



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
July 9, 2019
6:45 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

GUEST PRESENTATION

- A. NYFS Presentation – Jerry Hromatka* (pp. 5-9)
 - a. Update / Presentation

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Complete the Lake Links Trail Survey – see “Public Notices” on the City website.
- B. Volunteers Wanted: Music in the Park & Water/Utility Committee. Contact City Hall.
- C. Music in the Park is Every Sunday at 6pm – see City website for more info.
- D. We are social, follow us on Facebook at @BirchwoodCityHall or Twitter at @CityofBirchwood

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 11)
- B. Birch Street Stormwater Management* (p. 13)
- C. Paul Carroll Resignation – Search for replacement has begun* (p. 15)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from June 11, 2019* (pp. 17-25)
- B. Approve Resolution 2019-08, Summary Publication of Sec 607* (pp. 27-28)
- C. Approve Treasurer’s Report* (pp. 29-40)

CITY BUSINESS – REGULAR AGENDA

- A. City Engineer Report
 - a. Lift Station #1 Update (special mtg to award bids?)
 - b. Lake Ave Mill and Overlay Update

Time Budget: 20 Minutes

- B. Repealing Sec 805
 - a. Public Hearing
 - b. Council Deliberation and Approval

Time Budget: 10 Minutes
- C. Second Reading Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow)* (pp. 41-48)
 - a. Public Hearing
 - b. Council Deliberation and Approval
 - c. Approve Resolution 2019-09, Summary Publication

Time Budget: 15 Minutes
- D. First Reading Ordinance 2019-04-01, Amending Permit Requirements (203)* (pp. 49-65)
 - a. Approve First Reading
 - b. Order Public Hearing and Second Reading

Time Budget: 10 Minutes
- E. Request for Soliciting Private Assessors for 2020 (Wingfield)* (p. 67)
 - a. Council Deliberation and Approval

Time Budget: 10 Minutes
- F. Schedule Deer Management Town Hall Mtg* (p. 69)
 - a. Council Deliberation and Selection

Time Budget: 10 Minutes
- G. Ice Rink Updates
 - c. Council Deliberation and Approval

Time Budget: 15 Minutes
- H. Outdated Signs* (p. 71)
 - d. Council Deliberation and Approval

Time Budget: 15 Minutes
- I. Plowing Problems with Objects in the Right-Of-Way* (pp. 73-74)
 - e. Council Deliberation

Time Budget: 20 Minutes
- J. Appoint Commission/Committee Seats
 - a. Roads Committee (Ben Creagh)
 - b. Parks Committee (Analeisha Vang & Bridget Sperl)

Time Budget: 5 Minutes
- K. Council Member Reports:
 - a. Mayor Wingfield
 - i. City Hall Piano

Time Budget: 5 Minutes
 - b. Councilmember LaFoy
 - i. Cable Contract Summary

ii. Notice Policy

Time Budget: 15 Minutes

L. City Administrator's Report

a. Right-Of-Way Brush Clearing

b. Chemical Use

c. Grotto Stairs Handrail

d. Parking at Lake Easements

e. Council Photo Shoot – August 13 at 6:30pm (prior to City Council mtg.)

Time Budget: 25 Minutes

ADJOURN



April 30, 2019

Tobin Lay, City Administrator
City of Birchwood Village
207 Birchwood Ave.
Birchwood Village, MN 55110

Dear Tobin:

Part of the way we keep our municipal partners informed about services provided by Northeast Youth & Family Services (NYFS) to residents in your community is through quarterly reports.

Enclosed is a copy of a report outlining the services provided in 2019 through this most recent quarter. We also included the final report for 2018, now that our new information analyst has settled in and is caught up on work. Thanks for your patience.

Contract services are those outlined in our agreement. These services are assured to all community residents regardless of their ability to pay. Non-contract services represent those received by your residents through other programs at NYFS. Taken together, this report demonstrates how your partnership helps leverage resources for all services received by your residents. To compliment the hard statistics we like to provide a success story which brings those numbers to life.

If you have any questions about this report or would like to talk about any other aspect of our partnership please don't hesitate to contact me at jerry@nyfs.org or at 651-379-3404.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Hromatka', is written over a white background.

Jerry Hromatka
President & CEO

City of Birchwood Village
Report Period: January 1, 2018 to December 31, 2018

The following is a brief report on Northeast Youth & Family Services' programs that directly affect the residents of your community. If you have any questions about this report, please call Jerry Hromatka, President & CEO, at (651) 379-3404.

Annual City Contract for Service 2018	\$1,449
Total cost of all services through December 31	\$138

(Please note that these numbers represent the actual cost of services provided, not what NYFS charges clients for these services. Because of your collaboration with NYFS, many of these services are offered free of charge or on a sliding-fee scale based on income.)

Services Provided	City Totals		
	# of Clients	Hours	Service Cost
Contracted Services			
Senior Chore			
Youth	1	2	\$ 37.50
Seniors	1	4	\$ 100.00
Total for Contracted Services	2	6	\$ 137.50
Totals for all Individual Services	2	6	\$ 137.50

*There are no NYFS clients that have completed community service work through our Diversion program at this point in the year.

City of Birchwood Village
Report Period: January 1, 2019 to March 31, 2019

The following is a brief report on Northeast Youth & Family Services' programs that directly affect the residents of your community. If you have any questions about this report, please call Jerry Hromatka, President & CEO, at (651) 379-3404.

Annual City Contract for Service 2019	\$1,490
Total cost of all services through March 31	\$0

(Please note that these numbers represent the actual cost of services provided, not what NYFS charges clients for these services. Because of your collaboration with NYFS, many of these services are offered free of charge or on a sliding-fee scale based on income.)

Services Provided	City Totals		
	# of Clients	Hours	Service Cost
Total for Contracted Services	0	0	\$ -
Totals for all Individual Services	0	0	\$ -

*There are no NYFS clients that have completed community service work through our Diversion program at this point in the year.



May 21, 2019

Tobin Lay
City Administrator
City of Birchwood Village
207 Birchwood Ave.
Birchwood Village, MN 55110

Dear Tobin:

There are many factors that contribute to the success of NYFS, but three stand out above the rest. Our greatest source of strength is our quality services and staff, community partnerships and varied funding streams. We currently find two of those factors under stress.

All businesses are feeling the effects of the tightening labor market and the field of mental health is no exception. At a time when the stigma of mental health is on the decline and more people are seeking services, we find ourselves competing for a shrinking pool of therapists. In response we have retooled our salary ranges to attract and retain employees in human services but especially mental health.

Over the past eight years we made the transition from an agency heavily reliant on grants to an organization that receives a greater share of funds through fees: primarily insurance reimbursement for mental health. While most people have some form of insurance, many have high total out of pocket deductible thresholds and ongoing co-payments. Few insurance providers cover the true cost of providing services. The result is a financial strain on the recipient and provider of services. Municipal support is one means by which NYFS reduces the strain, but conditions continue to worsen.

In response to these conditions we are implementing a number of strategies, one of which involves reaching out to our municipal partners to request consideration of a larger increase in their annual support. Currently we use the CPI-U as the benchmark in determining a municipal's annual support of NYFS. We are asking that municipal partners consider an additional 5% increase above the CPI-U. We anticipate this will put the increase in annual support about 8% over last year.

We value our long term partnership with you and thank you in advance for seriously considering our request as you prepare your budget for the upcoming fiscal year. If you and/or others in your municipality need greater understanding of the NYFS situation as you make this budget commitment, please feel free to ask us to meet with you to discuss further.

Our appreciation for your continued support.



Joe Murphy
NYFS Board Chair



Jerry Hromatka
President & CEO



June 30, 2019

Tobin Lay, City Administrator
City of Birchwood Village
207 Birchwood Ave.
Birchwood Village, MN 55110

Dear Tobin,

One of the many things we are proud of at NYFS is our partnerships with organizations in the community. Working together we ensure critical services are available for those in need and that precious resources are used wisely.

Over the years our partnerships with local municipalities have ensured services within their local community and contributed to a strong region. With the merger in 2012, we now partner with 15 municipalities across the northeast metro area.

As part of our agreement with partnering municipalities we agree that the CPI-U available in June will be used to determine each municipality's contribution for the coming year. In May of 2019, we distributed a letter to partner municipalities making our case to increase their 2020 contribution by an additional five percent. Currently the CPI-U in June is 1.8. As a result, we are proposing that your 2020 Municipality Participation amount would be \$1,591 a 6.8 increase over 2019.

We're sending you this correspondence now to aid in your planning for your next fiscal year. In November we will send you an invoice for the amount to be paid in January of 2020. In the meantime if you have any questions please don't hesitate to contact me at (651)-379-3404 or at jerry@nyfs.org.

Thank you for your continued partnership with NYFS. We are honored that you consider us worthy of your support and look forward to our ongoing partnership as we work in tandem to serve the residents of our area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Hromatka', is written over a light blue circular stamp.

Jerry Hromatka
President & CEO

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 law enforcement citations for June 2019.

Citations for: Birchwood

6/1/2019 To 6/30/2019

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCOS	6/19/2019	820022917001	WC1299	A. Palmer	Citation	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Speed-Exceed 25 mph	169.14.2(a)(7)
WCOS	6/19/2019	820001917001	WC12957	L. Rinzel	Written Warning	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Stop Sign Violation	169.30(b)
WCOS	6/19/2019	820001917002	WC12957	L. Rinzel	Citation	0	HALL AVE		JAY ST		Birchwood	MOV-Speed-Exceed 25 mph	169.14.2(a)(7)
WCOS	6/19/2019	820001917003	WC12957	L. Rinzel	Citation	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Stop Sign Violation	169.30(b)
WCOS	6/19/2019	820001917004	WC12957	L. Rinzel	Written Warning	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Stop Sign Violation	169.30(b)
WCOS	6/19/2019	820001917006	WC12957	L. Rinzel	Written Warning	0	HALL AVE		CEDAR ST		Birchwood	MOV-Stop Sign Violation Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle	169.30(b)
WCOS	6/19/2019	820001917006	WC12957	L. Rinzel	Written Warning	0	HALL AVE		CEDAR ST		Birchwood	MOV-Stop Sign Violation Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle	169.791.2(a)
WCOS	6/19/2019	820001917007	WC12957	L. Rinzel	Citation	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Stop Sign Violation	169.30(b)
WCOS	6/19/2019	820001917008	WC12957	L. Rinzel	Written Warning	0	HALL AVE		WHITE PINE LN		Birchwood	MOV-Stop Sign Violation	169.30(b)
WCOS	6/19/2019	820001917009	WC12957	L. Rinzel	Citation	0	HALL AVE		CEDAR ST		Birchwood	MOV-Stop Sign Violation DL-Drive After Revocation/DAR Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle	169.30(b)

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Birch Street Stormwater Management

Dear Mayor and Council Members,

A while ago the Council discussed stormwater runoff problems on Birch/Owl St with City Engineer Steve Thatcher. Thatcher recommended that the riprap that runs between Birch and Owl Streets be reevaluated and he offered to conduct a runoff study of those streets. Council asked staff to determine if grants or cost share programs would be available for this study through RCWD, Washington Conservation District, or any other organization.

