



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
July 10, 2018  
7:00 P.M.

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. August City Council meeting date changed to Wed August 15, 7:00pm
- B. Tree Inspections – last two weeks of July & first week of August\* (p. 3)
- C. 2018 Election Affidavits of Candidacy Filing Period – July 31 thru August 14; contact City Hall for details\* (p. 4)
- D. Music in the Park – every Sunday beginning at 6pm
- E. We are social, follow us on Facebook/Twitter and/or register for the email listserv

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report\* (p. 5)
- B. Birch Easement Rain Garden Update\* (p. 6)
- C. Maintenance Update\* (p. 7)

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Special Meeting Minutes from May 22, 2018\* (p. 8)
- B. Approve Regular Meeting Minutes from June 12, 2018\* (pp. 9-13)
- C. Approve Joint Parks Committee Meeting Minutes from June 26, 2018\* (p. 14)
- D. Approve Treasurer’s Report\* (pp. 15-28)
- E. Approve Resolution No. 2018-16: Appointment of Election Judges 2018\* (p. 29)
- F. Approve Met Council Comp Plan Extension Agreement\* (pp. 30-32)

**CITY BUSINESS – REGULAR AGENDA**

- A. Roads Committee Update\* (p. 33)
  - a. Committee Recommendation

\* Denotes items that have supporting documentation provided

- b. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- B. Birchwood Dock Association Contract
  - a. Council Review and Discussion  
*Time Budget: 5 Minutes*
- C. Attorney Retainer Contract\* (pp. 34-36)
  - a. Council Deliberation and Approval  
*Time Budget: 5 Minutes*
- D. First Reading Ordinance 2018-05-01 Special Events Permitting\* (pp. 37-48)
  - a. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- E. Road Escrow (Wingfield)\* (p. 49)
  - a. Council Deliberation  
*Time Budget: 10 Minutes*
- F. Section 203.040 Permitting Requirements (LaFoy)\* (p. 50)
  - a. Council Deliberation  
*Time Budget: 10 Minutes*
- G. Council Member Reports:
  - a. Councilmember LaFoy
    - i. Emergency Operations Procedures  
*Time Budget: 5 Minutes*
  - b. Councilmember Malvey
    - i. Resignation\* (p. 51)  
*Time Budget: 5 Minutes*
- H. City Administrator's Report
  - a. 5 Oaks Ln Tree  
*Time Budget: 5 Minutes*

**ADJOURN**

\* Denotes items that have supporting documentation provided

# MEMORANDUM



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**TO:** Birchwood City Council; Birchwood Residents  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Tree Inspections

**Birchwood Village**

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**ANNOUNCEMENT:**

John Lund, acting as the City's certified tree inspector for 2018, will conduct his inspection of Birchwood trees (both private and public) for diseases the last two (2) weeks of July and the first (1) week of August.

Any resident wishing to receive the specific date of their inspection should contact City Hall prior to July 13<sup>th</sup>, 2018. Thanks!

Regards,  
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE  
NOTICE OF CANDIDATE FILING**

NOTICE IS HEREBY GIVEN that a City Election in the City of Birchwood Village, Washington County, MN, will be held on November 6th, 2018, with the following offices to be filled:

Mayor – Two-year term  
Two Council Members - Four-year terms  
Special Election: One Council Member – complete two of a four-year term

Location for Voting – Birchwood City Hall  
207 Birchwood Ave  
Birchwood, MN

Hours for Voting - 7:00 am to 8:00 pm

First day for filing Affidavit of Candidacy: July 31, 2018. Last day for filing Affidavits of Candidacy: August 14th, 2018.

Filing will be accepted during the filing period at Birchwood City Hall during regular office hours.

Tobin Lay  
City Administrator

## Citations for: Birchwood

## Sheriff Report

6/1/2018 To 6/30/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
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**NONE**

# MEMORANDUM



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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Birch Easement Rain Garden Update

**Birchwood Village**

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Dear Mayor and Council Members,

Renovation of the Birch Easement rain garden is scheduled to begin the week of August 20, 2018. The project is being completed by Outdoor Lab Landscape Design, Inc. and is expected to last only one week. Thanks!

Regards,  
Tobin Lay

# MEMORANDUM



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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Maintenance Update

**Birchwood Village**

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Dear Mayor and Council Members,

Since the last regular City Council meeting in June, staff has performed or scheduled the work for the following maintenance needs in Birchwood:

1. Paint the bench at Wildwood Park and picnic tables at Tighe-Schmitz Park and Kay Beach
2. Disposal of picnic table at Birch Beach
3. Purchase tools for dragging ball diamond (under \$100)
4. Installation of water spigot at Bloomquist
5. Clean up and disposal of downed trees at:
  - a. Tighe-Schmitz Park = \$500
  - b. Birchwood Ave at Five Oaks Ln = \$200
  - c. Hall Ave tree = \$100
  - d. Hall Ave branch = \$40

Thanks!

Regards,  
Tobin Lay



**CITY OF BIRCHWOOD VILLAGE  
SPECIAL CITY COUNCIL MEETING  
MAY 22, 2018  
MINUTES**

**Members Present:** Councilmembers Randy LaFoy, Kevin Woolstencroft, Trilby White and Megan Malvey. Mayor Mary Wingfield was absent.

**Staff Present:** City Administrator Tobin Lay.

**Others Present:** None.

**CALL TO ORDER**

**Councilmember LaFoy:** Stated for the record his attendance is via teleconference. Called the special meeting to order at 6:30 pm.

**APPROVE AGENDA**

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE SPECIAL MEETING AGENDA. ALL AYES. MOTION PASSED.**

**CITY BUSINESS – SPECIAL MEETING AGENDA**

- A. Resolution 2018-15 Comprehensive Plan Extension

**Administrator Lay:** Explained that an extension was requested by the contractor assisting with the 2040 Comp Plan. The Comprehensive Plan first draft should be ready for review by July's Regular City Council Meeting.

- a. Council Approve Resolution 2018-15

**MOTION WAS MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADOPT RESOLUTION 2018-15 REQUESTING AN EXTENTION TO THE COMPREHENSIVE PLAN DEADLINE. ALL AYES. MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 6:32 PM CST.**

**ATTEST:**

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**Mary Wingfield**  
Mayor

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**Tobin Lay**  
City Administrator / Clerk

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
JUNE 12, 2018**

**MINUTES**

**Members Present:** Mayor Mary Wingfield, Councilmembers Randy LaFoy, Kevin Woolstencroft, Trilby White and Megan Malvey.

**Staff Present:** City Administrator Tobin Lay, City Attorney Alan Kantrud.

**Others Present:** Eugene Ruehle, Bryan McGinnis, Justin McCarthy, Jessa McCarthy, Alan Mitchell, Steve Wolgamot, Judy Duffy, Jim Harrod, Debbie Harrod, JD Walker, James Nelson, Charles Kaufman, David Dowdy.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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

**APPROVE AGENDA**

**Councilmember Malvey:** Moved the Lake Links Update to precede the Roads Committee Update.

**Mayor Wingfield:** Added Beach / Dock Signage, Storage and Pickleball Update to Council Member Reports.

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

**OPEN PUBLIC FORUM**

**Brian McGinnis (262 Wildwood Ave):** Stated communication and means to gather community input could be improved.

**Jim Harrod (483 Lake Avenue):** Voiced concern about the potential of a portable toilet at Kay Beach.

**Alan Mitchell (23 Oakridge Drive):** Stated concern about City access to private property regarding tree inspections.

**Mayor Wingfield:** Volunteered to research tree inspection regulations and practices. Added to July's meeting agenda.

**ANNOUNCEMENTS**

- A. Marian Johnson Across the Lake Swim will be held July 7<sup>th</sup> beginning at 7am
- B. July 4<sup>th</sup> Parade will start at 9:30am beginning at 5 Birchwood Ave
- C. Music in the Park – Sundays beginning at 6pm except Father's Day & 4<sup>th</sup> of July weekends
- D. We are social, follow us on Facebook / Twitter and/or register for the email listserv
- E. Thank you Mary Wingfield, Kevin Woolstencroft, Bridget Sperl, Doug Hoff, James Nelson and White Bear Lake's Ambassadors for completing the Buckthorn Removal Project.

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff's Report

**CITY BUSINESS – CONSENT AGENDA**

- A. Approval of Regular Meeting Minutes from April 10, 2018
- B. Approval of Regular Meeting Minutes from May 8, 2018
- C. Approval of Treasurer's Report
- D. Approve publication of election info (candidates, deadlines, etc.)
- E. Approve City Engineer's Request to waive CAD Requirement in ROW Ordinance

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

**CITY BUSINESS – REGULAR AGENDA**

**A. Eagle Scout Bell Project**

**a. Approve Project Location**

**David Dowdy (Boy Scout Troop 434) & Gene Ruehle (262 Wildwood Ave):** Updated Council and stated volunteers, wheelbarrows and posthole diggers would be welcome June 24 and June 29 at 9am.

