/Recommendation

Staff requests Council:

- Review the enclosed letter of interest; and
- Determine appointment to the WBLCD.

Thanks!

Regards,
Tobin Lay

12/17/2018

Cameron Sigecan — [REDACTED] cameron.sigecan@yahoo.com - 651-324-3701
[REDACTED] Wildwood Ave
Birchwood, MN 55110

City of Birchwood
White Bear Lake Conservation District

City of Birchwood White Bear Lake Conservation District Application for Council Representative

Hello, my name is Cameron Sigecan. I currently reside at [REDACTED] Wildwood Ave in Birchwood. I am new to the neighborhood; well I bought my house in Birchwood in May and I'm still finishing remodeling my home, but it's almost done! In my short tenure, I have been extremely please with how welcoming and friendly everyone in the neighborhood is. In addition to the great friendship I feel I will develop with my neighbors, I love the beauty, history, and natural ambiance that comes with the Village of Birchwood.

I am a young professional. Depends what you consider a professional, but I work as a Sales Engineer (Mechanical Engineer) for a living. I design, sell, engineer, commercial and industrial heating/ventilation/air conditioners for an employed owned company locally called SVL.

Since a young age (I'm currently 29 years old) I have always had a passion for White Bear Lake. I grew up in Mahtomedi and spending time on the lake has always been one of my favorite things to do. In addition to loving to spend time on the lake, I love looking at it, adoring it and respecting the Lake. Often you could find me towards the end of winter walking around cleaning up trash left on the ice by ice fishing or cleaning up some of the shoreline over by the Boat Works Apartment Building. In the summer, catch me at the end floating in a relaxing floatable a few arms lengths away from the end of my dock. With my love and passion for the lake, being a Birchwood Representative for the White Bear Lake Conversation District would align with my interest. I would consider myself very educated on what is going on with the lake, where it's going on and respect the opinions of all to make the Lake a Pleasant place for all friends and families to use.

Serving on the WBLCD will allow me to help protect our valuable asset of White Bear Lake for future generations to all enjoy. Working in a business that requires constantly juggling multiple tasks and occasionally dealing with disagreement or rejection, I consider myself to be tame when it comes to so. I understand that on the committee we will handle issues of lake disagreements and disputes and using my background in moderating, we will collaborate to come to solutions that mutually make sense to the parties involved. Together as a District team we will come to a common ground for the good of White Bear Lake.

Wildwood Ave

I greatly appreciate the opportunity to serve of the White Bear Lake Conservation District and look forward to the next steps to serve my community.

Sincerely,

Cameron Sigecan - [REDACTED]

[REDACTED] Wildwood Ave
Birchwood, MN 55110

Wildwood Ave

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Sewer Lift Station #1

Dear Mayor & City Council Members:

Just before Christmas last month, White Bear Township (WBT) informed us that the pumps at sewer lift station #1 (Birchwood Lane) were not functioning properly and needed to be replaced. The pumps are nearly 30 years old and replacement parts are no longer readily available.

To compound the issue, this lift station is over 50 years old and is already not an ideal facility – even with modern equipment.

WBT has reconfigured the pumps to buy us time while we consider options but there is no guarantee how long these pumps will last.

Because this was an emergency, Mayor Wingfield approved up to \$1,000 for City Engineer Steve Thatcher to begin working with WBT to determine options.

The following options are currently being considered:

- Repair the existing pumps – approx. \$10,000
- Replace pumps with modern equipment – approx. \$20,000
- Build a modern lift station – *very expensive (unknown)*
- Tie this lift station’s lines into a WBT lift station across East County Line Rd. – cost unknown

The last option currently seems to be the best approach but to ensure this option is viable, staff must:

- Determine the slope rate between lift station #1 and the WBT lift station; and
- Negotiate a Joint Powers Agreement (JPA) with WBT.

In order to determine the slope, staff will need to scope the sewer lines. It is estimated by John Manship that this will cost \$300.

Request/Recommendation

Staff requests Council:

- Approve up to \$300 to scope the sewer lines to determine actual slope rate; and
- Ratify Mayor Wingfield’s approval of up to \$1,000 for Thatcher to begin working on options.

Thanks!

Regards,
Tobin Lay

MEMORANDUM**Birchwood Village**

DATE: January 4, 2019
TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Utility Rate Increases

The utility committee met in October to discuss and address the change in sewer and water rates for 2019. At that time they knew we were facing increases from WBL which added \$4 per qtr for lake litigation fees, plus we added the cost of mailings by a third party. Also Met Council informed us our sewer rates were going up 8% due to increased usage.