While RCWD was in Birchwood looking at Lake Avenue runoff recently, I showed him the riprap between Birch & Owl Streets and asked if RCWD would have any grant or cost share moneys available for studying and/or reconstructing the stormwater management system at this location. The RCWD representative felt that this project would be a strong candidate for money from his organization. We were strongly encouraged to apply for cost share this fall.

I confirmed with Thatcher that he would be available toward the end of this year to perform the study if the City did apply for the cost share program.

Accordingly, staff will be applying with RCWD later this fall for cost share monies.

Thanks!

Regards,
Tobin Lay

MEMORANDUM

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Paul Carroll Resignation



Dear Mayor and Council Members,

City Treasurer-Deputy Clerk Paul Carroll has recently given his resignation. Paul has done great work in the time he has been with Birchwood and we wish him luck in his next position. I am still working with Paul to determine his end date.

In the meantime, I have begun posting the open position with the League and the relevant management programs at surrounding colleges/universities.

Once we have collected a strong pool of candidates, I will work with members of the Personnel Committee to begin the interview process. Once a candidate has been selected by the Personnel Committee, we will present that candidate for Council's approval. Thanks!

Regards,
Tobin Lay

CITY OF BIRCHWOOD VILLAGE REGULAR CITY COUNCIL MEETING JUNE 11, 2019

MINUTES

Members Present: Mayor Mary Wingfield, Council Members Randy LaFoy and Kevin Woolstencroft. Council Members Jon Fleck and Jessi Aakre were absent.

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

Others Present: Justin McCarthy, Mike Kraemer, Mary Jane LaVigne, Kris Birch, Chris Churchill, Francisco Gonzalez and others.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 6:45 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

Mayor Wingfield: Added Assessment Valuation Document and Park Avenue Drainage Improvement under City Engineer Report and removed LMC annual conference attendance from her Council Member Report.

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

GUEST PRESENTATION

- A. Meet area Met Council Member Francisco Gonzalez
 - a. Introduction / Presentation

Mayor Wingfield: Introduced Mr. Gonzalez as Birchwood Village's representative on the Met Council.

Councilmember Gonzalez (Met Council): Introduced himself and spoke of his recent honor briefly. He also introduced Anna Vang, a city resident and Parks Committee member as a Met Council staff member. Welcomed any questions or matters of concern.

Mayor Wingfield: Summarized the existing lift station bypass issue stating they did not get a response from Met Council.

Anna Vang (Met Council): Recommended council copies her and Councilmember Gonzalez or reach out to her if not receiving feedback. Welcomed contact to make inroads if assistance is needed.

Mayor and Council Members: Asked several questions of Gonzalez and requested assistance with the lift station bypass issue.

OPEN PUBLIC FORUM

Justin McCarthy (515 Lake Ave): Asked about Iris & Wildwood stop sign reconfiguration status, Lake Links Trail at Lake Avenue and project funding.

Kris Birch (Birch, Inc.): Requested approval to release final snowplowing payments.

ANNOUNCEMENTS

- A. City Garage Sale & Giveaway – Saturday, June 22nd
- B. We are social. Follow us on Facebook @BirchwoodCityHall or Twitter @CityofBirchwood

- C. July 4 Parade will begin at 10:00am – Lineup at 9:30am at 5 Birchwood Avenue
- D. Music in the Park – 6pm every Sunday - June 9 through August 26 (No Concert - Sunday, July 7th)
- E. Looking for volunteers to assist with Music in the Park – Please contact City Hall

ADMINISTRATIVE PRESENTATION

- A. Sheriff’s Report

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from May 14, 2019
- B. Approve Treasurer’s Report

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

CITY BUSINESS – REGULAR AGENDA

- A. City Engineer Report
 - a. Lift Station #1 Update & Utility/Sanitary Sewer Joint Powers Agreement with White Bear Township

Engineer Thatcher: Stated he is working with Washington and Ramsey counties to put a service line in Ramsey County’s right-of-way and the next step is advertise for bids. Recommended bid request after county and city project approval.

Attorney Kantrud: Confirmed city must proceed only after city project approval.

Mayor, Attorney Kantrud and Engineer Thatcher: Discussed alternative bidding, timeline acceleration and project increments.

Engineer Thatcher: Informed council these projects are often coordinated by cities due to related projects such as tree removal.

Mayor and Council Members: Asked Engineer Thatcher to set up a bid schedule for the entire project by one contractor and smaller project schedules for incremental projects phases. Committed to review by city attorney prior to taking any steps forward.

Attorney Kantrud: Suggested a general contractor may be the best option to coordinate three sub contractors.

Engineer Thatcher: Stated he will check on costs and ability to bid on entire project with his contacts to get a feel for best option.

Mayor and Council Members: Agreed. Requested Engineer Thatcher informs council immediately once information is received. Decided a special meeting may be called in order to address the issue urgently.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PUBLISH FOR BIDS ON THE LIFT STATION #1 BYPASS PROJECT. ALL AYES. MOTION PASSED.

Administrator Lay: Updated council on the Sewer JPA with White Bear Township. Requested approval to proceed.

Attorney Kantrud: Offered to review and approve any changes made to the Joint Powers Agreement made by White Bear Township.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE ATTORNEY KANTRUD TO REVIEW AND APPROVE CHANGES TO THE JOINT POWERS AGREEMENT MADE BY WHITE BEAR TOWNSHIP. ALL AYES. MOTION PASSED.

- b. Lake Ave Mill and Overlay Feasibility Report

Engineer Thatcher: Provided a brief on the Mill and Overlay appraisal. Recommended not taking bids until decisions on drainage in that area have been made, review the drainage feasibility study and order a project benefit analysis.

- c. Lake Ave Drainage Feasibility Report

Attorney Kantrud: Stated the drainage feasibility was included and an evaluation councilor firm has studied it.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ORDER A PROPERTY BENEFIT ANALYSIS FROM THE FIRM OF DAHLEN, DWYER, FOLEY AND TINKER, INC. IN ORDER TO DETERMINE ANY BENEFITS OR ASSESSMENTS OF THE DRAINAGE PROJECT RELATED TO THE LAKE AVENUE MILL AND OVERLAY PROJECT. ALL AYES. MOTION PASSED.

Administrator Lay: Requested authorization for he and Engineer Thatcher to meet with RCWD to discuss cost sharing.

Mayor and Council Members: Approved.

Mayor, Attorney Kantrud and Engineer Thatcher: Discussed the extent of the Mill and Overlay project.

Engineer Thatcher: Stated the Met Council wants a copy of the project information and highlighted project details briefly.

Attorney Kantrud: Stated he would like the data in memo for project review purposes.

Mayor Wingfield: Affirmed drainage is a fundamental issue and roads projects may be impacted without proper drainage.

Mayor, Attorney Kantrud and Engineer Thatcher: Decided page 44 of agenda packet would be reviewed and updates would occur to lot one and two on plan with a review for consistency with assessment policy due to multi-frontage lots.

- B. MS4: Storm Water Pollution Prevention Program Review

Administrator Lay: Summarized MS4 and the requirement to review it with a public hearing each year.

- a. Public Hearing

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

- C. Second Reading Ordinance 2019-03-02, Undersized Lots (302.015)

- a. Public Hearing

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

- b. Council Deliberation and Approval

Mayor Wingfield: Summarized prior council review and status of the ordinance stating approval is subject to publishing.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE ORDINANCE 2019-03-02, UNDERSIZED LOTS (302.015). ALL AYES. MOTION PASSED.

- D. First Reading Ordinance 2019-05-01, Public Improvements Financing and Assessment Sec 805

Mayor Wingfield: Summarized issues with ordinance and highlighted changes to sec 805 due to conflict with city code.

- a. Public Hearing

Justin McCarthy (515 Lake Ave): Concerned with removing city assessment obligation in relation to public parks.

Mike Kraemer (471 Lake Ave): Encouraged council to consider potential challenges in court over assessment policy.

Mayor Wingfield: Stated policy, not code, should dictate these items moving forward, which is why the code is no longer needed. Asked Attorney Kantrud to answer how city pays for benefits and assigns value to benefits conferred against land.

Attorney Kantrud: Stated public land is just that, public and the value to property must be basis for project benefit assessment.

Justin McCarthy (515 Lake Ave): Accepted assessment method, but questioned city's value as a participant in project.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY TEN MINUTES. ALL AYES. MOTION PASSED.

Attorney Kantrud: Informed audience cities cannot assess greater than actual cost of a project and public entities are not assessed because what the private taxpayer does not pay is absorbed by city and is paid through standard taxation.

Justin McCarthy (515 Lake Ave): Disagreed citing benefits attached to Tighe-Schmitz Park. Stated all residents do benefit from the road and park on Lake Avenue, as it is accessed frequently by the public for both beach and park access.

Mike Kraemer (471 Lake Ave): Argued appraisers can value projects liberally, so the value stated needs to be tangible.

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

b. Council Deliberation and Approval

Mayor and Council Members: Discussed fairness and perception of fairness in assessments briefly. Determined that the city is following the State of Minnesota template and guidelines as recommended by the city's attorney.

Attorney Kantrud: Stated the county assessor comes up with fair relative values for assessment for each property based on project. Public hearings and objections are allowed with enough time for responses. Any further challenges would have to happen in court via an assessment appeal. Noted government authorities get benefit of any doubt in these instances.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO STRIKE THE PORTIONS OF SECTION 805.050 THROUGH THE REST OF THE CODE IN THE SPECIAL ASSESSMENT REGULATIONS, ADOPTED PREVIOUSLY, AND AS REFLECTED ON PAGES 79 & 80 OF THE REGULAR AGENDA. ALL AYES. MOTION PASSED.

Attorney Kantrud: Noted under old code entire cost assessed to residents, new law provides greater fairness.

Mayor Wingfield: Noted that changes are intended to avoid complications such as arbitration in court.

Administrator Lay: Pointed out there is nothing substantive left in the ordinance after these amendments, asked if it was worth keeping it or if adding reference to the fee schedule would be appropriate there.

Attorney Kantrud: Recommended repealing entire section.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed the issue further as well as a second public hearing and second reading regarding repealing sec 805.

Mayor and Council Members: Decided to set a second public hearing repealing section 805 in its entirety.

Attorney Kantrud: Clarified for council no summary publication would be needed,

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO RESCIND THE PRECEDING MOTION STRIKING ONLY PORTIONS OF SECTION 805.050 AND ORDER A SECOND READING OF ORDINANCE 2019-05-01 IN JULY WITH PUBLIC HEARING REGARDING REPEALING THE ENTIRE CODE. ALL AYES. MOTION PASSED.

E. First Reading Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow)

- a. Review Ordinance 2019-03-01, Road Escrow

Mayor Wingfield: Introduced ordinance 2019-03-01. Proposed council apply eight paragraphs that could apply to everything except building and demo permits. Presented the code and language amendments. (Time Stamp 01:25:14)

- b. Council Deliberation and Approval

Mayor and Council Members: Discussed details and reviewed each council members thoughts and recommendations.

Mayor and Council Members: Discussed change requests from Roads Committee.

Mayor Wingfield: Displayed required escrow fee schedule language with park and easement rental removed. (Time Stamp 01:33:01)

Councilmember LaFoy: Applauded Mayor Wingfield's work and stated he is ready to move to the next step.

Administrator Lay: Suggested planning commission determines if omitted language would be appropriate in other codes.

Mayor and Council Members: Agreed.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE FIRST READING AND HOLD SECOND READING AND PUBLIC HEARING FOR ORDINANCE 2019-03-01, ROAD ESCROW, AS AMENDED FOR JULY 2019. ALL AYES. MOTION PASSED.

- F. Appoint Commission/Committee Seats

- a. Planning Commission

Administrator Lay: Introduced candidate Michael Kraemer for consideration on the Planning Commission.

Mike Kraemer (471 Lake Ave): Stated he is a city resident of 2 years and former city engineer with 43 years experience.

Mayor Wingfield: Appreciated Mr. Kraemer's technical expertise and will to serve. Stated he will be a great asset to the city.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT MIKE KRAEMER TO THE PLANNING COMMISSION. ALL AYES. MOTION PASSED.

- b. City Hall Improvements Taskforce

Administrator Lay: Summarized creation and status of the city hall improvements taskforce.

Mayor Wingfield: Suggested appointments should occur only pending the confirmation of the appointee's acceptance.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPOINT STEVE SCHAD, BRIDGET SPORL, SHIRLEY RUEHLE AND CARL BAYLEY TO THE CITY HALL IMPROVEMENTS TASKFORCE. ALL AYES. MOTION PASSED.

Mayor Wingfield: Requested a three minutes recess. (Time Stamp 01:43:36)

Council Members: Approved.

Mayor Wingfield: Recalled the meeting to order. (Time Stamp 01:48:05)

- G. Birch Easement Boat Slips (BDA)

Chris Churchill (BDA): Summarized recent meeting on boat slip options. Requested guidance from council on how far and where to clear brush away from the beach. Stated Pontoons offer unique opportunities by racking in shallow water. Inquired about reduced fees for small watercrafts, as people have voiced a desire to do it.

Mayor, Council Members, Administrator Lay and Chris Churchill (BDA): Discussed alternative watercraft storage.

Mayor and Council Members: Approved filling slips using alternative watercraft as is reasonable at \$650 per slip. Decided the related fee schedule changes would be approached under Item B of the City Administrator's report.

- a. Review BDA Proposal

Mayor, Council Members and Chris Churchill (BDA): Discussed brush, resident contact and proceeding in small steps.

- b. Council Deliberation and Approval

Chris Churchill (BDA): Stated a DNR permit is needed, but at least one more slip can be made this year and he can help, but cannot commit to brush clearing oversight. Asked for assistance from the city maintenance staff or Steve Dean.

Mayor and Council Members: Decided to authorize Administrator Lay to get a DNR permit and notify affected neighbors. Asked Mr. Churchill to return with a proposal highlighting recommendations along with the official packet in fall.

H. Parks Committee Recommendations

- a. Schedule Deer Culling Open House

Administrator Lay: Introduced topic and stated July 24th is the only available date for the DNR to meet in the short-term.

Mayor and Council Members: Decided to contact Houstoun Clinch and the DNR for additional dates to discuss in July.

- b. ADA Picnic Tables

Administrator Lay: Updated council stating Jim Rydeen could retrofit existing tables to suit ADA compliance.

Mayor and Council Members: Decided to retrofit one picnic table as a test table to see if it works well to meet the ADA.

- c. Dog Waste Stations

Administrator Lay: Stated the locations identified include both ends of Ash Walkway, Hall Avenue, Jay Street and the East end of wildwood. Bridget Spurl and Bob Byerly have also volunteered to put waste stations in front of their properties.

Mayor and Council Members: Discussed Dog Waste Stations. Decided not to install more dog waste stations. Asked instead that the Parks Committee work on educating the community; provided example education program in California.

I. Kay Beach Disability Parking

Councilmember Woolstencroft: Stated elderly residents have approached him on not being able to access the beach. Suggested dropping the gate at Kay and including slots for handicap parking and even accessible space along the beach.

- a. Council Deliberation and Approval

Mayor and Council Members: Discussed signage minimum requirements for accessibility and safety. Decided to open up the Kay Beach chain and install signage about 100 feet from chain for handicap parking only.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO OPEN THE CHAIN AT KAY BEACH AND INSTALL ONE HANDICAPPED PARKING SIGN AT THE ENTRANCE AND ANOTHER 100 FEET BEYOND THE CHAIN. ALL AYES. MOTION PASSED.

J. Tax Assessments

Mayor Wingfield: Summarized for council that this is only for review. She is asking why Birchwood would rely on County for assessment services instead of bidding out private provider.

- a. Council Deliberation and Approval

Mayor Wingfield: Stated Birchwood's price of real estate has fluctuated and that this may be due to a limited pool of statistics making net changes to parcels challenging. Suspected values are likely penalized relative to taxes paid and

services needed and received. Informed council that since 2011, the City of Grant has used a private assessor and Dellwood is happy with theirs as well. Displayed tax assessment statistics (Time Stamp 02:20:32)

K. Council Member Reports

a. Mayor Wingfield

i. Wider Road Sweeping & Roadside Trimming

Mayor Winfield: Summarized road sweeping and trimming. Suggested a heavy curb sweep with curb edges marked may reveal more paved surface and it should be explored to improve walking, biking and driving space along Hall Avenue.

Mayor and Council Members: Decided to identify trouble areas and return in July.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE TA SCHIFSKY'S TO SWEEP HALL AVENUE WITH THE INTENT OF WIDENING THE ROAD'S EDGE AND IDENTIFY ANY AREAS WHERE CAKED DIRT NEEDS TO BE CLEARED BELOW ROAD GRADE. ALL AYES. MOTION PASSED.

Mayor Wingfield: Volunteered to meet with Gene Ruehle and Bob Byerly to see if they would like to assist on the project.

Administrator Lay: Informed council he will meet with Steve Dean on road clearing and a bid to mow along roads.

Mayor and Council Members: Approved.

ii. Hall/Cedar Traffic Counter

Mayor Wingfield and Administrator Lay: Discuss the rental and use of a "black line" traffic counter.

Mayor Wingfield: Stated she will seek an update from Administrator Lay after he checks in with the county.

b. Councilmember LaFoy

i. Trees Update

Councilmember LaFoy: Stated after meeting with DNR, a lot of advice was gathered and education is needed to identify ash trees, types of oaks or even invasive species. Suggested making tree signs along roadsides. Opined there may be grant money available also. Referred to the included memorandum and sought guidance from council on next steps.

Mayor and Council Members: Discussed Councilmember LaFoy's trees update. Decided to grant Councilmember LaFoy authority to proceed as he sees fit with greater educational outreach but with a sincere emphasis on buckthorn removal.

L. City Administrator Report

a. Maintenance Workers

Administrator Lay: Informed council of Greg Beckman's resignation. Recommended hiring Ron Koehnle and Doug Hough as on-call workers. Also recommended hiring Tyler Woolstencroft as a temporary summer parks staff to help with lawn care.

Mayor Wingfield: Recommended including a one-year probationary period for Ron & Doug. Also recommended increasing Tyler's wage to \$16/hr.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE RESOLUTION 2019-17, 2019-18 and 2019-19 HIRING RON KOEHNLE, DOUG HOUGH AND TYLER WOOLSTENCROFT AS DISCUSSED. ALL AYES. MOTION PASSED.

b. 2019 Fee Schedule

Administrator Lay: Informed council off several sections of the fee schedule that are in need of updating.

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed various fees, fines permits, rates, dog licenses and related administrative costs.

Mayor and Council Members: Decided to strike "Heating Permit Fees" (Item A) and "repair from processed piping system" as related to "insulation" or "repair" (Item D), changed dog licenses to \$20. No action taken on chickens or pigs.

Mayor and Council Members and Administrator Lay: Discussed do-it-yourself water meter installations.

Mayor and Council Members: Decided \$200 is a fair price for a direct meter cost (self-installed).

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PASS THE 2019 FEE SCHEDULE AS AMENDED. ALL AYES. MOTION PASSED.

Mayor Wingfield and Administrator Lay: Discussed close out fees briefly.

Mayor Wingfield: Sought to confirm that the fee schedule listed the \$25 opening fee.

Administrator Lay: Stated he will confirm with St. Anthony Village. Noted also the fee schedule may be impacted by a potential new upcoming escrow fee schedule if one is generated.

c. Lift Station #2 Generator Alarm

Administrator Lay: Informed council that Lift Station #2 backup generator failure alarm does not notify White Bear Township – only local alarm. Provided several bids to install alarm to SCADA system.

Mayor, Council Members, Administrator Lay and Mike Kraemer (Planning Commission): Discussed Lift Station #2 generator alarm. Thought this is unnecessary as White Bear Township would be notified of power failure. Asked Lay to confirm with White Bear Township and return with more info.

d. Lakewood Lane Update

Administrator Lay: Informed council that buyer of 367 Wildwood Avenue has requested to negotiate with city for vacation of unused ROW dividing his two parcels. Asked council for authorization to work with Attorney Kantrud and Engineer Thatcher to negotiate with residents abutting Lakewood Lane.

Mayor Wingfield: Asserted it is likely property owner(s) would be one hundred percent liable for costs if options were pursued via resident petition.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE CITY ADMINISTRATOR LAY, CITY ATTORNEY KANTRUD AND CITY ENGINEER THATCHER TO NEGOTIATE WITH RESIDENTS ABUTTING LAKEWOOD LN REGARDING POSSIBLE ROW VACATION AND LAKEWOOD LN IMPROVEMENTS. ALL AYES. MOTION PASSED.

e. Woodchips for Pathways

Administrator Lay: Stated all the professionals he spoke with including Steve Dean recommended hardwood woodchip. However, this is cost prohibitive.

Mayor and Council Members: Asked Administrator Lay to contact TA Schifsky's for class 5 repair bid for areas of need.

f. AC Controller

Administrator Lay: Provided a brief background. Requested \$295 out of cable commission's equip budget to have the AC controller unit be hardwired to the a/c unit.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE \$295 OUT OF THE CABLE COMMISSION'S EQUIPMENT BUDGET TO INSTALL WALL CONTROLLER TO THE A/C UNIT. ALL AYES. MOTION PASSED.

g. Council Photo Shoot – July 9 at 6:30pm (prior to City Council Meeting)

Administrator Lay: Requested council member's attending a photo shoot July 9th at 6:30pm ahead of July's meeting.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:57 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – City Clerk

RESOLUTION 2019-08

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF
ORDINANCE NO. 2019-01-01, AN ORDINANCE AMENDING THE
CITY'S CODE SECTION 607 TO PROVIDE FOR THE ISSUANCE AND
REGULATION OF PERMITS TO MAINTAIN THE SAFE USE AND
MAINTENANCE AND PASSAGE OF PUBLIC PROPERTY**

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

WHEREAS, the City has adopted Ordinance No. 2019-01-01, which amends City Code Section 607 Open Space, Park Areas and Facilities provisions; and

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

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

1. Because the terms of Ordinance 2019-01-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9th day of July, 2019.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

TO ENACT AN AMENDED SECTION OF THE BIRCHWOOD VILLAGE CODE OF ORDINANCES TO ADMINISTER AND REGULATE PUBLIC PROPERTY PURSUANT TO SECTION 607 OF THE CITY CODE THROUGH ORDINANCE 2019-01-01, WHICH IS IN THE PUBLIC INTEREST, TO PROVIDE FOR THE ISSUANCE AND REGULATION OF PERMITS TO MAINTAIN THE SAFE USE AND MAINTENANCE AND PASSAGE THERE-OF.

The following is a SUMMARY of the Ordinance:

On May 14, 2019 the City adopted an Ordinance to provide for the management of its Public Property by requiring activities conducted in/on them to be permitted by the City. The Ordinance provides for the application and permitting of any activity that occurs in/on the City's Public Property and security that any disruption be restored to pre-disruption status. The Ordinance describes the activities that require permitting and the process by which a permit may be obtained.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

For the Period : 6/11/2019 To 7/6/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$533,704.15	\$11,545.76	\$46,515.73	\$498,734.18
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$4,040.00)	\$0.00	\$0.00	(\$4,040.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$21,927.46	\$750.00	\$467.21	\$22,210.25
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)
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,181.54)	\$0.00	\$0.00	(\$25,181.54)
Sewer Re-hab Debt	\$25,587.91	\$0.00	\$0.00	\$25,587.91
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
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$27,122.01	\$54.83	\$2,490.20	\$24,686.64
Sewer	\$52,590.19	\$69.70	\$251.40	\$52,408.49
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	\$690,698.83	\$12,420.29	\$49,724.54	\$653,394.58

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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>
06/25/2019	Simanski, Julie & Mark	171734666*	Building Permit	(06/25/2019) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 72.50
								\$ 72.50
06/25/2019	Liengswangwong, Gregory	171734667*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 72.50
								\$ 72.50
06/25/2019	Bear Roofing & Exteriors	171734668*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 171.75
								\$ 171.75
06/25/2019	Leopold	171734669*	Kayak/Canoe Permit	(06/25/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
06/25/2019	Briner, Julia & Robert	171734670*	City Hall Rental	(06/25/2019) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
06/25/2019	Geiser, Michael & Kimberly	171734671*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 115.00
								\$ 115.00
06/25/2019	Hullsiek, William & Mary	171734672*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 30.00
								\$ 30.00
06/25/2019	Champion Window Company of Minneapo	171734673*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 98.99
								\$ 98.99
06/25/2019	Go Permits, LLC	171734674*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 142.37
								\$ 142.37
06/25/2019	Hullsiek, William & Mary	171734675*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 42.50
								\$ 42.50
06/25/2019	Sorenson, Christopher & Mary	171734676*	Building Permit	(06/25/2019) -	N	Building Permits	100-32211-	\$ 72.50

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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>
								<u>\$ 72.50</u>
06/25/2019	Tobeck, David & Patricia	171734677*	Kayak/Canoe Permit	(06/25/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								<u>\$ 30.00</u>
06/25/2019	Stewart, Susan & Lentsch, Scott	171734678*	City Hall Rental	(06/25/2019) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								<u>\$ 25.00</u>
06/25/2019	ETOC Company, Inc.	171734679*	Tax Exempt Refund	(06/25/2019) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 101.42
								<u>\$ 101.42</u>
06/25/2019	Birchwood Dock Association	171734680*	BDA Boat Slip Payment	(06/25/2019) -	N	Dock/Lift Permit Fee	210-32260-	\$ 750.00
								<u>\$ 750.00</u>
06/25/2019	Suburban Cable Commission	171734681*	Annual Franchise Fee Distribution - 2019	(06/25/2019) -	N	Cable Comm. Grant	100-33625-	\$ 10,516.23
								<u>\$ 10,516.23</u>
06/25/2019	Sellner, Carla	171734682*	Utility Bill Payment	(06/25/2019) -	N	Water Fee	601-34110-	\$ 26.38
						Water Fee	601-34110-	\$ 21.00
						State and Misc fees	601-34170-	\$ 1.59
						Delinquent Water/Sewer Fees	601-36130-	\$ 5.86
						Sewer Fee	605-34190-	\$ 33.70
						Sewer Fee	605-34190-	\$ 36.00
								<u>\$ 124.53</u>
Total for Selected Receipts								<u><u>\$ 12,420.29</u></u>

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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>
06/12/2019	BIRCH, INC.	30561*	Snow Removal - Feb/Mar 2019 Outstanding Item	N	Ice and Snow Removal	100-43125-314-	\$ 1,102.50
		Total For Check	30561				\$ 1,102.50
06/13/2019	Lund, John	30563*	Tree Services - June 2019	N	Tree Removal	100-43135-314-	\$ 495.00
		Total For Check	30563				\$ 495.00
06/17/2019	PT Berger	30565	Music in the Park - 06/16/2019	N	Recreation	210-45101-440-	\$ 150.00
		Total For Check	30565				\$ 150.00
06/18/2019	SL-serco	30566	Water Meter Readings & Repairs - Feb & May 2019	N	Water Utility	601-43180-314-	\$ 1,239.00
		30566				601-43180-314-	\$ 1,100.00
		Total For Check	30566				\$ 2,339.00
06/19/2019	Carroll, Paul	30568*	Reimbursement - MIP Signage for performance locals	N	Recreation	210-45101-810-	\$ 17.21
		Total For Check	30568				\$ 17.21
06/21/2019	Payroll Period Ending 06/21/2019	30567	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
		Total For Check	30567				\$ 1,859.42
06/21/2019	PERA	EFT062119A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
		Total For Check	EFT062119A				\$ 358.06
06/24/2019	Kosak, Jerry	30569	Music in the Park - 06/23/2019	N	Recreation	210-45101-440-	\$ 150.00
		Total For Check	30569				\$ 150.00
07/01/2019	Payroll Period Ending 06/30/2019	30570	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 446.42
		Total For Check	30570				\$ 446.42
07/02/2019	Amy & Adams	30571*	Music in the Park - 06/30/2019	N	Recreation	210-45101-440-	\$ 150.00
		Total For Check	30571				\$ 150.00
07/02/2019	Lay, Tobin	30572*	Reimbursement - Parks Supplies	N	Parks	100-45207-210-	\$ 37.00
		30572*				100-45207-210-	\$ 10.41
		Total For Check	30572				\$ 47.41

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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>
07/02/2019	Wingfield, Mary	30573*	Reimbursement - Parks Supplies	N	Parks	100-45207-210-	\$ 12.63
		30573*				100-45207-210-	\$ 131.94
	Total For Check	30573					\$ 144.57
07/02/2019	City of White Bear Lake	30574*	Fire Services - June 2019	N	Fire	100-42201-314-	\$ 2,030.17
	Total For Check	30574					\$ 2,030.17
07/02/2019	Kantrud, Alan	30575*	City Attorney Fees - June 2019	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	30575					\$ 1,500.00
07/02/2019	Leeves, Robert	30576*	Videographer - 05/14/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 84.38
	Total For Check	30576					\$ 84.38
07/02/2019	TSE, Inc. Work Account	30577*	Janitorial Services - June 2019	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
	Total For Check	30577					\$ 28.13
07/02/2019	Young & Sons	30578*	Install Wired Controller for Mini Splits (Videography)	N	Cable Eqpmt and Service	100-41950-314-	\$ 294.00
	Total For Check	30578					\$ 294.00
07/02/2019	St. Paul Stamp Works, Inc	30579*	Planning Commission Nameplates (5)	N	Office Operations Supplies	100-41911-200-	\$ 37.50
	Total For Check	30579					\$ 37.50
07/02/2019	Thatcher Engineering, Inc	30580*	LS#1 Project, Lake Ave Project & Zoning Permit Plan Reviews (4)	N	Engineer Service	100-41650-300-	\$ 4,462.50
		30580*				100-41650-300-	\$ 2,040.00
		30580*				100-41650-300-	\$ 42.50
		30580*				100-41650-300-	\$ 42.50
		30580*				100-41650-300-	\$ 42.50
		30580*				100-41650-300-	\$ 85.00
	Total For Check	30580					\$ 6,715.00
07/02/2019	USS Minnesota One MT LLC	30581*	Energy Charges - May 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 1,162.73
	Total For Check	30581					\$ 1,162.73
07/02/2019	MENARD'S - OAKDALE	30582*	Concrete mix for kayak racks	N	Parks	100-45207-220-	\$ 25.11
	Total For Check	30582					\$ 25.11
07/02/2019	Office Depot	30583*	Office Supplies	N	Office Operations Supplies	100-41911-200-	\$ 9.07
		30583*				100-41911-200-	\$ 4.49

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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>
		30583*				100-41911-200-	\$ 254.84
		30583*				100-41911-200-	\$ 95.94
		Total For Check	30583				\$ 364.34
07/02/2019	Schwaab, Inc.	30584*	Canoe/Kayak Permit Stickers	N	Recording and Reporting	100-41420-200-	\$ 159.06
		Total For Check	30584				\$ 159.06
07/02/2019	Merrick Inc.	30585*	Newsletters & u/b - 05/30/2019	N	Newsletter	601-41960-350-	\$ 151.20
		Total For Check	30585				\$ 151.20
07/02/2019	WBL Conservation District	30586*	Community Assessment Fee - 2019	N	Water Resources	100-46101-437-	\$ 1,788.15
		Total For Check	30586				\$ 1,788.15
07/02/2019	League of MN Cities	30587*	2019 Safety & Loss Control Workshop	N	City Training and Development	100-41914-310-	\$ 20.00
		Total For Check	30587				\$ 20.00
07/02/2019	Dahlen, Dwyer, Foley & Tinker, Inc.	30588*	Property Assessments for Lake Ave Mill & Overlay	N	Assessing	100-41550-300-	\$ 3,500.00
		Total For Check	30588				\$ 3,500.00
07/02/2019	Ronnan, Kenny	30589*	Videographer - RCC 06/11/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 95.63
		Total For Check	30589				\$ 95.63
07/02/2019	AirFresh Industries, Inc.	30590*	Portable Restroom Rental (2) - June 2019	N	Parks	100-45207-314-	\$ 162.50
		Total For Check	30590				\$ 162.50
07/02/2019	Alpha Video & Audio Inc.	30591*	Cable Equipment - mic hardware	N	Cable Eqpmt and Service	100-41950-320-	\$ 2,670.00
		30591*				100-41950-320-	\$ 490.00
		30591*				100-41950-320-	\$ 390.00
		Total For Check	30591				\$ 3,550.00
07/02/2019	City of Roseville	30592*	Phone & IT Services - June 2019 + WO#103088	N	General Government Buildings and Plant	100-41940-320-	\$ 1,439.60
		30592*				100-41940-320-	\$ 63.00
		30592*				100-41940-320-	\$ 404.00
		Total For Check	30592				\$ 1,906.60
07/02/2019	Payroll Period Ending 06/30/2019	30593	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 1,380.70

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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	30593				\$ 1,380.70
07/02/2019	Sonnek, Dennis	30594	For Office Coverage 07-01-2019	N	Clerk - Treasurer	100-41401-100-	\$ 64.64
		Total For Check	30594				\$ 64.64
07/02/2019	Croix Valley Inspections Inc	30595*	Inspection Fees - 2018 Calendar Year	N	Building Inspections Administration	100-42401-314-	\$ 10,869.79
		Total For Check	30595				\$ 10,869.79
07/02/2019	Tennis Sanitation, LLC	30596*	Recycling for Service Period: May-Jun 2019	N	Recycle	100-43300-314-	\$ 2,024.00
		Total For Check	30596				\$ 2,024.00
07/02/2019	Allstream	30598*	Analog Phone Line - Pro-Rated Final Payment	N	General Government Buildings and Plant	100-41940-320-	\$ 10.74
		Total For Check	30598				\$ 10.74
07/02/2019	Amazon	EFT070219A*	Furnace Air Filters (4)	N	General Government Buildings and Plant	100-41940-210-	\$ 39.96
		Total For Check	EFT070219A				\$ 39.96
07/02/2019	Xcel Energy	EFT070219B	Xcel Utility Billing - June 2019	N	General Government Buildings and Plant	100-41940-380-	\$(20.84)
		EFT070219B			Street Lighting	100-43160-380-	\$ 1,051.82
		EFT070219B			Parks	100-45207-380-	\$ 20.14
		EFT070219B			Sewer Utility	605-43190-380-	\$(165.56)
		EFT070219B				605-43190-380-	\$ 24.57
		EFT070219B				605-43190-380-	\$ 67.71
		EFT070219B				605-43190-383-	\$ 27.68
		Total For Check	EFT070219B				\$ 1,005.52
07/02/2019	PERA	EFT070219C*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 241.49
		Total For Check	EFT070219C				\$ 241.49
07/02/2019	PERA	EFT070219D*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 72.80
		Total For Check	EFT070219D				\$ 72.80
07/03/2019	Lay, Tobin	30597	Reimbursement - LMC Training	N	City Training and Development	100-41914-334-	\$ 244.84
		Total For Check	30597				\$ 244.84
07/03/2019	Wingfield, Mary	30599	Reimbursement - Stamps	N	Postage/Postal Permits	605-41430-810-	\$ 297.00

Fund Name: All Funds

Date Range: 06/11/2019 To 07/06/2019

<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	30599				\$ 297.00
07/05/2019	Payroll Period Ending 07/05/2019	30600	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
		Total For Check	30600				\$ 1,859.42
07/05/2019	Payroll Period Ending 07/05/2019	30601	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 421.49
		Total For Check	30601				\$ 421.49
07/05/2019	PERA	EFT070519A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
		Total For Check	EFT070519A				\$ 358.06
Total For Selected Checks							\$ 49,724.54

As on 7/6/2019

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	15,000.00	15,000.00
Total Acct 322	0.00	15,000.00	15,000.00
Total Revenues	0.00	15,000.00	15,000.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Community Events	0.00	600.00	(600.00)
Refunds and Reimbursements	0.00	242.09	(242.09)
Total Acct 451	0.00	1,042.09	(1,042.09)
Total Disbursements	0.00	1,042.09	(1,042.09)
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		15,000.00	
Total Disbursements and Other Financing Uses		1,042.09	
Cash Balance as of 07/06/2019		22,210.25	

As on 7/6/2019

Capital Project PW

	<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:			
Total Disbursements	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>0.00</u>	
Cash Balance as of 07/06/2019		66,233.91	

As on 7/6/2019

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	32,647.60	32,647.60
Penalty - Late Water/Sewer	0.00	249.60	249.60
State and Misc fees	0.00	879.26	879.26
Total Acct 341	0.00	33,776.46	33,776.46
Water Main Break	0.00	56.22	56.22
Total Acct 349	0.00	56.22	56.22
Delinquent Water/Sewer Fees	0.00	5.86	5.86
Miscellaneous	0.00	33.59	33.59
Total Acct 361	0.00	39.45	39.45
Total Revenues	0.00	33,872.13	33,872.13
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	221.15	(221.15)
Total Acct 414	0.00	221.15	(221.15)
Financial Administration			
Contracted Services	0.00	3,881.10	(3,881.10)
Total Acct 415	0.00	3,881.10	(3,881.10)
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	219.00	(219.00)
Refunds and Reimbursements	0.00	65.98	(65.98)
Newsletter			
Printing and Binding (351 through 359)	0.00	369.60	(369.60)
Total Acct 419	0.00	654.58	(654.58)
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	22,259.34	(22,259.34)
Fees	0.00	11,878.59	(11,878.59)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	245.56	(245.56)
Refunds and Reimbursements	0.00	569.99	(569.99)
Total Acct 431	0.00	37,261.48	(37,261.48)
Total Disbursements	0.00	42,018.31	(42,018.31)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		32,832.82	
Total Receipts and Other Financing Sources		33,872.13	
Total Disbursements and Other Financing Uses		42,018.31	
Cash Balance as of 07/06/2019		24,686.64	

As on 7/6/2019

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	292.32	292.32
State and Misc fees	0.00	0.00	0.00
Sewer Fee	0.00	46,328.38	46,328.38
Total Acct 341	0.00	46,620.70	46,620.70
SPECIAL ASSESSMENTS	0.00	512.30	512.30
Total Acct 361	0.00	512.30	512.30
Total Revenues	0.00	47,133.00	47,133.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	297.00	(297.00)
Total Acct 414	0.00	297.00	(297.00)
Office Operations Supplies			
Refunds and Reimbursements	0.00	319.00	(319.00)
Newsletter			
Printing and Binding (351 through 359)	0.00	77.60	(77.60)
Total Acct 419	0.00	396.60	(396.60)
Utility Locates			
Contracted Services	0.00	148.55	(148.55)
Total Acct 428	0.00	148.55	(148.55)
Sewer Utility			
Sewer - Wastewater Charge	0.00	28,875.18	(28,875.18)
Contracted Services	0.00	5,046.29	(5,046.29)
Utility Services (381 through 389)	0.00	2,462.58	(2,462.58)
Utility Services: Gas Utilities	0.00	200.03	(200.03)
Total Acct 431	0.00	36,584.08	(36,584.08)
Total Disbursements	0.00	37,426.23	(37,426.23)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		42,701.72	
Total Receipts and Other Financing Sources		47,133.00	
Total Disbursements and Other Financing Uses		37,426.23	
Cash Balance as of 07/06/2019		52,408.49	

ORDINANCE 2019-03-01

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

**AN ORDINANCE AMENDING PERMIT REQUIREMENTS
AND STANDARDS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 301. ZONING CODE: GENERAL PROVISIONS

...

301.055. PERMIT REQUIREMENTS. Unless otherwise specifically provided, the following are required for both demolition permits and building all activity in the City that requires a building permit to be issued to conduct the activity that in the discretion of the City Administrator and/or Building Official has the potential to impact any public ROW or property:

1. Certificate of insurance; coverage. The applicant must furnish the city with a certificate of insurance evidencing the following required coverage:

A. Commercial general liability, including XCU (explosion, collapse and underground) coverage.

1. Bodily injury:

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate products and completed operations.

2. Property damage:

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate.

B. Comprehensive automobile liability (owned, nonowned, hired):

1. Bodily injury:

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 each accident.

2. Property damage. Property damage: \$1,000,000.00 each occurrence.

C. The minimum insurance coverage must be maintained until six months after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The city must be named as an additional insured.

~~2. **Cash escrow.** The applicant must furnish the city a cash escrow as determined by set forth in Chapter 701, the City Administrator and/or Building Official. A single escrow is required for either or both a demolition permit and building permit. The City may draw on the cash escrow to reimburse the City for the repair of damage to public property or to remedy permit violations. If the City draws on the cash escrow, upon the City's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount set forth initially. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed.~~

~~A. The cash escrow amount will be required at the time of application fees and the application is received by the City. This charge will be used to cover additional staff time required and the cost of repair for any damage to City infrastructure or resources.~~

~~B. Unused cash escrow will be returned to the applicant upon completion of the project.~~

~~C. The applicant will be responsible for damages or costs in excess of the cash escrow, if applicable.~~

~~3. **Soils investigation report and shoring plan.** Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s).~~

~~4. **Existing condition of property.** Before a permit is issued, the building official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property and any other public property that may be impacted by the permitted activity.~~

~~5. **Written notification of demolition.** For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition.~~

~~6. **Signage of construction.** For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued.~~

~~7. **Stormwater and erosion control plans.** For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on site erosion and protect on- and off site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.~~

~~301.060. PERMIT STANDARDS. For both demolition permits and building these permits.~~

~~A. The permit holder must comply with the state building code, state statutes and this Code.~~

~~B. Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.~~

~~C. The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.~~

~~D. The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle~~

is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

1. On a boulevard between the sidewalk and roadway;
2. Within five feet of the intersection of any public or private driveway or alley with any street or highway;
3. Where the vehicle will block a fire escape or the exit from any building;
4. Where temporary signs prohibit parking.

Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.

City Parks and Open Spaces shall not be used for parking vehicles or staging materials or equipment.

Police officers, community service officers, and City Staff shall be responsible for enforcing the parking requirements and parking regulations of this section.

~~E. The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.~~

~~F. The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets and boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. All materials related to the project must be stockpiled in appropriate areas on-site. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any street or public space and must remove any trash or debris that washed or was deposited on any adjacent property.~~

~~G. Deliveries of materials that need to be unloaded from a truck and transported to the project site will be done so with care and consideration of the pavement surface. Protection from a tractor or forklift consist of plywood or boards laid out to protect the pavement and removed after the load has been transferred. This also applies to trailers parked temporarily on roads or streets to unload equipment.~~

~~G. Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to~~

~~prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.~~

~~H. No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right of way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.~~

~~I. Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.~~

301.~~055065~~. PROVISION FOR VARIANCES. Where enforcement of the strict provisions of the Zoning Code would cause undue hardship a variance may be granted to allow deviation from the requirements, in accordance with Minnesota Statutes, Chapter 462. (See Section 304. VARIANCES AND APPEALS.)

...

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 9th day of July, 2019

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

ESCROW FEE SCHEDULE

CITY OF BIRCHWOOD VILLAGE FEE SCHEDULE ADDITIONAL CHARGES FOR ESCROW AOUNTS/DAMAGE DEPOSITS

~~An escrow amount (damage deposit) will be required at the time of application fees and the application is received by the City. This charge will be used to cover additional staff time required and the cost of repair for any damage to city infrastructure or resources.~~

Subdivision	\$7000
Lot Split	n/a
Variance	\$3000
Conditional Use Permit (amended and new)	\$3000
Park and easement rental	\$1000
All other Land uses	\$3000

Including building, driveway,
Grading, fence, retaining wall

Permits, unless specifically exempted by the City Administrator and/or Building Official pursuant to Chapter 301.055

~~Unused escrow and/or damage deposits will be returned to the Applicant upon completion of the project~~

~~The Applicant will be responsible for damages or costs in excess of the escrow or damage deposit, if applicable.~~

RESOLUTION 2019-09

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE
NO. 2019-03-01, AN ORDINANCE AMENDING THE CITY'S CODE SECTION 301 TO
PROVIDE FOR THE USE OF ESCROWED FUNDS TO MAINTAIN THE SAFE USE
AND MAINTENANCE OF THE CITY PUBLIC RIGHT-OF-WAYS IN THE EVENT OF
DAMAGE**

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

WHEREAS, the City has adopted Ordinance No. 2019-03-01, which amends City Code Section 301 Zoning Code: General Provisions; and

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

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

1. Because the terms of Ordinance 2019-03-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9th day of July, 2019.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

Please be advised that the City of Birchwood has duly-passed the following ORDINANCE:

TO ENACT AN AMENDED SECTION OF THE BIRCHWOOD VILLAGE CODE OF ORDINANCES TO ADMINISTER AND REGULATE THE USE OF THE CITY PUBLIC RIGHT-OF-WAYS PURSUANT TO SECTION 301 OF THE CITY CODE THROUGH ORDINANCE 2019-03-01, WHICH IS IN THE PUBLIC INTEREST, TO PROVIDE FOR THE USE OF ESCROWED FUNDS TO MAINTAIN THE SAFE USE AND MAINTENANCE IN THE EVENT OF DAMAGE.

The following is a SUMMARY of the Ordinance:

On July 9, 2019 the City adopted an Ordinance to provide for the management of its roads and other public right of ways by requiring activities that may result in damage to said areas be protected by the securing of an escrow to protect the City from loss. The Ordinance describes the activities that require escrow and the process by which escrows are setup and released.

PLEASE BE ADVISED, this is not the full text of the Ordinance passed and the published material is only a summary. The full text is available for public inspection at the City of Birchwood, 207 Birchwood Avenue, Birchwood, Minnesota 55110 or delivered upon request electronically or by U.S. Mail.

Summary complies with Minn. Stat. §§ 331A.05 subd. 8. & 412.191 subd 4.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: First Reading Ord. 2019-04-01 (203)

Dear Mayor and Council Members,

Earlier this year, the Council requested the Planning Commission review Section 203 to clarify ambiguities regarding what activities require building permits.

Just as the Commissioners were finalizing their recommendations, the Council requested that they review the omitted language from Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow), that the Council is finalizing at this meeting. The Commission reviewed the omitted language at their last meeting and made a recommendation to place the omitted language in Section 203.

In addition to these recommendations, staff noticed other sections of 203 that were in need of updating.

Please see the several recommendations as follows:

203.040 – clarifying ambiguities

With guidance from the City Attorney, the Planning Commission used language from Minnesota Statutes to recommend the enclosed amendments (see enclosed redlines).

203.060 – omitted road escrow language

With guidance from the City Attorney, the Planning Commission recommended placing omitted road escrow language in section 203.060 (see enclosed redlines).

203.010, 015, 020, 030, 050, and 070 – staff recommendations

Staff noticed that section 203.015 is redundant as other sections of 203 already include the language of 203.015. Accordingly, staff recommends Council strike 203.015. To better align with the current requirements for Self-Perpetuating Ordinance language (the intent behind 203.015), staff recommends the redlined amendments to 203.010, 020, 030, 050 and 070, as enclosed.

Request/Recommendation

The Planning Commission and Staff requests Council:

- 1) Review the recommendations in enclosed Ordinance 2019-04-01;
- 2) Approve the first reading of Ordinance 2019-04-01; and
- 3) Order the public hearing and second reading for August.

Thanks!

Regards,
Tobin Lay

ORDINANCE 2019-04-01

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

**AN ORDINANCE AMENDING PERMIT REQUIREMENTS
AND STANDARDS IN CITY BUILDING CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 203 (Zoning Code: City Building Regulations) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 203. CITY BUILDING REGULATIONS

203.010. STATE BUILDING CODE ADOPTED. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter Administration pursuant to Minnesota Statutes Sections 326B.01 through 326B.16, ~~including all optional chapters hereinafter specifically adopted by the City Council and~~ including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry Administration, through the Building Codes and Standards Unit Division, is hereby adopted by reference and incorporated in this ordinance as if fully set out herein with the exception of the optional chapters, unless specifically adopted in this ordinance, and shall be known as the Birchwood Building Code.

203.015. ~~SELF-PERPETUATING ORDINANCE.~~

203.020. BUILDING CODE OPTIONAL CHAPTERS. The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for Birchwood Village:

~~Chapter 1305, Grading~~ Appendix ~~chapter~~ J of the ~~2012~~2006-International Building Code (Grading).

203.030. APPLICATION, ADMINISTRATION AND ENFORCEMENT. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The City Council shall appoint a Minnesota Certified Building Official who shall attend to all aspects of Building Code administration including enforcement within the extraterritorial limits permitted by Minnesota Statutes, 326B.121. The Birchwood Building Code shall be enforced within the incorporated limits of the City.

203.035. EXTERIOR COMPLETION. The exterior finish on all residential dwellings and/or their accessory buildings shall be completed within six months of the date the permit is issued. Refinishing of existing buildings shall be completed within six months of the start of the work. Any owner of a dwelling who does not comply

with this section shall have six months from the date of written notification of such to bring the dwelling to compliance. Tarpaper, unfinished plywood, fiberboard insulation, foam insulation, brown coat or scratch coat of stucco, plastic sheeting and other similar materials not designed to be an exterior finish shall not be considered an acceptable exterior finish. The building official may grant a 90-day extension if there is an unusual hardship, such as bad weather. Further time extensions must be approved by the city council.

203.040. PERMITS ~~REQUIRED~~.

1. **Required.** An owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any gas, mechanical, electrical, plumbing system, or other equipment, the installation of which is regulated by the code; or cause any such work to be done, shall first make application to the building official and obtain the required permit.

2. **Work exempt from permit.** Exemptions from permit requirements of the code do not authorize work to be done in any manner in violation of the code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

A. **Building:**

(1) one-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 144 square feet;

(2) retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids;

(3) water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1;

(4) painting, papering, flooring finishes (non-structural), cabinets, countertops, and similar finish work;

(5) temporary motion picture, television, and theater stage sets and scenery;

(6) prefabricated swimming pools installed entirely above ground accessory to dwelling units constructed to the provisions of the International Residential Code or R-3 occupancies constructed to the

provisions of the International Building Code, which do not exceed both 5,000 gallons in capacity and a 24-inch depth;

(7) window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support, when constructed under the International Residential Code or Group R-3 and Group U occupancies constructed to the provisions of the International Building Code;

(8) movable cases, counters, and partitions not over five feet, nine inches in height;

(9) swings and other playground equipment; and

(10) nominal structures.

B. Electrical: all electrical permits must be obtained through the Minnesota Dept. of Labor & Industry.

3. **Emergency repairs.** If equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted to the building official within the next working business day.

4. **Repairs.** Application or notice to the building official is not required for ordinary repairs to structures. The repairs shall not include the opening or removal of any wall, partition, or portion of a wall or partition, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement, or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring, or mechanical or other work affecting public health or general safety.

5. **Application for permit.** To obtain a permit, the applicant shall file an application in writing on a form furnished by the Department of Building Safety for that purpose. The application shall:

A. identify and describe the work to be covered by the permit for which application is made;

B. describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;

C. indicate the use and occupancy for which the proposed work is intended;

D. indicate the type of construction;

- E. be accompanied by construction documents and other information as required by the code;
 - F. state the valuation of the proposed work;
 - G. be signed by the applicant, or the applicant's authorized agent; and
 - H. give other data and information required by the building official.
6. **Action on application.** The building official shall examine or cause to be examined applications for permits and amendments within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject the application and notify the applicant of the reasons. The building official shall document the reasons for rejecting the application. The applicant may request written documentation of the rejection and the reasons for the rejection. When the building official is satisfied that the proposed work conforms to the requirements of the code and applicable laws and ordinances, the building official shall issue a permit.
7. **Time limitation of application.** An application for a permit for any proposed work shall be considered abandoned 180 days after the date of filing, unless the application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
8. **Validity of permit.** The issuance or granting of a permit or approval of plans, specifications, and computations, shall not be construed to be a permit for any violation of the code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of the code or other ordinances of the jurisdiction are not valid. Any permit issued becomes invalid if the work authorized by the permit is suspended or abandoned for more than 180 days. The 180 days commences the first day the work was suspended or abandoned.
9. **Expiration.** Every permit issued expires unless the work authorized by the permit is commenced within 180 days after its issuance. The building official shall grant, in writing, extensions of time, for periods not more than 180 days each if the applicant demonstrates justifiable cause for the extension to the building official.
10. **Suspension or revocation.** The building official may suspend or revoke a permit issued under the code if the permit is issued in error; on the basis of incorrect, inaccurate, or incomplete information; or in violation of any ordinance or regulation or the code.

11. Information and placement of permit. The building permit or a copy shall be kept on the site of the work until the completion of the project. Pursuant to Minnesota Statutes, section 15.41, the permit shall specify the name and address of the applicant, and the general contractor, if one exists. All construction permits shall be posted in a conspicuous and accessible place at the premises or site of construction.

12. Responsibility. Every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical, or plumbing systems, for which the code is applicable, shall comply with the code. The person, firm, or organization securing the permit is responsible for code compliance for the work being performed.

~~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.~~

203.050. PERMIT FEES. The city is authorized pursuant to Minnesota Statutes, section 326B.~~424~~151 and 326B.153, and ~~the Minnesota State Building Code,~~ Minnesota Administrative Rules part 1300.0160, to establish fees for the consideration and issuance of building permits under the Birchwood Building Code.

1. PERMIT FEES. The City shall establish appropriate permit fees for the various activities conducted under the Birchwood Building Code in accordance with the fee schedule as set forth in Chapter 701~~by resolution and promulgate such fees in a fee schedule.~~ In addition, a surcharge fee shall be collected on all permits issued for work governed by the Birchwood Building Code in accordance with Minnesota statute 326B.148.

2. VALUATION. The Chart of Estimated Construction Cost as annually provided by the Minnesota Department of Labor and Industry~~Administration~~ State Building Codes and Standards Unit~~Division~~ shall be ~~utilized~~used to compute building valuations for the purposes of establishing the appropriate permit fee. Permit valuation shall include total value of all construction work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment, and permanent systems. Permit fees for prefabricated structures shall be based on a valuation of on-site work only.

203.060. PERFORMANCE STANDARDS FOR ALL PERMITTING IN THE CITY. Unless exempted by 203.040 or otherwise advised by the City Administrator or Building Official, the following are required for all activity in the City that requires a building permit to be issued to conduct the activity.