**Mayor Wingfield:** Thanked those who donated and reiterated donations include a commemoration.

**Mayor and Council Members:** Approved the project location.

**B. Parks Committee Update**

**a. Discuss and Approve Committee Recommendations**

**Judy Walker (Parks Committee) and Jim Nelson (Parks Committee):** Updated Council. (Time Stamp 00:34:45)

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO ASSIGN MAINTENANCE-RELATED ITEMS AS IDENTIFIED BY THE PARKS COMMITTEE TO ADMINISTRATOR LAY TO BE EXECUTED AT HIS DISCRETION. ALL AYES. MOTION PASSED**

**Mayor Wingfield:** Stated a parks inventory needs to occur and urged a joint meeting with the Parks Committee.

**MOTION MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO AUTHORIZE THE USE OF \$5,000.00 FOR NEW PARKS EQUIPMENT, TO BE PURCHASED AT THE DISCRETION OF THE PARKS COMMITTEE. COUNCILMEMBERS WHITE, MALVEY AND LAFOY VOTE AYE. MAYOR WINGFIELD AND COUNCILMEMBER WOOLSTENCROFT VOTE NAY. MOTION PASSED.**

**b. Discuss Joint Council / Committee Meeting**

**MOTION MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER LAFOY TO SET A JOINT PARKS COMMITTEE MEETING FOR JUNE 26, 2018 AT 7PM. ALL AYES. MOTION PASSED.**

**Justin McCarthy (515 Lake Ave):** Requested the Parks Committee not spend money on a portable toilet at Kay Beach.

**Judy Duffy (505 Lake Ave):** Supported Mr. McCarthy. Reminded Council capital upgrades require maintenance costs.

**Debbie Harrod (483 Lake Ave):** Opposed a portable toilet at Kay Beach citing a waste receptacle there and handed a letter from Residents Mike & Candy Kramer to Administrator Lay. (Time Stamp 01:09:22)

**Councilmember Malvey:** Asked Administrator Lay to have the waste receptacle replaced.

**Councilmember LaFoy:** Asked the minutes reflect the consensus of Council is no portable toilet at Kay Beach.

**Charles Kaufman (543 Wildwood Ave):** Stated opposition to development of any kind in parks or public easements.

**c. Discuss and Approve Committee Member Appointments**

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO REAPPOINT JAMES NELSON TO THE PARKS COMMITTEE. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO TABLE THE APPOINTMENT OF A SEVENTH PARKS COMMITTEE MEMBER UNTIL THE CONCLUSION OF THE JUNE 26 JOINT PARKS COMMITTEE MEETING. ALL AYES. MOTION PASSED.**

**Councilmember Malvey:** Thanked Houstoun Clinch for his work and TLC Veterinary Animal Hospital, White Bear Animal Hospital and Lake Animal Hospital for animal waste receptacle donations.

**C. Lake Links Update**

**Steve Wolgamot (Lake Links Association):** Updated Council and thanked the City for support.

**D. Roads Committee Update**

**John Anderson (Parks Committee) & Gene Ruehle (Parks Committee):** Updated Council & made recommendations regarding funding for Lake Avenue repaving.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO EXTEND THE DISCUSSION BY 5 MINUTES. COUNCILMEMBERS MALVEY, LAFOY AND WHITE VOTE AYE. MAYOR WINGFIELD AND COUNCILMEMBER WOOLSTENCROFT VOTE NAY. MOTION PASSED.**

**Mayor and Council Members:** Decided to revisit the Lake Avenue repair project after further research.

**E. MS4: Storm Water Pollution Prevention Program Review**

**a. Public Hearing**

**Brian McGinnis (194 Wildwood Ave):** Commented on City codes related to MS4 requirements.

**F. Planning Commission Recommendations**

**a. Discuss Recommendation to Repeal and Replace Sections 300.020.34 & 301.050 with Ordinance 2018-05-02, Non-Conforming Uses**

Attorney Kantrud: Recommended against passing Ordinance 2018-05-02 in its current form because it is too similar to existing Section 301.050. He offered to work with the Planning Commission to work on additional changes.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PASS THE FIRST READING OF ORDINANCE 2018-05-02 TO REPEAL AND REPLACE SECTIONS 300.020 & 301.050 AND SUBMIT TO PLANNING COMMISSION TO WORK WITH CITY ATTORNEY KANTRUD ON ADDITIONAL CHANGES. MAYOR WINGFIELD AND COUNCILMEMBERS MALVEY, WHITE AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.**

**b. Discuss Recommendation to Amend Section 304.040 with Ordinance 2018-04-01, Amending Variance Provisions**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY 5 MINUTES. MAYOR WINGFIELD AND COUNCILMEMBERS MALVEY, WHITE AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.**

**Administrator Lay:** Displayed Section 034.040. (Time Stamp 02:17:30)

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO PASS THE FIRST READING OF ORDINANCE 2018-04-01 TO AMEND SECTION 034.040 AND SUBMIT TO PLANNING COMMISSION TO WORK WITH CITY ATTORNEY KANTRUD ON ADDITIONAL CHANGES. MAYOR WINGFIELD AND COUNCILMEMBERS MALVEY, WHITE AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.**

**G. Dock Management Contract**

**a. Review of Dock Management Contract**

**Mayor and Council Members:** Discussed the Dock Management Contract.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY 10 MINUTES. MAYOR WINGFIELD AND COUNCILMEMBERS MALVEY, WHITE AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER MALVEY TO CALL THE QUESTION REGARDING THE DOCK MANAGEMENT CONTRACT. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE DOCK MANAGEMENT CONTRACT AS AMENDED AND TO HAVE IT FULLY EXECUTED WITHIN 30 DAYS. MAYOR WINGFIELD AND COUNCILMEMBER WOOLSTENCROFT VOTE AYE. COUNCILMEMBERS MALVEY AND LAFOY VOTE NAY. COUNCILMEMBER WHITE ABSTAINS. MOTION FAILED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO EXTEND DISCUSSION BY 10 MINUTES. MAYOR WINGFIELD AND COUNCIL MEMBERS WOOLSTENCROFT, WHITE AND MALVEY VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER WOOSTENCROFT TO APPROVE THE DOCK MANAGEMENT CONTRACT AS AMENDED AND TO HAVE IT FULLY EXECUTED WITHIN 30 DAYS WITH COMMENTS FROM THE BIRCHWOOD DOCK ASSOCIATION (BDA). MAYOR WINGFIELD AND COUNCIL MEMBERS MALVEY, WHITE AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER LAFOY VOTES NAY. MOTION PASSED.

- b. Request Dock Committee Review Contract and Make Recommendations

**The contract was not passed to the Dock Committee for review.**

- H. First Reading Ordinance 2018-05-01, Special Events Permitting

- a. Deliberation and Approval of First Reading

**Mayor and Council Members:** Tabled the item.

- I. Security Cameras at Ice Rink

**Mayor and Council Members:** Discussed the need for cameras at the Ice Rink.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ALLOCATE \$500.00 FOR THE PURCHASE OF SECURITY CAMERAS TO BE INSTALLED AT THE ICE RINK. ALL AYES. MOTION PASSED.

- J. Grotto Easement

**Mayor and Council Members:** Directed Administrator Lay to contact John Waller for consultation and work as required.

- K. Council Member Reports

- a. Mayor Wingfield

- i. "BDA Members Only" Signage

**Mayor Wingfield:** Informed the Council that she had seen a sign at one of the City's easements stating that only members of the Dock Association were allowed. This is in direct violation of the agreement the City made with the BDA.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO DIRECT ADMINISTRATOR LAY TO DRAFT A LETTER DIRECTING THE BDA TO REMOVE ALL UNAUTHORIZED SIGNS FROM THE CITY EASEMENTS. ALL AYES. MOTION PASSED.

- ii. Dock & Beach Storage

**Mayor Wingfield:** Informed the Council that she had seen boat materials on each of the City's easements.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO DIRECT ADMINISTRATOR LAY TO DRAFT A LETTER DIRECTING THE BDA TO REMOVE ANY UNAUTHORIZED STORAGE FROM THE CITY EASEMENTS. ALL AYES. MOTION PASSED.**

**Mayor and Council Members:** Added Canoe/Kayak Rack Storage to the Joint Parks Committee meeting agenda.

- iii. Pickleball Update

**Mayor Wingfield:** Updated Council on status of the Pickleball court. Reported a solid turnout for the inaugural game.

- b. Councilmember LaFoy

- i. Cable / SCC Update

**Councilmember LaFoy:** Informed Council that negotiations between the Cable Commission and Comcast had not been completed and an extension to the existing contract was needed to allow more time. Stated questions may be directed to Tim Finity at 651-747-3802.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE COMCAST EXTENSION AGREEMENT TO MARCH 31, 2019. ALL AYES. MOTION PASSED.**

- ii. Plant Exchange & Garage Sale

**Councilmember LaFoy:** Reported a low turnout to the 22<sup>nd</sup> Annual Plant Exchange and Garage Sale. He wondered if support for these events was dying.

**L. City Administrator's Report**

- a. August 2018 Regular City Council Meeting

**Mayor and Council Members:** Confirmed August 15, 2018 will remain as the Regular City Council meeting date for August.

- b. 2018 Tree Inspection

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY MAYOR WINGFIELD TO APPROVE JOHN LUND'S OFFER TO PERFORM THE CITY'S 2018 TREE INSPECTIONS FOR \$1,300.00. ALL AYES. MOTION PASSED.**

- c. Lawn Maintenance Item Purchase Request

**MOTION MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE \$150.00 TO PURCHASE A WEED TRIMMER FOR CITY MAINTENANCE PURPOSES. ALL AYES. MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:22 PM CST.**

**ATTEST:**

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**Mary Wingfield**  
Mayor

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**Tobin Lay**  
City Administrator – Clerk



**CITY OF BIRCHWOOD VILLAGE  
JOINT PARKS / CITY COUNCIL MEETING  
JUNE 26, 2018**

**MINUTES**

**Members Present:** Mayor Mary Wingfield and Councilmembers Randy LaFoy, Trilby White and Megan Malvey. Councilmember Woolstencroft was absent.

**Staff Present:** None

**Others Present:** Parks Committee Members Houstoun Clinch, Judy Walker, Jim Nelson, Dave Remely and Anna Vang.

**CALL TO ORDER**

**Councilmember LaFoy:** Called the special meeting to order at 7:00 pm.

**APPROVE AGENDA**

**Houstoun Clinch (Parks Committee):** Requested to add Pet Waste Stations under Committee Business Item A. Item added.

**MOTION WAS MADE BY HOUSTOUN CLINCH (PARKS COMMITTEE) AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE THE SPECIAL MEETING AGENDA. ALL AYES. MOTION PASSED.**

**COMMITTEE BUSINESS - JOINT AGENDA**

A. First Year Parks Committee Review

i. Pet Waste Stations

**Houstoun Clinch (Parks Committee):** Introduced pet waste stations donated by area businesses

B. Assignments and Expectations

**Council Members:** Thanked Committee members for the work they have done on the surveys the past year.

**Mayor and Council Members:** Decided after discussion with Parks Committee that it will meet with City Council to propose and plan capital park projects. Maintenance items are City responsibility, but input from the Committee on maintenance items is appreciated. Committee will pursue any purchase items or parks projects within the budget currently authorized. Park projects and emergent needs will be identified, summarized and prioritized through a parks plan as exemplified in the agenda packet. No proposed due date for parks plan.

C. Questions and Answers

**Mayor, Council Members and Parks Committee Members:** Discussed Ash walkway regarding nonconforming uses / right of way and Tighe-Schmitz Park drainage.

**Mayor and Council Members excused themselves at this point and the Parks Committee members moved into their regular Parks Committee meeting.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:05 PM CST.**

**ATTEST:**

\_\_\_\_\_  
**Mary Wingfield**

Mayor

\_\_\_\_\_  
**Tobin Lay**

City Administrator

For the Period : 6/12/2018 To 7/6/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$542,938.97	\$3,065.45	\$28,530.21	\$517,474.21
Road and Bridge	\$0.00	\$0.00	\$9,380.00	(\$9,380.00)
Comp Plan Grant	\$4,460.00	\$0.00	\$0.00	\$4,460.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$19,392.40	\$0.00	\$150.00	\$19,242.40
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	(\$577.08)	\$0.00	\$0.00	(\$577.08)
Sewer Re-hab 2008 Debt	\$13,220.20	\$0.00	\$0.00	\$13,220.20
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	\$43,996.17	\$5,366.86	\$16,223.68	\$33,139.35
Sewer	\$26,926.59	\$7,550.35	\$3,434.41	\$31,042.53
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
<b>Total</b>	<b>\$709,345.90</b>	<b>\$15,982.66</b>	<b>\$57,718.30</b>	<b>\$667,610.26</b>

City of Birchwood Village

Receipts Register

7/6/2018

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
06/15/2018	Residents - via St Anthony Village	171734427	Utility Billing - 06/15/2018	(06/15/2018) -	N Water Fee	100-34110-	\$ 117.51
					Leaf Collection	100-34408-	\$ 2.00
					Leaf Collection	100-34408-	\$ 0.14
					Water Fee	601-34110-	\$ 2,544.99
					Penalty - Late Water/Sewer	601-34160-	\$ 34.24
					State and Misc fees	601-34170-	\$ 76.95
					Water Main Break	601-34905-	\$ 49.13
					Penalty - Late Water/Sewer	605-34160-	\$ 48.41
					Sewer Fee	605-34190-	\$ 3,864.51
							<b>\$ 6,737.88</b>
06/20/2018	LaFoy, Randy / Westin, Margaret	171734401*	Animal License + \$5 Late Fee	(06/20/2018) -	N Animal Licenses	100-32240-	\$ 10.00
06/20/2018	Hagan, Karen / Lind, Brian	171734402*	Birchwood Community Club - 2018 Annual Dues	(06/20/2018) -	Animal Licenses	100-32240-4	\$ 5.00
							<b>\$ 15.00</b>
06/20/2018	Nephew, Nick & Sara	171734403*	Birchwood Community Club - 2018 Annual Dues	(06/20/2018) -	N CULTURE-RECREATION	100-34701-	\$ 4.00
06/20/2018	Suburban Cable Commission	171734404*	Computer Upgrade Reimbursement - 2018	(06/20/2018) -	N Refund-Reimbursemnt-Dividend	100-36240-	\$ 975.00
06/20/2018	Jaros, Jacqueline	171734405*	Animal Licenses x2 + Late Fees x2	(06/20/2018) -	N Animal Licenses	100-32240-	\$ 20.00
					Animal Licenses	100-32240-4	\$ 10.00
							<b>\$ 30.00</b>
06/20/2018	Maas, Ellen	171734406*	Bell Tower Project Donation	(06/20/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 35.00

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
06/20/2018	Drew, David & Rachael	171734407*	Bell Tower Project Donation	(06/20/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 25.00
							\$ 35.00
06/22/2018	Landberg, Robert & Diane	171734408*	Animal License + \$5 Late Fee	(06/22/2018) -	N Animal Licenses	100-32240-	\$ 10.00
					N Animal Licenses	100-32240-4	\$ 5.00
							\$ 15.00
06/22/2018	Tofte, Scott or Brenda	171734409*	Animal License + \$15 Late Fee	(06/22/2018) -	N Animal Licenses	100-32240-	\$ 10.00
					N Animal Licenses	100-32240-4	\$ 5.00
							\$ 15.00
06/22/2018	Maas, Ellen	171734410*	Animal License - Duplicate Payment Refund	(06/22/2018) -	N Animal Licenses	100-32240-	\$ 10.00
06/22/2018	Residents - via St Anthony Village	171734426	Utility Billing - 06/22/2018	(06/22/2018) -	N Leaf Collection	100-34408-	\$ 1.66
					N Leaf Collection	100-34408-	\$ 0.13
					N Water Fee	601-34110-	\$ 865.80
					N Penalty - Late Water/Sewer	601-34160-	\$ 1.37
					N State and Misc fees	601-34170-	\$ 28.09
					N Water Main Break	601-34905-	\$ 0.40
					N Penalty - Late Water/Sewer	605-34160-	\$ 2.58
					N Sewer Fee	605-34190-	\$ 1,669.07
							\$ 2,569.10
06/29/2018	Residents - via St Anthony Village	171734425	Utility Billing - 06/29/2018	(06/29/2018) -	N Water Fee	601-34110-	\$ 1,587.37
					N Water Fee	601-34110-	\$ 100.00
					N Penalty - Late Water/Sewer	601-34160-	\$ 29.41
					N State and Misc fees	601-34170-	\$ 39.75
					N Water Main Break	601-34905-	\$ 9.36
					N Penalty - Late Water/Sewer	605-34160-	\$ 37.43
					N Sewer Fee	605-34190-	\$ 1,928.35
							\$ 3,731.67
07/06/2018	Premier Fence	171734411*	Building Permit #2018-35	(07/06/2018) -	N Building Permits	100-32211-	\$ 30.00

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
07/06/2018	Heimerl, Sheri or Steve	171734412*	Building Permit - 112 Cedar	(07/06/2018) -	N Building Permits	100-32211-	\$ 30.00
07/06/2018	Sutherland, Philip	171734413*	Building Permit - 106 Wildwood	(07/06/2018) -	N Building Permits	100-32211-	\$ 186.25
07/06/2018	Roofs R Us	171734414*	Building Permit	(07/06/2018) -	N Building Permits	100-32211-	\$ 186.25
07/06/2018	LaFoy, Randy / Westin, Margaret	171734415*	Building Permit - 200 Wildwood	(07/06/2018) -	N Building Permits	100-32211-	\$ 30.00
07/06/2018	Handi-Craft Construction Inc.	171734416*	Building Permit	(07/06/2018) -	N Building Permits	100-32211-	\$ 214.78
07/06/2018	Cardinal Remodeling Inc.	171734417*	Building Permit - Lydon	(07/06/2018) -	N Building Permits	100-32211-	\$ 214.78
07/06/2018	Hunt, Thomas	171734418*	Building Permit - 289 Jay St.	(07/06/2018) -	N Building Permits	100-32211-	\$ 42.35
07/06/2018	Bear Roofing & Exteriors, Inc.	171734419*	Building Permit	(07/06/2018) -	N Building Permits	100-32211-	\$ 42.35
07/06/2018	Leopold, Jason & Bradie	171734420*	Impound Fees - X2	(07/06/2018) -	N Fines Fines	100-35105- 100-35105-	\$ 233.13
07/06/2018	Sperl, Bridget & McCormick, John	171734421*	Bell Tower Project Donation	(07/06/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 510.25
							\$ 510.25
							\$ 30.00
							\$ 30.00
							\$ 244.25
							\$ 244.25
							\$ 75.00
							\$ 75.00
							\$ 150.00
							\$ 100.00
							\$ 100.00

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
07/06/2018	Klump, Dana & Lori	171734422*	Bell Tower Project Donation	(07/06/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 25.00
07/06/2018	McCormick, John	171734423*	Animal License - New Puppy	(07/06/2018) -	N Animal Licenses	100-32240-	\$ 10.00
07/06/2018	Tell, Jennifer	171734424*	Animal License - New Dog	(07/06/2018) -	N Animal Licenses	100-32240-	\$ 10.00
<b>Total for Selected Receipts</b>							<b>\$ 15,982.66</b>

City of Birchwood Village

Disbursements Register

7/6/2018

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/13/2018	IRS - US Treasury	EFT061318A	Q2 2018 - May Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,692.94
		<b>Total For Check</b>					<b>\$ 1,692.94</b>
06/20/2018	Payroll Period Ending 06/22/2018	30108	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
		<b>Total For Check</b>					<b>\$ 1,817.66</b>
06/20/2018	PERA	EFT062018A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
		<b>Total For Check</b>					<b>\$ 350.00</b>
06/21/2018	MENARD'S - OAKDALE	30109*	Dethatcher - 42" Tow Behind (Minus Applied Rebate)	N	Lawn Care - Maintenance	100-45208-240-	\$ 46.73
		<b>Total For Check</b>					<b>\$ 46.73</b>
06/21/2018	Johnson, Carter or Amy	30110*	City Utility - Final Billing Notice Refund (moving)	N	Accounting	100-41530-810-	\$ 3.66
		<b>Total For Check</b>					<b>\$ 3.66</b>
06/21/2018	Jackola, Alicia & Andrew	30111*	City Utility - Final Billing Notice Refund (moving)	N	Accounting	100-41530-810-	\$ 34.92
		<b>Total For Check</b>					<b>\$ 34.92</b>
06/21/2018	League of MN Cities Insurance Trust	30113*	Municipal Excess Liability 2018-2019	N	City Insurance	100-41945-361-	\$ 3,350.00
		30113*				100-41945-362-	\$ 1,918.00
		30113*				100-41945-363-	\$ 75.00
		<b>Total For Check</b>				100-41945-369-	<b>\$ 855.00</b>
							<b>\$ 6,198.00</b>
06/21/2018	White Bear Township	30114*	General Repairs - Lift Stations - Apr & May 2018	N	Sewer Utility	605-43190-314-	\$ 2,793.00
		<b>Total For Check</b>					<b>\$ 2,793.00</b>
06/21/2018	Leeves, Robert	30115*	Videographer - Regular CC Meeting 06/12/2018	N	Cable Eqpmnt and Service	100-41950-314-	\$ 92.00
		<b>Total For Check</b>					<b>\$ 92.00</b>
06/21/2018	Toshiba Business Solutions	30117*	Maintenance - 05/02/18 to 06/01/18.	N	Office Operations Supplies	100-41911-314-	\$ 54.21
		<b>Total For Check</b>					<b>\$ 54.21</b>

Fund Name: All Funds  
 Date Range: 06/12/2018 To 07/06/2018

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
06/21/2018	Mow Joe Inc	30121*	Curbside Leaf Pickup 2018	N	Leaf Pick-Up	100-43110-314-	\$ 1,446.19
		30121*				100-43110-314-	\$ 337.44
		<b>Total For Check 30121</b>					<b>\$ 1,783.63</b>
06/21/2018	Payroll Period Ending 06/21/2018	30123	Maintenance - Greg Beckman	N	Parks	100-45207-100-	\$ 691.95
		<b>Total For Check 30123</b>					<b>\$ 691.95</b>
06/22/2018	Maas, Ellen	30125*	Animal License - Duplicate Payment REFUND	N	Accounting	100-41530-810-	\$ 10.00
		<b>Total For Check 30125</b>					<b>\$ 10.00</b>
06/25/2018	Joe Cruz & Jennifer Grimm	30126	Music in the Park - 06/24/2018	N	Recreation	210-45101-440-	\$ 150.00
		<b>Total For Check 30126</b>					<b>\$ 150.00</b>
07/06/2018	Rydeen, Jim	30112*	Reimbursement - Lawn Mower Gas (Parks)	N	Parks	100-45207-220-	\$ 20.48
		<b>Total For Check 30112</b>					<b>\$ 20.48</b>
07/06/2018	Menard's - MAPLEWOOD	30116*	Paramount Exterior Paint - Flat NTL	N	General Government Buildings and Plant	100-41940-220-	\$ 44.98
		<b>Total For Check 30116</b>					<b>\$ 44.98</b>
07/06/2018	TSE Inc. - Work Account	30118*	Janitorial Services - 06/07/18 & Deep Clean 05/29/18	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		30118*				100-41940-314-	\$ 138.00
		<b>Total For Check 30118</b>					<b>\$ 163.00</b>
07/06/2018	City of White Bear Lake	30119*	Fire Services - July 2018	N	Fire	100-42201-314-	\$ 1,694.75
		<b>Total For Check 30119</b>					<b>\$ 1,694.75</b>
07/06/2018	TA Schifsky & Sons, Inc.	30120*	Road Sweeping, Watermain Patching & Road Patching	N	Streets and Road Mntnc	201-43101-314-	\$ 7,590.00
		30120*				201-43101-314-	\$ 1,700.00
		30120*				601-43180-314-	\$ 2,430.00
		<b>Total For Check 30120</b>					<b>\$ 11,720.00</b>
07/06/2018	Swanson Haskamp Consulting	30122*	Birchwood Comp Plan - June 2018	N	Budgeting and Planning	100-41560-314-	\$ 5,560.00
		<b>Total For Check 30122</b>					<b>\$ 5,560.00</b>
07/06/2018	Core & Main LP	30124*	Per John Manship - 1-1/2 Western Repair Lid	N	Water Utility	601-43180-220-	\$ 40.14

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
	<b>Total For Check</b>	<b>30124</b>					<b>40.14</b>
07/06/2018	Payroll Period Ending 07/06/2018	30127	Administrator	N	Clerk - Treasurer	100-41401-100-	1,817.66
	<b>Total For Check</b>	<b>30127</b>					<b>1,817.66</b>
07/06/2018	Payroll Period Ending 07/06/2018	30129	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	420.12
	<b>Total For Check</b>	<b>30129</b>					<b>420.12</b>
07/06/2018	Payroll Period Ending 06/29/2018	30130	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	956.60
	<b>Total For Check</b>	<b>30130</b>					<b>956.60</b>
07/06/2018	City of White Bear Lake	30131*	Water Service - 03/01/2018 to 06/13/2018.	N	Water Utility	601-43180-314-	12,963.54
	<b>Total For Check</b>	<b>30131</b>					<b>12,963.54</b>
07/06/2018	Tennis Sanitation, LLC	30132*	Recycling Contract: May - Jun 2018	N	Recycle	100-43300-314-	1,656.00
	<b>Total For Check</b>	<b>30132</b>					<b>1,656.00</b>
07/06/2018	Steve Dean Tree Trimming	30133*	Removal of Large Fallen Box Elder Tree on City Property	N	Tree Removal	100-43135-314-	500.00
	<b>Total For Check</b>	<b>30133</b>					<b>500.00</b>
07/06/2018	Manship Plumbing & Heating Inc	30134	Monthly Standby / Water Testing - 06/30/2018	N	Water Utility	601-43180-314-	790.00
	<b>Total For Check</b>	<b>30134</b>					<b>790.00</b>
07/06/2018	Lund, John	30135*	07/03/18, 06/29/18 & 06/15/18 Tree Removal Services.	N	Tree Removal	100-43135-314-	200.00
		30135*					100.00
		30135*					40.00
	<b>Total For Check</b>	<b>30135</b>					<b>340.00</b>
07/06/2018	Office Depot	30136*	Envelopes (1 box)	N	Office Operations Supplies	100-41911-200-	53.99
	<b>Total For Check</b>	<b>30136</b>					<b>53.99</b>
07/06/2018	Allstream	30137*	Analog Phone Line - 06/23/18 to 07/22/18	N	General Government Buildings and Plant	100-41940-320-	45.84
	<b>Total For Check</b>	<b>30137</b>					<b>45.84</b>
07/06/2018	KEJ Enterprises	30138*	Removal and Installation of New Weight Limit Signs	N	Street Signs	201-43155-314-	90.00
	<b>Total For Check</b>	<b>30138</b>					<b>90.00</b>

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		<b>Total For Check</b>					<b>90.00</b>
07/06/2018	Gopher State One Call	30139*	Locates (36 Tickets)	N	Utility Locates	605-42805-314-	48.45
		<b>Total For Check</b>					<b>48.45</b>
07/06/2018	City of Roseville	30140*	IT & Phone Services - June 2018	N	General Government Buildings and Plant	100-41940-320-	366.00
		30140*				100-41940-320-	62.12
		<b>Total For Check</b>					<b>428.12</b>
07/06/2018	Lay, Tobin	30141*	Reimbursement - City Training & Development	N	City Training and Development	100-41914-334-	222.50
		<b>Total For Check</b>					<b>222.50</b>
07/06/2018	MN Department of Labor and Industry	30142*	Building Permit Surcharge - Q2 2018	N	Building Inspections Administration	100-42401-437-	164.55
		<b>Total For Check</b>					<b>164.55</b>
07/06/2018	Payroll Period Ending 06/30/2018	30144	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	771.11
		<b>Total For Check</b>					<b>771.11</b>
07/06/2018	PERA	EFT070218A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	350.00
		<b>Total For Check</b>					<b>350.00</b>
07/06/2018	Amazon	EFT070618A*	New CH Mailbox, Office Supplies & Paper Towels	N	Office Operations Supplies	100-41911-230-	270.55
		<b>Total For Check</b>					<b>31.50</b>
		<b>Total For Check</b>					<b>302.05</b>
07/06/2018	Xcel Energy	EFT070618B*	Electric Utility Billing / Gas for Generator & 207 BWAVE - 05/17/18 - 06/18/18	N	General Government Buildings and Plant	100-41940-380-	75.64
		EFT070618B*				100-41940-383-	29.29
		EFT070618B*				100-45207-380-	12.09
		EFT070618B*				605-43190-380-	189.41
		EFT070618B*				605-43190-380-	51.77
		EFT070618B*				605-43190-380-	323.97
		EFT070618B*				605-43190-383-	27.81
		<b>Total For Check</b>					<b>709.98</b>
07/06/2018	PERA	EFT070618C*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	125.74
		<b>Total For Check</b>					<b>125.74</b>