At the meeting, Shelly said the sewer fund was stable and a moderate \$3.00 per quarter reduction could be considered. Since that time, both pumps at our Birchwood Lane lift station failed and we now have an estimated \$40,000 bill pending. (Our engineer is working on the problem, either way it is a big bill).

So here is the committee's recommendation for 2019:

Water:

Flat base fee increases from \$15 to \$21 per quarter (adding \$4 lake lit fee and \$2 mailing).
 Rate fee increased by 4%.

Any excessive watermain breaks will result in a one year surcharge (not pending at this time)

Sewer:

Base fee \$36 stays the same.
 Use fee increases 8%
 Flat rate users increase to \$80

Also, staff spend time on billing issues that involve payment by check (challenges regarding late payments, physically transferring checks, deposits from payments, delinquent account collection, etc). Those that pay by ACH do not use excess staff time.

Accordingly, the committee recommends the council approve a \$2 reduction per quarter on each ACH account. Shelly agrees that is a reasonable resolution to encourage more efficient collection.

-
 m

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Planning Commission Appointments

Dear Mayor & City Council Members:

The City has received the enclosed two (2) letters of interest from residents Andy Sorenson and Mark Foster for positions on the Planning Commission.

There are currently two (2) open positions on the Commission and two (2) interested candidates.

Candidate Mark Foster also submitted a letter of interest for the Roads Committee but he feels his expertise would be better utilized on the Planning Commission.

Request/Recommendation

Staff requests Council:

- Review the enclosed two (2) letters of interest; and
- Determine appointments to the Planning Commission.

Thanks!

Regards,
Tobin Lay

Enclosure(s)

PLANNING COMMISSION LETTERS OF INTEREST

Tobin Lay

From: Andy Sorenson
Sent: Tuesday, November 20, 2018 7:04 PM
To: Tobin Lay
Subject: Re: PC Vacancy

Follow Up Flag: Follow up
Flag Status: Flagged

Tobin

I have been recording minutes for planning commission for a while now , I'm sad to see such good volunteers ending there years of hard work and knowledge , I feel that it wouldn't be that much more time for me to be part of the commission so I would be willing to give it a go plus keep doing the minutes . Let me know what you and possibly the remaining commissioners might think .

I have knowledge in building processes, my shortcomings will be in the legal eagle stuff but willing to learn.

Thanks , Andy

Sent from my iPhone

January 1, 2019

To: Birchwood City Council

CC: Tobin Lay, City Administrator

From: Mark Foster

Subject: Planning Commission Vacancy, Letter of Interest

Dear Mayor and Council Members,

It has come to my attention that there are multiple vacancies on the Planning Commission. I would like to submit my name as an interested party in filling one of these vacancies.

I work within the land use space on a daily basis and believe my expertise in this area would be beneficial on the commission. I previously submitted a letter of interest for the roads committee as well. If I was forced to choose one, I believe the planning commission may be the best place for me, but am still interested in both.

Thank you for your consideration.

Sincerely,

Mark Foster

XXX Cedar St, Birchwood, MN

MEMORANDUM

**Birchwood Village**

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Roads Committee Recommend. & Appointments

Dear Mayor & City Council Members:

Committee Member Appointments

The City has received the enclosed two (2) letters of interest from residents Seth Plunkett and Mark Foster for positions on the Roads Committee.

There is currently one (1) open positions on the Committee but Chair Tom Stangl is willing to resign to create a second opening if necessary.

Although there are two (2) interested candidates for this position, candidate Mark Foster also submitted a letter of interest for the Planning Commission and he feels his expertise would be better utilized there.

Special Assessment Policy

Members of the Roads Committee are working with Attorney Alan Kantrud and may have a recommendation ready on this assignment. If a recommendation is not yet available by the Council meeting, this can be tabled until Feb.

Kantrud is present at the meeting and can update Council on this progress if nobody from the Committee is present.

Request/Recommendation

Staff requests Council:

- Review the enclosed two (2) letters of interest;
- Determine appointments to the Roads Committee; and
- Review any Committee recommendations, if available.

Thanks!

Regards,
Tobin Lay

Enclosure(s)

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

ORDINANCE 2019-01-01

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

AN ORDINANCE AMENDING PUBLIC LAKE TRACTS PROVISIONS IN CITY CODE

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

SECTION 617. PUBLIC LAKE TRACTS

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

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

617.160 NON-RECREATION REGULATIONS:

617.165 License Required.

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

617.170 Application.

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

in the event of damage to the public tract in the process of execution of the activity involved.

617.175 **Escrow.**

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

617.180 **Process.**

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

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

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

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk