



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
June 11, 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. Meet Area Met Council Member Gonzalez
  - a. Introduction / Presentation

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. All Birchwood Garage Sale / Giveaway will be Sat June 22, 2019
- 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 Ave)
- D. Music in the Park – 6pm every Sunday beginning June 9 – August 26 (except July 7)\* (p. 5)
- E. Looking for volunteers to assist with Music in the Park – contact City Hall

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report\* (p.7)

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from May 14, 2019\* (pp. 9-16)
- B. Approve Treasurer’s Report\* (pp. 17-27)

**CITY BUSINESS – REGULAR AGENDA**

- A. City Engineer Report
  - a. Lift Station #1 Update & Utility/Sanitary Sewer JPA with White Bear Township\* (pp. 28-36)
  - b. Lake Ave Mill and Overlay Feasibility Report\* (pp. 37-48)
  - c. Lake Ave Drainage Feasibility Report\* (pp. 49-64)

*Time Budget: 40 Minutes*

- B. MS4: Storm Water Pollution Prevention Program Review\* (pp. 65-73)

\* Denotes items that have supporting documentation provided

- a. Public Hearing  
*Time Budget: 5 Minutes*
- C. Second Reading Ordinance 2019-03-02, Undersized Lots (302.015)\* (pp. ) 75-76
  - a. Public Hearing
  - b. Council Deliberation and Approval  
*Time Budget: 5 Minutes*
- D. First Reading Ordinance 2019-05-01, Public Improvements Financing and Assessment Sec 805\* (pp. ) 77-80
  - a. Public Hearing
  - b. Council Deliberation and Approval
  - c. Waive Second Reading  
*Time Budget: 7 Minutes*
- E. First Reading Ordinance 2019-03-01, Permit Requirements and Standards (Road Escrow)\* (pp. ) 81-89
  - a. Review Ordinance 2019-03-01, Road Escrow
  - b. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- F. Appoint Commission/Committee Seats\* (pp. ) 91-92
  - a. Planning Commission
  - b. City Hall Improvements Taskforce  
*Time Budget: 10 Minutes*
- G. Birch Easement Boat Slips (BDA)\* (pp. ) 93-95
  - a. Review BDA Proposal
  - b. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- H. Parks Committee Recommendations\* (pp. ) 97
  - a. Schedule Deer Culling Open House
  - b. ADA Picnic Tables
  - c. Dog Waste Stations  
*Time Budget: 10 Minutes*
- I. Kay Beach Disability Parking (Woolstencroft)\* (pp. ) 99
  - a. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- J. Tax Assessments (Wingfield)\* (pp. ) 101-102
  - a. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- K. Council Member Reports:
  - a. Mayor Wingfield
    - i. Wider Road Sweeping & Roadside Trimming

\* Denotes items that have supporting documentation provided

- ii. Hall/Cedar Traffic Counter
- iii. LMC Annual Conference Attendance

*Time Budget: 5 Minutes*

- b. Councilmember LaFoy

- i. Trees Update

*Time Budget: 5 Minutes*

- L. City Administrator Report

- a. Maintenance Workers\* (pp. 103-106)

- b. 2019 Fee Schedule\* (pp. 107-114)

- c. Lift Station #2 Generator Alarm

- d. Lakewood Lane Update

- e. Woodchips for Pathways

- f. AC Controller

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

*Time Budget: 25 Minutes*

## **ADJOURN**

\* Denotes items that have supporting documentation provided



**BIRCHWOOD VILLAGE IS PROUD TO PRESENT:**

# Music in the Park

**DATE & TIME:**

Sunday, June 9, 2019, 6PM

Sunday, June 16, 2019, 6PM

Sunday, June 23, 2019, 6PM

Sunday, June 30, 2019, 6PM

Sunday, July 7, 2019

Sunday, July 14, 2019, 6PM

Sunday, July 21, 2019, 6PM

Sunday, July 28, 2019, 6PM

Sunday, August 4, 2019, 6PM

Sunday, August 11, 2019, 6PM

Sunday, August 26, 2018, 6PM

**WITH PERFORMANCES BY:**

Harmonic Relief

PT's Cool Breeze

Jerry Kosak

Amy & Adams

*4<sup>th</sup> OF JULY WEEKEND – NO CONCERT – HAPPY 4<sup>th</sup> OF JULY!!*

Maple Street Ramblers

Lightning Creek

Ensemble Aventura

Legacy

Any Day Now

Sherry Minnick & Phil Nusbaum

**LOCATION:**

Dellwood Beach

Birch Beach

Dellwood Beach

Birch Beach

Tighe-Schmitz Park

Birchwood Ice Rink

Birch Beach

Birch Beach

Dellwood Beach

Birch Beach

\*In case of weather, performances will be held inside the Birchwood Village Hall.