Fund Name: All Funds

Date Range: 06/12/2018 To 07/06/2018

Date Vendor

Total For Selected Checks

Check #

Description

Void Account Name

F-A-O-P

Total

\$ 57,718.30

As on 7/6/2018

## Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	12,050.00	12,050.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>12,050.00</b>	<b>12,050.00</b>
Park Fees	0.00	220.00	220.00
<b>Total Acct 347</b>	<b>0.00</b>	<b>220.00</b>	<b>220.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>12,270.00</b>	<b>12,270.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Community Events	0.00	300.00	(300.00)
<b>Total Acct 451</b>	<b>0.00</b>	<b>500.00</b>	<b>(500.00)</b>
Parks			
Misc	0.00	220.00	(220.00)
<b>Total Acct 452</b>	<b>0.00</b>	<b>220.00</b>	<b>(220.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>720.00</b>	<b>(720.00)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Beginning Cash Balance		7,692.40	
Total Receipts and Other Financing Sources		12,270.00	
Total Disbursements and Other Financing Uses		720.00	
Cash Balance as of 07/06/2018		19,242.40	

As on 7/6/2018

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Total Disbursements	0.00	0.00	0.00
<b>Other Financing Uses:</b>			
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 07/06/2018		66,233.91	

As on 7/6/2018

Water	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	0.00	39,488.96	39,488.96
Penalty - Late Water/Sewer	0.00	318.37	318.37
State and Misc fees	0.00	1,174.41	1,174.41
<b>Total Acct 341</b>	<b>0.00</b>	<b>40,981.74</b>	<b>40,981.74</b>
Water Main Break	0.00	2,938.93	2,938.93
<b>Total Acct 349</b>	<b>0.00</b>	<b>2,938.93</b>	<b>2,938.93</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>43,920.67</b>	<b>43,920.67</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Financial Administration			
Contracted Services	0.00	5,633.10	(5,633.10)
<b>Total Acct 415</b>	<b>0.00</b>	<b>5,633.10</b>	<b>(5,633.10)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	216.50	(216.50)
Contracted Services	0.00	41,632.02	(41,632.02)
Fees	0.00	1,124.00	(1,124.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	10,749.90	(10,749.90)
<b>Total Acct 431</b>	<b>0.00</b>	<b>54,122.42</b>	<b>(54,122.42)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>59,755.52</b>	<b>(59,755.52)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>48,974.20</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>43,920.67</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>59,755.52</b>	
<b>Cash Balance as of 07/06/2018</b>		<b>33,139.35</b>	

As on 7/6/2018

Sewer	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	386.76	386.76
Sewer Fee	0.00	60,448.34	60,448.34
<b>Total Acct 341</b>	<b>0.00</b>	<b>60,835.10</b>	<b>60,835.10</b>
SPECIAL ASSESSMENTS	0.00	16,340.07	16,340.07
<b>Total Acct 361</b>	<b>0.00</b>	<b>16,340.07</b>	<b>16,340.07</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>77,175.17</b>	<b>77,175.17</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	773.60	(773.60)
<b>Total Acct 414</b>	<b>0.00</b>	<b>773.60</b>	<b>(773.60)</b>
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,960.00	(4,960.00)
<b>Total Acct 416</b>	<b>0.00</b>	<b>4,960.00</b>	<b>(4,960.00)</b>
Utility Locates			
Contracted Services	0.00	103.85	(103.85)
<b>Total Acct 428</b>	<b>0.00</b>	<b>103.85</b>	<b>(103.85)</b>
Sewer Utility			
Sewer - Wastewater Charge	0.00	26,467.44	(26,467.44)
PROFESSIONAL SERVICES (301 through 319)	0.00	64,573.87	(64,573.87)
Contracted Services	0.00	7,689.75	(7,689.75)
Utility Services (381 through 389)	0.00	6,363.15	(6,363.15)
Utility Services: Gas Utilities	0.00	197.55	(197.55)
<b>Total Acct 431</b>	<b>0.00</b>	<b>105,291.76</b>	<b>(105,291.76)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>111,129.21</b>	<b>(111,129.21)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		77,175.17	
Total Disbursements and Other Financing Uses		111,129.21	
Cash Balance as of 07/06/2018		31,042.53	

**RESOLUTION 2018-16**

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

**A RESOLUTION APPOINTING ELECTION JUDGES  
FOR THE AUGUST 14, 2018 PRIMARY ELECTION  
AND THE NOVEMBER 6, 2018 GENERAL ELECTION**

**WHEREAS**, the City of Birchwood Village will hold Primary Elections on August 14, 2018 and General Elections on November 6, 2018 at Birchwood City Hall; and

**WHEREAS**, the State requires the City to appoint Election Judges for the Primary and General Elections; and

**WHEREAS**, Primary Election Judges must be appointed by July 20<sup>th</sup>, 2018.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Birchwood Village, Washington County, Minnesota as follows:

1. The persons below named are hereby appointed judges for the Primary and General Elections to be held in the City of Birchwood Village, County of Washington, State of Minnesota, on Tuesday, August 14, 2018 and Tuesday, November 6, 2018 respectively.

<b>Name</b>	<b>Name</b>
Ron Sternal	Ross Judkins
Gary Oakins	Sue Kapsner
Alice Anderson	Shari Mitchell
Charlene Engebretson	Dale Boettcher

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 10<sup>th</sup> day of July, 2018.

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Mary Wingfield, Mayor

Attest:

---

Tobin Lay, City Administrator-Clerk

**Grantee: City of Birchwood Village**

**Grant No.: SG05855-01**

**Revised Submission Date: March 12, 2019**

**Revised End Date: March 12, 2020**

**AMENDMENT AND EXTENSION OF  
METROPOLITAN COUNCIL  
LOCAL PLANNING ASSISTANCE PROGRAM  
  
GRANT AGREEMENT**

**THIS AGREEMENT** is made and entered into by the Metropolitan Council (“Council”) and the metropolitan-area governmental unit identified above as the “Grantee.”

**WHEREAS**, Minnesota Statutes section 473.864 requires local governmental units to review and, if necessary, amend their entire comprehensive plans and their fiscal devices and official controls at least once every ten years to ensure comprehensive plans conform with metropolitan system plans and ensure fiscal devices and official controls do not conflict with comprehensive plans; and

**WHEREAS**, Minnesota Statutes sections 473.858 and 473.864 require local governmental units to complete their “decennial” reviews by December 31, 2018; and

**WHEREAS**, the Grantee and the Council entered into a grant agreement identified above (the “Agreement”) under which the Council made local planning assistance grant funds available to the Grantee to help fund certain local comprehensive planning activities associated with the Grantee’s “decennial” comprehensive plan update and the Grantee agreed to update its comprehensive plan by December 31, 2018 as required by Minnesota Statutes section 473.864, subdivision 2; and

**WHEREAS**, Minnesota Statutes section 473.864, subdivision 2, authorizes the Council to grant extensions to local governmental units to allow local governmental units additional time within which to complete their decennial reviews and, if necessary, amendments required by section 473.864, but the extensions must include timetables and plans for completing the reviews and amendments; and

**WHEREAS**, at its January 10, 2018 meeting the Metropolitan Council authorized its staff to: (1) administratively review and grant extensions to the December 31, 2018 deadline if extension requests were submitted by May 31, 2018; and (2) execute amendments to planning grant agreements to modify the date by which grantees must complete and submit their decennial updates; and

**WHEREAS**, the Grantee requested an extension of the December 31, 2018 date by which it must complete its decennial plan review and amendments; and

**NOW THEREFORE**, pursuant to Paragraphs 4.01 and 4.03 of the Agreement and the Metropolitan Council’s January 10, 2018 action, the Council and the Grantee agree to amend and extend the Agreement as follows:

1. The December 31, 2019 “End Date” identified at Page 1 of the Agreement and referenced in Paragraph 4.01, **Term and End Date**, and Paragraph 2.01(a), **Timely Plan Update Submission**, is changed to the “Revised End Date” identified at Page 1 of this amendment.
2. The December 31, 2018 date in Paragraph 2.01(a), **Timely Plan Update Submission**, by which the Grantee must review and update its local comprehensive plan is changed to the “Revised Submission Date” identified at Page 1 of this amendment. Notwithstanding the extension of the December 31, 2018 date by which the Grantee must complete and submit its decennial update, this extension does not change any due dates for surface water management plans or water supply plans.
3. The Grantee’s work plan and budget is replaced with the attached revised work plan and budget which is incorporated into this Agreement as Revised Attachment A. All references to “work plan” in the Agreement are changed to “revised work plan” and all references to “Attachment A” are changed to “Revised Attachment A.”

Except for these modifications, the provisions of the Agreement shall remain in force and effect without change.

**IN WITNESS WHEREOF**, the Grantee and the Council have caused this amendment to be executed by their duly authorized representatives. This amendment is effective on the date of final execution by the Council.