1. Certificate of insurance; coverage. The applicant must furnish the city with a certificate of insurance evidencing the following required coverage:

A. Commercial general liability, including XCU (explosion, collapse and underground) coverage.

(1) Bodily injury.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate products and completed operations.

(2) Property damage.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 aggregate.

B. Comprehensive automobile liability (owned, nonowned, hired).

(1) Bodily injury.

(i) \$1,000,000.00 each occurrence.

(ii) \$1,000,000.00 each accident.

(2) Property damage. Property damage: \$1,000,000.00 each occurrence.

C. The minimum insurance coverage must be maintained until one year after the demolition has been completed or, if a new dwelling is being constructed, a certificate of occupancy has been issued. The city must be named as an additional insured.

2. Soils investigation report and shoring plan. Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s).

3. Written notification of demolition. For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition.

4. Signage of construction. For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued.

5. Erosion control plans. For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

6. Permit standards.

A. The permit holder must comply with the state building code, state statutes and this Code.

- B. Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited except between the hours of 7:00 a.m. and 7:00 p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.
- C. The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.
- D. The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
- (1) On a boulevard between the sidewalk and roadway;
 - (2) Within five feet of the intersection of any public or private driveway or alley with any street or highway;
 - (3) Where the vehicle will block a fire escape or the exit from any building;
 - (4) Where temporary signs prohibit parking.
 - (i) Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.
 - (ii) City Parks and Open Spaces shall not be used for parking vehicles or staging materials or equipment.
 - (iii) Police officers, community service officers, and City Staff shall be responsible for enforcing the parking requirements and parking regulations of this section.
- E. The permit holder must install and maintain a rock entrance pad or its equivalent at each location where vehicles enter or exit the construction site, at locations approved by the building official.

- F. The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets and boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. All materials related to the project must be stockpiled in appropriate areas on-site. Debris must be contained on the project site. No material may be deposited or stockpiled on the public streets, boulevards, sidewalks or adjacent property. At the end of each working day, the permit holder must remove any soil, trash or debris that washed or was deposited on any street or public space and must remove any trash or debris that washed or was deposited on any adjacent property.
- G. Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.
- H. No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.
- I. Prior to commencing demolition, protective fencing approved by the building official must be installed around boulevard trees and trees that will not be removed.

203.070. VIOLATIONS AND PENALTIES. A violation of this code is a misdemeanor.

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 13th day of August, 2019

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

SELF-PERPETUATING SAMPLE ORDINANCE - EXAMPLE

Ordinance No. _____ Adopting the Minnesota State Building Code

AN ORDINANCE ADOPTING THE MINNESOTA STATE BUILDING CODE. THIS ORDINANCE: PROVIDES FOR THE APPLICATION, ADMINISTRATION, AND ENFORCEMENT OF THE MINNESOTA STATE BUILDING CODE BY REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA, AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THIS MUNICIPALITY; PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREOF; PROVIDES PENALTIES FOR VIOLATION THEREOF; REPEALS ALL ORDINANCES AND PARTS OF ORDINANCES THAT CONFLICT THEREWITH. THIS ORDINANCE SHALL PERPETUALLY INCLUDE THE MOST CURRENT EDITION OF THE MINNESOTA STATE BUILDING CODE WITH THE EXCEPTION OF THE OPTIONAL APPENDIX CHAPTERS. OPTIONAL APPENDIX CHAPTERS SHALL NOT APPLY UNLESS SPECIFICALLY ADOPTED.

This municipality does ordain as follows:

Section 1 Codes adopted by reference. The Minnesota State Building Code, as adopted by the Commissioner of Labor and Industry pursuant to Minnesota Statutes chapter 16B.59 to 16B.75, including all of the amendments, rules and regulations established, adopted and published from time to time by the Minnesota Commissioner of Labor and Industry, through the Building Codes and Standards Unit, is hereby adopted by reference with the exception of the optional chapters, unless specifically adopted in this ordinance. The Minnesota State Building Code is hereby incorporated in this ordinance as if fully set out herein.

Section 2. Application, Administration and Enforcement. The application, administration, and enforcement of the code shall be in accordance with Minnesota State Building Code. The code shall be enforced within the extraterritorial limits permitted by Minnesota Statutes, 16B.62, subdivision 1, when so established by this ordinance.

The code enforcement agency of this municipality is called the _____. This code shall be enforced by the Minnesota Certified Building Official designated by this Municipality to administer the code (Minnesota statute 16B.65) subdivision 1.

Section 3. Permits and Fees. The issuance of permits and the collection of fees shall be as authorized in Minnesota Statutes, 16B.62, subdivision 1. Permit fees shall be assessed for work governed by this code in accordance with the fee schedule adopted by the municipality in i.e.: City Code #, Ordinance #, etc. In addition, a surcharge fee shall be collected on all permits issued for work governed by this code in accordance with Minnesota statute 16B.70.

Section 4. Violations and Penalties. A violation of the code is a misdemeanor (Minnesota statutes 16B.69).

Section 5. Building Code Optional Chapters. The Minnesota State Building Code, established pursuant to Minnesota Statutes 16B.59 to 16B.75 allows the Municipality to adopt by reference and enforce certain optional chapters of the most current edition of the Minnesota State Building Code.

The following optional provisions identified in the most current edition of the State Building Code are hereby adopted and incorporated as part of the building code for this municipality.

- 1.
2. *(Municipality must specifically identify optional provisions elected for code adoption here)*
- 3.

Section 6. Effective Date of Ordinance. The effective date of this Ordinance is _____.

Signed: _____

Title: _____

Attest: _____

Title: _____

Reviewed By: _____

Title: _____

“ADOPTED BY ORDINANCE 2015-01-02; JANUARY 13, 2015”

**APPENDIX J
GRADING**

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

**SECTION J101
GENERAL**

J101.1 Scope. The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the geotechnical report, the geotechnical report shall govern.

J101.2 Flood hazard areas. The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in *floodways* within *flood hazard areas* established in Section 1612.3 or in *flood hazard areas* where design *flood* elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

**SECTION J102
DEFINITIONS**

J102.1 Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of the *International Building Code* for general definitions.

BENCH. A relatively level step excavated into earth material on which fill is to be placed.

COMPACTION. The densification of a fill by mechanical means.

CUT. See "Excavation."

DOWN DRAIN. A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility.

EROSION. The wearing away of the ground surface as a result of the movement of wind, water or ice.

EXCAVATION. The removal of earth material by artificial means, also referred to as a cut.

FILL. Deposition of earth materials by artificial means.

GRADE. The vertical location of the ground surface.

GRADE, EXISTING. The grade prior to grading.

GRADE, FINISHED. The grade of the site at the conclusion of all grading efforts.

GRADING. An excavation or fill or combination thereof.

KEY. A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

SLOPE. An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

TERRACE. A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

**SECTION J103
PERMITS REQUIRED**

J103.1 Permits required. Except as exempted in Section J103.2, no grading shall be performed without first having obtained a *permit* therefor from the *building official*. A *grading permit* does not include the construction of retaining walls or other structures.

J103.2 Exemptions. A *grading permit* shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**SECTION J104
PERMIT APPLICATION AND SUBMITTALS**

J104.1 Submittal requirements. In addition to the provisions of Section 105.3, the applicant shall state the estimated quantities of excavation and fill.

J104.2 Site plan requirements. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

J104.3 Geotechnical report. A geotechnical report prepared by a *registered design professional* shall be provided. The report shall contain at least the following:

1. The nature and distribution of existing soils;
2. Conclusions and recommendations for grading procedures;
3. Soil design criteria for any structures or embankments required to accomplish the proposed grading; and
4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

Exception: A geotechnical report is not required where the building code official determines that the nature of the work applied for is such that a report is not necessary.

J104.4 Liquefaction study. For sites with mapped maximum considered earthquake spectral response accelerations at short periods (S_s) greater than 0.5g as determined by Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

Exception: A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.

SECTION J105 INSPECTIONS

J105.1 General. Inspections shall be governed by Section 109 of this code.

J105.2 Special inspections. The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the *building official*.

SECTION J106 EXCAVATIONS

J106.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than two units horizontal to one unit vertical (50-percent slope) unless the owner or authorized agent furnishes a geotechnical report justifying a steeper slope.

Exceptions:

1. A cut surface shall be permitted to be at a slope of 1.5 units horizontal to one unit vertical (67-percent slope) provided that all of the following are met:
 - 1.1. It is not intended to support structures or surcharges.
 - 1.2. It is adequately protected against erosion.
 - 1.3. It is no more than 8 feet (2438 mm) in height.
 - 1.4. It is approved by the building code official.
 - 1.5. Ground water is not encountered.
2. A cut surface in bedrock shall be permitted to be at a slope of one unit horizontal to one unit vertical (100-percent slope).

SECTION J107 FILLS

J107.1 General. Unless otherwise recommended in the geotechnical report, fills shall comply with the provisions of this section.

J107.2 Surface preparation. The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

J107.3 Benching. Where existing grade is at a slope steeper than five units horizontal to one unit vertical (20-percent slope) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with Figure J107.3. A key shall be provided which is at least 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.

J107.4 Fill material. Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

J107.5 Compaction. All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

J107.6 Maximum slope. The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than two units horizontal to one unit vertical (50-percent slope) shall be justified by a geotechnical report or engineering data.

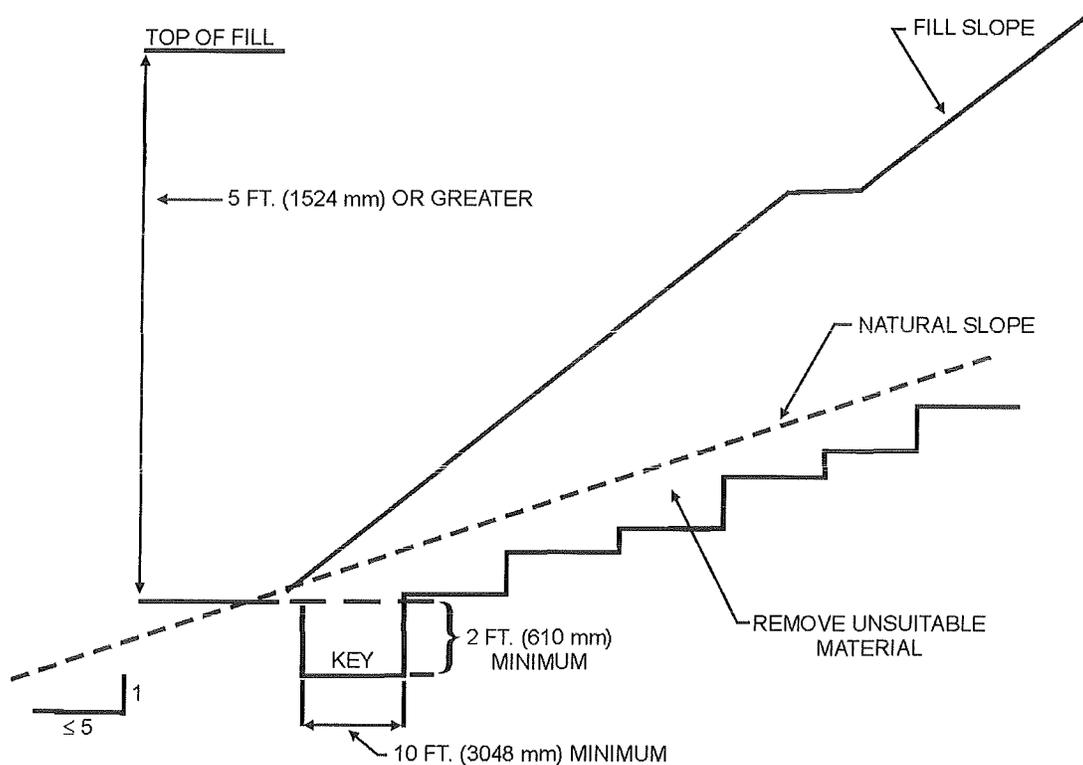
SECTION J108 SETBACKS

J108.1 General. Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.