**GRANTEE**

**METROPOLITAN COUNCIL**

By: \_\_\_\_\_

By: \_\_\_\_\_

LisaBeth Barajas, Director  
Community Development

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

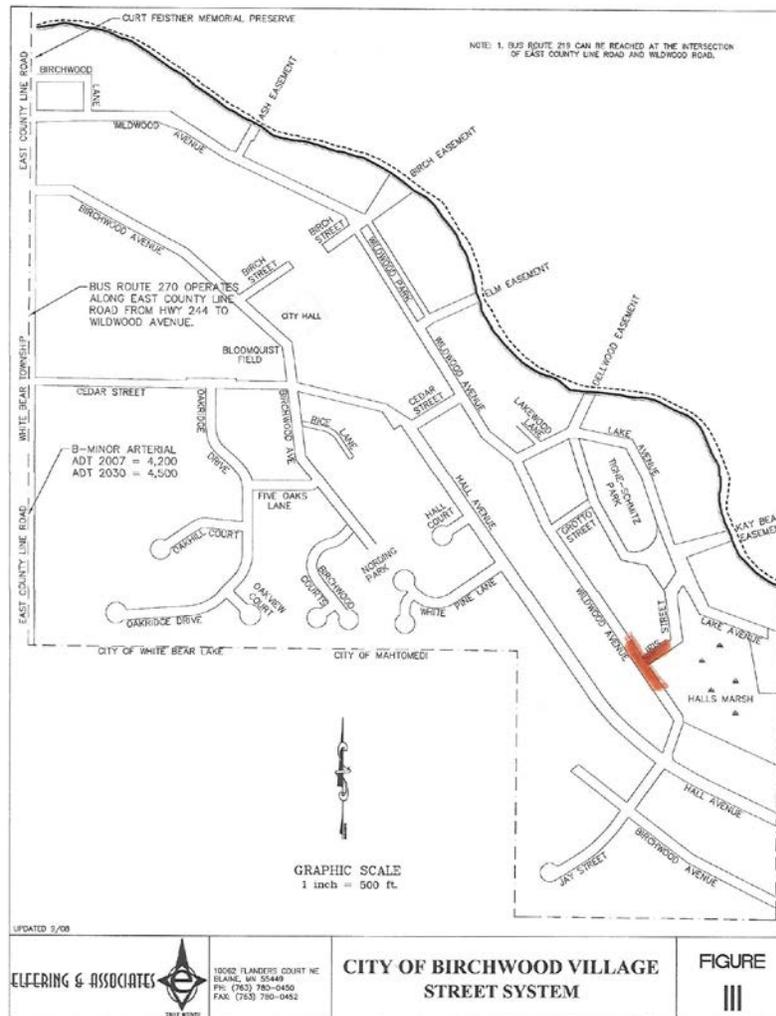
Date: \_\_\_\_\_

## **REVISED ATTACHMENT A**

### **Grantee's Revised Work Plan and Budget**

This Revised Attachment A comprises this page and the Grantee's revised work plan and budget as approved by the Council.

## Recommendation to change traffic control & signage at Wildwood Ave. and Iris St.



- This is a 3-way intersection with current control consisting of a single stop sign stopping traffic on Iris Street approaching Wildwood Avenue from the Northeast.
- Concern with substantial incline at stop sign. Vehicles have significant issues when they come to stop at stop sign and attempt to go again under the slightest of winter road conditions.
- Recommendation is to change traffic control/signage at Wildwood Avenue and Iris Street.
  - Remove stop from Iris Street to allow traffic to continue uphill through the intersection onto Wildwood in either direction.
  - Stop traffic from both directions on Wildwood Avenue.
- Materials/labor:
  - Expect to be able to move the one existing stop sign
  - Purchase 1 stop sign, 1 post, and 2 "Traffic from left/right does not stop" signs
  - Installation

**A representative from the Roads Committee is present to answer questions.**

# MEMORANDUM



**Birchwood Village**

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**TO: Birchwood City Council**  
**FROM: Tobin Lay, City Administrator**  
**SUBJECT: Attorney Retainer Contract**

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Dear Mayor & Council Members,

Last December, the Council approved a budget increase for legal services in anticipation of entering a retainer contract with City Attorney Alan Kantrud. Enclosed is a proposed retainer contract for this purpose.

There are several reasons to approve the enclosed retainer contract with Mr. Kantrud. City Council and staff are required to navigate a tremendous amount of laws and regulations and having access to the legal guidance from an attorney is a wise measure to protect the City and its residents from potential legal risk.

Another reason to approve the contract with Mr. Kantrud is that he has been a dedicated servant of the City for many years, donating countless hours to the City's benefit.

**Request/Recommendation**

Accordingly, staff requests Council Members review and approve the enclosed retainer contract with Attorney Alan Kantrud. Thanks!

Regards,  
Tobin Lay

**AGREEMENT FOR LEGAL SERVICES  
BETWEEN THE CITY OF BIRCHWOOD  
VILLAGE AND H. A. KANTRUD, P.A.**

**THIS AGREEMENT** is by and between the **CITY OF BIRCHWOOD VILLAGE**, a Minnesota municipal corporation ("City") and **H. A. KANTRUD, P.A.**, a Minnesota corporation ("Attorney").

**NOW, THEREFORE**, in consideration of the mutual undertakings herein, the parties hereto agree as follows:

**1. ACCEPTANCE OF PROPOSAL.**

A. The Attorney shall furnish and perform general civil municipal and code enforcement legal services for the City.

B. The Attorney shall be engaged as an independent contractor and not as a City employee. The Attorney is free to contract with other entities.

**2. CONTRACT TIME.**

A. The Attorney shall serve at the pleasure of the City Council and may be terminated without cause by resolution of the City Council, provided that the Attorney is given thirty (30) days written notice before the termination becomes effective.

B. The Attorney may terminate the contract at any time, provided that the Attorney shall give the City thirty (30) days written notice before the termination becomes effective.

**3. COMPENSATION.**

The City agrees to pay Attorney for services rendered pursuant hereto at an annual base rate of \$18,000.00 per year, payable to attorney in the same manner as it is currently paid, in monthly installments of \$1,500.00. Special projects, appeals, legislative activities or protracted civil litigation for which the City

requests representation shall be billable separately and in addition to the base retainer rate. Direct expenses such as printing, copying, equipment rental and travel expenses shall be itemized and billed separately as well and approved separately. These compensation provisions may be amended from time to time by agreement of the parties.

**4. INSURANCE.** The Attorney will purchase and maintain sufficient insurance to protect Attorney against claims for legal malpractice.

**5. ANNUAL REVIEW.** The Attorney's performance may be reviewed annually or more often as deemed appropriate by the City Council.

**6. MISCELLANEOUS.**

A. *Governing Law.* This Agreement shall be governed by the laws of the State of Minnesota.

B. *Assignment.* The Attorney may not assign or refer any of the legal services to be performed hereunder without the consent of the City of Birchwood Village.

C. *Effective Date.* This Agreement shall be effective January 1, 2018 and shall continue indefinitely. This Agreement shall not be modified or amended without the approval in writing of the parties.

Dated: \_\_\_\_\_, 20\_\_\_\_

Dated: \_\_\_\_\_, 20\_\_\_\_

**CITY OF BIRCHWOOD VILLAGE**

**H. A. KANTRUD, P.A.**

By: \_\_\_\_\_  
Mary Wingfield, Mayor

By: \_\_\_\_\_  
H. A. Kantrud

And \_\_\_\_\_  
Tobin Lay, City Administrator

# MEMORANDUM



**Birchwood Village**

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Special Events Permitting

---

Dear Mayor and Council Members,

Per Council's direction, City Attorney Kantrud and I have been working on amendments to Ordinance 2018-05-01 Special Events Permitting that was proposed in May. Enclosed is the draft for your first reading.

**Request/Recommendation**

Council is requested to:

- 1) Consider and discuss Ordinance 2018-05-01 as amended; and
- 2) Approve the first reading of Ordinance 2018-05-01.

Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2018-05-01**

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

**AN ORDINANCE TO ADOPT SECTION 400 INTO CITY CODE TO ADMINISTER  
AND REGULATE SPECIAL EVENTS**

The City Council of the City of Birchwood Village hereby witnesseth that an Ordinance to enact a new section of the Birchwood Village Code of Ordinances to administer and regulate special events, and to provide for the issuance and regulation of special event permits to promote the health, safety and welfare of all residents and visitors of the city:

*THE COUNCIL OF BIRCHWOOD VILLAGE ORDAINS:*

In General, **Chapter 400**, City of Birchwood Village, County of Washington, Minnesota, "Special Events" is herewith adopted into City Code. Any and all previously adopted sections or ordinances which may appear contrary or in conflict with this ordinance are hereby replaced or modified by this code.

**SECTION 400: SPECIAL EVENTS**

**400.010 FINDINGS, PURPOSE AND INTENT.**

It is the purpose of the City Council to regulate the time, place and manner of special events when the event's impact upon the health, sanitary, fire, police, transportation and utility services exceeds those regularly provided to that property. This Ordinance is enacted in order to promote the health, safety and welfare of all residents and visitors of the city by ensuring that special events do not create disturbances, become nuisances, menace or threaten life, health or property, disrupt traffic or threaten or damage private or public property. It is not the intent of the City Council by enacting this Ordinance to regulate in any manner the content of speech or infringe upon the right to assemble, except for regulating the time, place and manner of speech and assembly and this Ordinance should not be interpreted or construed otherwise.

**400.020 DEFINITIONS.**

The following words, terms and phrases, when used in this Chapter, will have the following meanings:

1. **AIR SUPPORTED AMUSEMENT STRUCTURE.** Any device that incorporates a structural and mechanical system and employs a high-strength fabric or film that achieves its strength, shape, and stability by pre-tensioning with internal air pressure (inflation). It carries or conveys or permits persons to walk, run or jump along, around or over a fixed or restricted route or course or within a defined area including the entrances and exits thereto, for the purpose of enjoyment.

2. **EVENT COORDINATOR.** That person or persons appointed, directed and empowered by the City of Birchwood Village to administrate the management of special events and those necessary responsibilities empowered by this Chapter.

2.3. **SPECIAL EVENT.** Any concert, parade, fair, show, festival, carnival, rally, party, filming of a movie, video or television show, motorcade, run, street dance, race, walk or athletic event or other attended entertainment or celebration that is to be held in whole or in part upon publicly owned property or public right-of-way, or, if held wholly or partly upon private property, will require the use of Special Services.

3.4. **SPECIAL SERVICES.** The exclusive allocation of city resources, including, but not limited to, city personnel, equipment, rights-of-way, property or facilities for use in conjunction with a specific event or activity, as requested by the host or sponsor of the event, or as requested by or on behalf of any person attending the event, or deemed necessary by city staff in order to maintain public safety. Special Services shall include, but not be limited to, any of the following: street closures; requiring police officers to stop or reroute traffic; special police protection, e.g. to offer protection to a V.I.P. or persons of stature; stationing emergency vehicles at or in the immediate vicinity of the event due to heightened risk of physical injury due to the event; exclusive use of city streets or property as a staging area or for event parking; additional street cleaning and garbage removal services; special signage, such as temporary no parking signs; the use of any city building, equipment or other property for any purpose other than the normal operations of the facilities; or the city otherwise providing exclusive services.

400.030

**PERMIT.**

A. **Permit required.** Any person or organization desiring to hold a Special Event in the city and/or to use air supported amusement structures in/on public property, facilities, or right-of-way must first obtain a Special Event Permit from the city in addition to any other permits required for the event by state law or city ordinance.

B. **Exceptions.** A permit is not required for:

1. Special events sponsored and managed by the City or the Community Club;

2. Neighborhood block parties held in connection with National Night Out or where no streets are proposed to be closed for more than the duration of that event;

3. Wedding ceremonies, funeral ceremonies and funeral processions not requiring Special Services;

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~~2.4.~~ Any event attended by fewer than ~~200-50~~ persons at one time which does not require any Special Services and does not involve the sale of alcohol;

~~3.5.~~ Any event that is otherwise regulated by the city through the use of another regulatory manner, such as a conditional use permit;

~~4.6.~~ Any event that is otherwise approved by the city through a facility rental or use agreement (e.g., ~~a Community Center~~Village Hall rental) or contract which does not require any additional Special Services and does not involve the sale of alcohol; and

~~5.7.~~ The use of traditional public forums as alternative channels of communication by the public, provided that such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public.

C. **Air Supported Amusement Structure.** Applicants wishing to use an Air Supported Amusement Structure in/on public property, facilities, or right-of-way must provide the following information in addition to the Special Event Permit application:

1. The name, address, and telephone number of the owner or operator of the air supported amusement structure.

2. Description of each air supported amusement structure.

~~4.3.~~ Plan to secure the Air Supported Amusement Structure and ensure the safety of the users.

~~2.4.~~ Copy of insurance policy for the air supported amusement structure, naming the city as an additional insured if placed on public property.

#### 400.040 PERMIT APPLICATION.

A. Form. Application for a permit to hold a Special Event must be made in writing and must contain a statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and must be signed and sworn to or affirmed by the individual making application. The application must contain and disclose the following:

- A.
  1. Applicant name, address, phone number, including whether the applicant is an individual, organization, or other entity;
  2. Date(s) of proposed Special Event;

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3. Address(es) of proposed Special Event;
4. Name and consent of property owner, if different from applicant;
5. Type and description of the Special Event and a list of all activities to take place at the Special Event;
6. Estimated number of persons to attend;
7. Duration of Special Event, including beginning and ending times;
8. Any public health plans, including supplying water to the site, solid waste collection and provision of toilet facilities, if applicable;
9. Any fire prevention and emergency medical services plans, if applicable;
10. Any security plans, if applicable;

~~10~~11. Any permits obtained from other agencies as required by them for the event;

~~11~~12. The admission fee, donation or other consideration to be charged or requested for admission, if applicable;

~~12~~13. Whether food or alcohol will be served or sold at the event;

~~13~~14. A detailed description of all public rights-of-way and private streets for which the applicant requests the city to restrict or alter normal parking, vehicular traffic or pedestrian traffic patterns, the nature of such restrictions or alterations, and the basis;

~~14~~15. A description of any services, city personnel, city equipment and city property which the applicant requests the City to provide, including the applicant's estimate of the number and type needed, and the basis on which the estimate is made. However, the City retains sole discretion to determine the number and type of services required for the event;

~~15~~16. Whether any sound amplification or public address system will be used or if there will be any playing of any music or musical instruments;

~~16~~17. A statement signed by the applicant either agreeing to pay all fees and meet all other requirements of this Chapter, or representing to the city that the applicant is duly authorized to make such agreement on behalf of the person or organization holding or sponsoring the Special event;

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~~17,18.~~ Applicant signature and property owner's signature, if different from applicant; and

~~18,19.~~ Any other information requested by the city, acting through its city administrator or ~~law enforcement official/~~~~chief of police,~~ deemed ~~needed~~ reasonably necessary in order to determine the nature of the Special Event and the extent of any Special Services required.

B. **Time for filing.** A Special Event permit application must be filed with the city's Event Coordinator at least ~~30-60~~ days but not more than 365 days in advance of the date in which the Special Event is to occur.

C. **Permit fee.** An applicant for a Special Event permit must pay a nonrefundable permit fee in an amount set by resolution.

Commented [TL1]: What amount?

400.050

**PERMIT REVIEW.**

A. **Receipt of Application.** Upon receipt of a Special Event permit application, the city's Event Coordinator shall be responsible for promptly processing the application, including conferring with ~~department heads~~city staff, agents and the applicant as necessary to implement the provisions of this Chapter, and, when required by this Chapter, forwarding the processed application to the city council with a recommendation to approve, approve with conditions or modifications, or deny the special event permit application.

B. **Special Services.** The ~~city administrator~~Event Coordinator shall promptly distribute copies of the application for review by ~~the head~~city staff or agents of each department in cases where Special Services are requested or will be necessary. Each such ~~department head~~staff or agent shall review the application and evaluate the Special Services and shall report to the ~~city administrator~~Event Coordinator, with a recommendation that application and the requested Special Services be approved, approved with conditions or modifications, or denied. Each ~~department head~~staff or agent shall also provide the ~~city administrator~~Event Coordinator with a cost estimate for the Special Services ~~associated with~~within his or her ~~department~~duty/jurisdiction.

C. **Review.** When a Special Event will not require any Special Services or does not require a significant amount of Special Services, the ~~city administrator~~Event Coordinator may review and approve the permit application administratively. In cases where a Special Event requires a significant amount of Special Services, the application will be presented to the city council for review. The city council may take any public testimony/hold a public hearing on the permit application to inform its decision. It may also refer the permit application to the city commissions for its review and recommendation.

D. **Permit Denial.** The ~~city~~Event Coordinator may deny an application for a Special Event permit if it is ~~determined~~is from a consideration of the

application or other pertinent information, [in the opinion of the Coordinator](#), that:

1. The information contained in the application or supplemental information requested from the applicant is false or nonexistent in any material detail;
2. The applicant fails to supplement the application after having been notified by the city of additional information or documents needed;
3. The applicant fails to agree to abide or comply with all of the conditions and terms of the Special Event permit, including payment of all costs and expenses;
4. The Special Event would substantially or unnecessarily interfere with traffic in the city, would interfere with access to the fire station or fire hydrants, or would interfere with access to businesses or residences in the immediate vicinity of the event and there are not sufficient city resources available at the time of the event to mitigate the disruption;
5. The Special Event is of the size or nature that requires the diversion of so many law enforcement officers to properly police the event, site and contiguous areas that allowing the Special Event would unreasonably deny law enforcement protection to the remainder of the city and its residents;
6. The proposed date and time of the Special Event conflicts with a previously scheduled event and there are not available at the time of the proposed Special Event sufficient city resources to provide services for both events without substantially or unnecessarily interfering with police, fire, water, public works or other services to the city as a whole;
7. The location of the Special Event will substantially interfere with any construction or maintenance work scheduled to take place upon or along public property or right-of-way;
8. The Special Event would likely endanger the public safety or health;
9. The Special Event would substantially or unnecessarily interfere with police, fire, water, public works or other services to the city as a whole and there are not available at the time of the proposed event sufficient city resources to mitigate the disruption;
10. The applicant fails to comply with the liability insurance requirements or the applicant's insurance lapses or is canceled;
11. The Special Event would likely create or constitute a public nuisance;
12. The Special Event would be likely to cause significant damage to public property or facilities;

13. The Special Event would engage in or encourage participants to engage in illegal acts; or

14. The applicant, responsible party or the person on whose behalf the application is submitted has on prior occasions made material misrepresentations regarding the nature and extent of Special Services required for a Special Event in the city, or has violated the terms of a prior Special Event permit.

~~14.~~15. The city council may deny an application for a Special Event Permit or an appeal from a denial by the event coordinator of such an application.

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400.060

**PERMIT ISSUANCE.**

A. **Permitted areas.** Because of the ~~predominantly~~-residential character of the city ~~and the relatively small size of the commercially zoned areas~~ resulting in the potential for conflicting uses, Special Events will be permitted within the city only after a finding by the Event Coordinator or city that the character of the proposed Special Event is compatible with the character of the surrounding neighborhood considering the possible creation of problems including noise, lighting, traffic, sanitation, congestion and other factors affecting the public health, safety and welfare of such areas in addition to compliance with all ordinances of this city and applicable statutes and regulations.

B. **Permit Conditions.** The city council may condition the issuance of a Special Event permit by imposing reasonable conditions concerning the time, place and manner of the Special Event, and such conditions as are necessary to protect the safety of persons and property, and the control of traffic; provided that such conditions shall not unreasonably restrict the right of free speech. The city may inspect the property upon which the Special Event is to be held prior to the event in order to make certain there is compliance with all permit conditions. Such conditions may include, but are not limited to:

1. Alteration of the date(s), time(s), route(s) or location of the Special Event proposed;
2. Elimination of an activity at the Special Event which cannot be mitigated to a point as to ensure public safety and welfare, or which causes liability to the city;
3. Requirements concerning the area of assembly and disbanding of a parade or other events occurring along a route;

4. Requirements concerning the accommodation of pedestrian or vehicular traffic, including restricting the event to only a portion of the street or right-of-way;
5. Requirements for the use of Special Services;
6. Requirements for the use of traffic cones or barricades;
7. Requirements for the provision of first aid or sanitary facilities;
8. Requirements for the use of Special Event monitors and the providing notice of the Special Event's permit's conditions to the event's participants;
9. Requirements on the number and type of vehicles, animals or structures to be allowed at the Special Event and the inspection and approval of floats, structures and decorated vehicles by the city for safety purposes;
10. Compliance with animal protection ordinances and laws;
11. Requirements for the use of garbage containers and the cleanup and restoration of any public property;
12. Restrictions on the use of amplified sound, public address systems and the playing of music and musical instruments and compliance with noise ordinances, regulations and laws;
13. Limitations on the maximum attendance;
14. Requirements on the number of security personnel;
15. Requiring notice of the Special Event to be provided to surrounding property owners; and
16. Restrictions on the sale or consumption of food or alcohol.