J108.2 Top of slope. The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

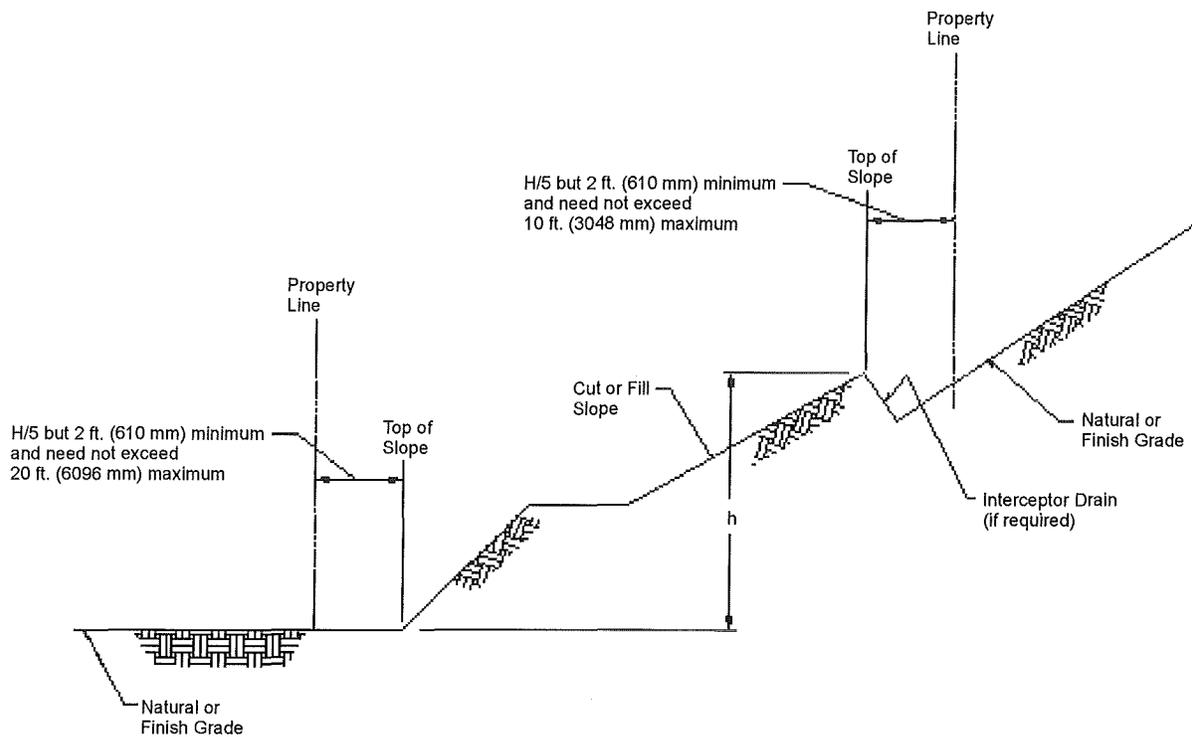
J108.3 Slope protection. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the *building official*, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.



For SI: 1 foot = 304.8 mm.

**FIGURE J107.3
BENCHING DETAILS**



For SI: 1 foot = 304.8 mm.

**FIGURE J108.1
DRAINAGE DIMENSIONS**

SECTION J109 DRAINAGE AND TERRACING

J109.1 General. Unless otherwise recommended by a *registered design professional*, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

Exception: Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).

J109.2 Terraces. Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5 percent) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m²) (projected) without discharging into a down drain.

J109.3 Interceptor drains. Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the *building official*, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the *building official*.

J109.4 Drainage across property lines. Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

SECTION J110 EROSION CONTROL

J110.1 General. The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials.

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

J110.2 Other devices. Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

SECTION J111 REFERENCED STANDARDS

ASTM D 1557-e01	Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft ³ (2,700kN-m/m ³)].	J107.6
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1306.0020 MUNICIPAL OPTION.

Subpart 1. **Requirement.** The sprinkler system requirements of this chapter, if adopted, must be adopted with the selection of either subpart 2 or 3, without amendment.

Subp. 2. **Existing and new buildings.** Automatic sprinkler systems for new buildings, buildings increased in total floor area (including the existing building), or buildings in which the occupancy classification has changed, must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to D.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to D.

Subp. 3. **New buildings.** Automatic sprinkler systems for new buildings, additions to existing buildings, or buildings in which the occupancy classification has changed must be installed and maintained in operational condition within the structure. The requirements of this subpart apply to structures that fall within the occupancy classifications established in part 1306.0030, items A to D.

Exception: The floor area of minor additions that do not increase the occupant load does not have to be figured into the square footage for occupancy classifications established in part 1306.0030, items A to D.

Statutory Authority: *MS s 16B.59; 16B.61; 16B.64; 326B.101; 326B.106; 326B.13*

History: *27 SR 1479; 32 SR 6; L 2007 c 140 art 4 s 61; art 13 s 4*

Published Electronically: *July 11, 2007*

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Soliciting Private Assessors for 2020
DATE: June 27, 2019

Accuracy Issues of Washington County Assessor as illustrated by Comparing two properties.

	<u>415 Wildwood (Lutz house)*</u>	<u>407 Lake (Greeley house)**</u>
Year Built	1900 construction	New
Lot Size	6970 sq ft	16,143 sq ft
Lot Width	25 feet	65 feet
House Size	912 sq. feet	2796 sq ft
Value	\$215,000.	\$1,028,600
Garage	1 car detached	3 car attached
Baement	No (house built on stilts)	Yes
Lake Lot	No	Yes

*The county website states that it sold "1/21/05" for \$138,000. The house actually sold around 2015 for that price.

**Building permit \$371,500 (Can this be accurate?) ...No listing of sale info (about 2014).

Other Notable bits:

407 Lake Ave Lot is 17x larger
House is 4x larger
Value is only 4.78x more.

In August of 2010, the city council voted to contract with a private contractor for a period of five years at a rate of \$4910.50 with an annual cost of living increase allowance. The county intervned with this contract alleging that the city could not legally change to a private contractor. (It should be noted the City of Grant hired a private contractor at the same time and the county did not interfere with that contract).

Nevertheless, the 2011 city council chose to abandon the private assessor contract and resumed county contracting services. Last month the city paid the county \$6167.20 for assessment contracting services. This is an increase of over 25% for a nine year period. The cost of living increase for the past nine years is significantly less.

It should also be noted that the county has not communicated once with the council in the last nine years justifying or explaining its work of why its costs have increased significantly.

The five-year county contract signed by the Birchwood Council on September 14, 2011 calls for a 90 day termination notice. Staff need to determine if a subsequent contract is in place changing that term if the council decides to proceed with posting for the position.

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Schedule Deer Management Town Hall Mtg

Dear Mayor and Council Members,

Last month the Council asked Parks Committee Chair Houstoun Clinch to request more meeting date options from the DNR. Clinch has confirmed that the DNR can meet on any of the following dates (potential conflicts are shown in parenthesis):

- Mon Sept 9
- Tue Sept 10 (community yoga at 4:45pm & City Council meeting at 7pm)
- Wed Sept 11
- Thur Sept 12
- Fri Sept 13
- Mon Sept 23
- Tue Sept 24 (community yoga at 4:45pm)
- Wed Sept 25
- Thur Sept 26 (Planning Commission meeting at 7pm)
- Fri Sept 27

I emailed each Council Member a Doodle link prior to this meeting for help narrow down the options. I will review your responses during the meeting.

Request/Recommendation

Parks Committee Members and Staff requests Council (at least a representation of the Council):

- 1) Select a date from the above list to hold a town hall meeting with the Parks Committee and representatives from the DNR.

Thanks!

Regards,
Tobin Lay



PLOWING PROBLEMS MAYOR'S FEB 2019 MEMO

Ride Around Birchwood Village with Dan at Birch, Inc.
February 11, 2019--Most recent snow fall about 24 hours prior.
Width and scraping to base generally good*

Areas that need to be addressed:

1. A policy should be adopted to limit the following (Roads comm could create a draft)
 - a. stakes (type and distance from curb)
 - b. landscaping (eg walls) and boulders (distance from curb)
2. Some specific areas need to be addressed ASAP
 - a. Snow being plowed across street. This is contrary to state law. Generally, those that have done so, have not caused any problems except the following:
 - 259, 268 Wildwood-- Need to send letters to residents reminding them to push snow father back on the median so the edge does not bow out into the driving lane
 - 453, 441 Lake Av. Need to send letters to remind their plowers to make sure they do not leave snow on the road when done
 - b. Snow being pushed in road and left.
 - 153 and 200 Wildwood. Need to send letters to owners to remind them their snow needs to be disposed of on their property.
 - c. 400 Wildwood Av-- Rocks at corner of Wildwood and Lake Ave that prevent pushing back snow at intersection. Relocate rocks farther back on right-of-way
 - d. Lakewood Lane—Will land owner Werra allow Birch to access Lakewood Lane to plow DOWN the Lane. Right now it is nearly impossible to plow from Wildwood Av direction
 - e. Stakes at road edge not allowing snow storage—Need to send letters to 2 Oakridge Dr (metal posts); and 17 Oakridge and 6 Oakridge (or maybe 6 Five Oaks Ln) (fiberglass stakes preventing any snow storage)
 - f. Snow storage required at south end of Elm easement. A driveway is located on a portion of the easement. The land owner needs to be notified the city will be using part of the easement for storage
3. To be addressed in the spring:
 - a. There is very little snow storage in the OakHill Ct cul de sac. It makes sense to clump up a couple of mailboxes to improve the issue: Move #7 mailbox to #9's post; move #4 mailbox across street to #3 post

- b. Birch Street (upper)—The city needs to remove the small saplings (sprigs) just east of the beginning of the path so more snow can be stored on the easement
- c. Birchwood Ave (across from city hall and west to Birch St)—The city needs to trim back brush in the right away allowing snow storage.

*Birch acknowledges the following areas should be plowed wider: 400-409 Birchwood Av; Birchwood Ct at Birchwood Av jct; Five Oaks Ln (2 feet wider)

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