C. **Permit Issuance.** ~~When a Special Event will not require any Special Services or does not require a significant amount of Special Services, the city administrator may issue the Special Event permit administratively. In cases where a Special Event requires a significant amount of Special Services, the~~ if the above-conditions are agreed to and the information regarding the Event is complete the Event Coordinator may ~~shall~~ shall issue the Special Event Permit or forward to the city council for approval. ~~application will be presented to the city council for approval.~~

400.070

**SPECIAL SERVICES FEES.**

- A. **Special Services Fee Deposit.** If any Special Services are to be used during the Special Event, the applicant may be required to pay a non-refundable Special Services fee deposit at least ten business days before the Special Event. The Special Services fee deposit shall be determined by the [Event Coordinator or city council](#)~~city administrator~~. It shall be based upon an estimate of Special Services that are necessary as determined by the [Coordinator](#)~~city's department heads~~.
- B. **User Fee.** Upon completion of the Special Event, the city ~~shall~~may prepare a detailed account of all Special Services provided for the Special Event, ~~if any,~~ and in such cases, will ~~determines~~set the final user fee using the rates, fees and charges in the amounts set by resolution. The city will then provide the authorized and responsible person identified in the Special Event permit application with a copy of the detailed account of the Special Services and an invoice for the user fee, less the fee deposit. The balance of the user fee will then become due and payable immediately upon its receipt ~~or the balance of the deposit refunded~~.
- C. **Special Services Rates.** The rates charged shall be an amount set by resolution.

Commented [TL2]: What amount?

400.080

**INDEMNIFICATION AGREEMENT.**

If the Special Event requires Special Services, prior to the issuance of a Special Event permit, the permit applicant and authorizing officer of the sponsoring organization, if any, must sign an agreement to indemnify, defend and hold the city, its officials, employees, and agents harmless from any claim that arises in whole or in part out of the Special Event, except any claims arising solely out of the negligent acts or omissions of the city, its officials, employees and agents.

400.090

**INSURANCE REQUIREMENTS.**

A. **Liability Insurance Required.** The Applicant, sponsor and those hired and/or obtained by the Applicant to provide a service at the Special Event must possess or obtain liability insurance to protect against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the Special Event. A certificate of insurance must be filed with the city prior to issuance of the Special Event permit. The certificate of insurance must name the city, its officials, employees and agents as additional insureds. Insurance coverage must be maintained for the duration of the Special Event. Any company hired or working on behalf of the applicant or sponsor must also present the city with a certificate of insurance naming the city, its officials, its employees and agents as additional insureds.

B. **Minimum Limits.** Insurance coverage must be a commercial general liability policy. The minimum limits must be at least \$1,000,000. If alcoholic beverages are to be sold or distributed at the Special Event, the policy must

also include an endorsement for liquor liability. The city may require additional endorsements or increased minimum limits depending upon the type of Special Event and the proposed activities [at the determination of the Event Coordinator](#).

C. **Waiver or Reduction of Required Limits.** The city may waive or reduce insurance requirements of this section under the following circumstances:

1. The applicant or officer of the sponsoring organization signs a verified statement that it believes that the Special Event's purpose is First Amendment expression and that the cost of obtaining the insurance is so financially burdensome that it would constitute an unreasonable burden on the right of First Amendment expression;
2. The applicant or officer of the sponsoring organization signs a verified statement that the insurance coverage required by this section is impossible to obtain; or
3. The city determines that the insurance requirements are in excess of the reasonable risk presented by the proposed Special Event.

400.100 **OVERNIGHT CAMPING.**

No person holding a permit for a Special Event shall allow and no participant in a Special Event shall camp overnight at the location of a Special Event. ~~A, except for a~~ reasonable number of persons required to maintain security [may remain on-site to protect property used in conjunction with the Event](#).

400.110 **COMPLIANCE WITH PERMIT.**

A. **Unlawful to Sponsor a Special Event without a Permit.** It is unlawful for any person [or entity](#) to sponsor or conduct a Special Event requiring a permit pursuant to this Chapter unless a valid Special Event permit has been issued for the event.

B. **Unlawful to exceed the Scope of the Permit.** The Special Event permit authorizes the Special Event permittee or sponsor to conduct only such a Special Event as is described in the permit, and in accordance with the terms and conditions of the permit. It is unlawful for the permittee or sponsor to willfully violate the terms and conditions of the permit.

400.120 **REVOCAATION.**

A Special Event permit may be revoked by the [Event Coordinator](#)~~City Administrator~~ or [senior law enforcement official for City](#)~~Chief of Police~~ at any time for failure to comply with the provisions of this Chapter and conditions of the ~~P~~permit.

400.130 **ENFORCEMENT.**

- A. **Injunction.** The provisions of this Chapter may be enforced by injunction in any court of competent jurisdiction.
- B. **Public nuisance.** The holding of a Special Event in violation of any provision or condition contained in this Chapter will be deemed a public nuisance and may be abated as such. Issuance of a Special Event permit by the city does not preclude the right of an individual to pursue a private nuisance action against the applicant.
- C. **Misdemeanor.** Violation of any provision of this Chapter is a misdemeanor. Violators shall be subject to a fine or imprisonment as specified by state statute, currently punishable by up to 90 days in the County Jail and/or a fine of no greater than \$1000.00. Each day in which a violation continues to occur shall constitute a separate offense. Violation of any provision of this Chapter shall also be grounds for revocation of the Special Event Permit.

400.140 **MODIFICATIONS.**

The city council may modify or waive any of the requirements of this Chapter after a finding that the waiver or modification of the requirements, including the required fee, will not endanger the public health, safety and welfare of the community and that enforcement of the requirements would impose a unique hardship upon the applicant.

**EFFECTIVE DATE:** This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by M.S. § 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of M.S. § 331A.01, subd. 10, as it may be amended from time to time.

Adopted by the City of Birchwood Village City Council this 1~~5~~<sup>2</sup>~~nd~~<sup>th</sup> day of ~~June~~August, 2018

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

Attest:

\_\_\_\_\_  
Tobin Lay  
City Administrator-Clerk

## CITY OF BIRCHWOOD VILLAGE FEE SCHEDULE ADDITIONAL CHARGES FOR ESCROW AMOUNTS

An escrow amount will be required at the time application fees and the application is received by the City's Consultant.

Subdivision	\$7000
Lot Split	N/A
Variance	\$3000
Conditional Use Permit (Amended and new)	\$3000
Conditional Use Permit (Renewal)	N/A
All Other Land uses	\$1000
Grading Permit Fees (under 100 cu. Yards)	\$200
(100+ cu. Yards)	\$3000

\*Unused escrow amounts will be returned to the applicant

\*For additional information, see also the Escrow Account Policies Form.

203.040. PERMITS REQUIRED.

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert, or demolish any building or structure in the City or cause the same to be done, without first obtaining from the city a separate building permit for each such building or structure.

2. It shall be unlawful for any person, partnership, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building or structure in the City of Birchwood Village or cause the same to be done contrary to, or in violation of any of the provisions of this Code. Any person, partnership, firm or corporation violating any of the provisions of this Code shall be guilty of a misdemeanor, and shall be guilty of a separate offense for each and every day, or portion thereof, during which any violation of the provisions of this Code is committed, continued or permitted.

June 28, 2018

To: Tobin Lay, for inclusion in July 2018 Birchwood City Council packet

From: Megan Malvey

Re: Resignation from City Council

Tobin, this letter serves to announce my resignation from the City Council, effective July 30, 2018. I regret that I am unable to complete my term, but between my career, other volunteer commitments and most importantly, raising my kids and prioritizing my family, I don't have the time to devote to the City of Birchwood to effectively serve on the Council.

When I was elected, it was my intent to serve all four years of the term, but our kids are growing up too fast. This spring, my husband and I decided together that for me to remain on the City Council through 2020 would not be the right decision for our family.

It's important to me that my replacement be elected by the voters. After consulting with League of Minnesota Cities and our city attorney, Alan Kantrud, I learned that in order to trigger a special election that is held in conjunction with the general election, the seat must be vacant by July 30. (Prior to the information provided by LMC and Alan Kantrud, I intended to announce my resignation this summer, but serve through the end of the year.) A resignation after July 30 (but with more than 2 years remaining in the term) would probably still require a special election, but it would need to be held separately from the general election and would cost the city money and effort. I don't want that to happen. I understand from Alan Kantrud that the remaining four members of the City Council can choose to appoint someone (which could be me) for the remainder of the year or leave the seat open. If asked to stay on for the rest of 2018, I will.

I apologize to the members of the Parks Committee that I will not be continuing as one of your liaisons for the longer term. I have enjoyed working with each of you and greatly appreciate the time and dedication you have put forth toward improvement of our public spaces.

Tobin, please let me know if there are any additional administrative details I need to complete prior to July 30 for my resignation to be effective and to ensure that the remaining 2 year term is on the ballot in November 2018 so that the voters of Birchwood can elect my replacement.

Thanks to all who supported me during my brief time in this role. I learned quickly that city government doesn't operate at all like the business world and I appreciate the support and encouragement provided by so many community members while I learned the ropes.

Best regards,  
Megan Malvey