**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 incidents and citations for May 2019.

**Citations for: Birchwood**

5/1/2019 To 5/31/2019

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	5/23/2019	820022914301	WC129 9	A. Palmer	Citation		0 WILDWOOD AVE				Birchwood	CRIM-FALSE INFORMATION TO POLICE (FICTICIOUS NAME)- GIVE FALSE NAME/DOB OR ID CARD	609.506.1

**Incident Summary Report**

From:5/1/2019 12:00:00 AM To:5/31/2019 11:59:59 PM

**WASHINGTON COUNTY SHERIFFS OFFICE**



<b>BIRCHWOOD</b>			
5/2/2019 2:17:58 AM	WC19017450	XXX HALL AVE, BIRCHWOOD	VERBAL DOMESTIC
5/2/2019 5:00:46 PM	WC19017538	XX White Pine Ln, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
5/3/2019 11:50:01 PM	WC19017708	3XXX East County Line Rd, BIRCHWOOD	NOISE COMPLAINT/DISTURBANCE
5/4/2019 11:03:09 PM	WC19017877	XXX Birchwood Ave, BIRCHWOOD	SUSPICIOUS PERSON/ACTIVITY
5/4/2019 11:15:25 PM	WC19017878	XX Five Oaks Ln, BIRCHWOOD	NOISE COMPLAINT/DISTURBANCE
5/6/2019 2:39:30 PM	WC19018134	XX Oakridge Dr, BIRCHWOOD	ANIMAL COMPLAINT
5/7/2019 8:35:44 AM	WC19018236	XXX Wildwood Ave, BIRCHWOOD	JUVENILE COMPLAINT
5/8/2019 4:13:09 AM	WC19018380	XXX Lake Ave, BIRCHWOOD	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
5/12/2019 3:33:18 AM	WC19019071	Cedar St / Hall Ave, BIRCHWOOD	Speed Survey
5/13/2019 2:55:12 PM	WC19019272	XXX Wildwood Ave, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
5/22/2019 6:15:15 AM	WC19020617	Lake Ave / Irish St, BIRCHWOOD	911 ABANDONED/HANGUP/OPEN LINE
5/23/2019 4:08:18 PM	WC19020859	XXX Wildwood Ave, BIRCHWOOD	ORDINANCE VIOLATION
5/24/2019 8:09:20 AM	WC19020974	XX Oakridge Dr, BIRCHWOOD	ANIMAL COMPLAINT
5/24/2019 5:12:14 PM	WC19021047	XXX Wildwood Ave, BIRCHWOOD	MEDICAL
5/25/2019 1:10:23 PM	WC19021201	XXX Lake Ave, BIRCHWOOD	911 ABANDONED/HANGUP/OPEN LINE
5/25/2019 3:24:59 PM	WC19021217	XXX Wildwood Ave, BIRCHWOOD	BURGLARY
5/28/2019 8:08:24 PM	WC19021785	XXX Lake Ave, BIRCHWOOD	OTHER
5/29/2019 2:39:12 PM	WC19021904	XXX Wildwood Ave, BIRCHWOOD	EXTRA PATROL REQUEST
5/30/2019 9:05:21 PM	WC19022100	XXX BIRCHWOOD AVE, BIRCHWOOD	UNWANTED PERSON/VEHICLE



**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
MAY 14, 2019**

**MINUTES**

**Members Present:** Mayor Mary Wingfield, Council Members Randy LaFoy, Kevin Woolstencroft, John Fleck and Jessi Aakre.

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

**Others Present:** Houstoun Clinch, Anna Vang and Chris Churchill.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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

**APPROVE AGENDA**

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

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Town Hall meeting scheduled June 3 at 6:30pm to discuss Lake Links Trail
- B. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

**Councilmember LaFoy:** Congratulated recent high school and college graduates.

**Mayor Wingfield:** Announced Bridget Sperl's idea of soliciting submissions for "What's your Story?" about past and current residents for the centennial celebration.

**Councilmember LaFoy:** Suggested contacting the SCC, as they expressed wanting to be involved in the centennial.

**Mayor Wingfield:** Agreed. Asked residents to send in recommendations or pieces to be posted on the email listserv.

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report
- B. Sanitary Sewer Inflow and Filtration Report
- C. Emergency Procedures Update
- D. 2019 Safety and Loss Control Workshop Report

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from April 9, 2019
- B. Approve Special Meeting Minutes from May 6, 2019
- C. Approve SCC/Comcast Cable Contract Extension
- D. Approve Resolution 2019-10: Approving Coverage for City Worker's Compensation Insurance Policy
- E. Approve Resolution 2019-11: Approving Coverage for Liability Insurance Policy
- F. Approve Resolution 2019-12: Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statute 466.04
- G. Approve Resolution 2019-13: Allowing Beer and Wine Consumption at Music in the Park Summer Evening Concerts
- H. Approve MS4 Public Hearing for June Council Meeting – Storm Water Pollution Prevention Program

- I. Approve 2019 Municipal Recycling Grant and Authorize Administrator Lay to Sign
- J. Approve Installation of Seven (7) Free Plastic Waste Signs at Lake Easements
- K. Approve Microphone Upgrade from SCC Equipment Fund of \$3,350
- L. Approve Treasurer's Report

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE CONSENT AGENDA WITH ADMINISTRATOR LAY TO REVIEW THE TREASURER'S REPORT. ALL AYES. MOTION PASSED.**

**CITY BUSINESS – REGULAR AGENDA**

**A. Planning Commission Recommendations**

- a. Address Changes (Hall Avenue to Birchwood Avenue)

**Administrator Lay:** Stated a resident inquired about changing his street address for his and two other properties that sit on Birchwood Avenue but are listed as Hall Avenue. Two owners support the address change and the third property is listed as for sale. Recommended changing all three addresses citing safety and emergency response.

**Mayor Wingfield:** Suggested sequencing properties as 715, 719 and 725 to suit Birchwood Avenue's sequence order.

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE ADDRESS CHANGES AS AMENDED BY COUNCIL, RENUMBERING EACH PROPERTY TO 715, 719 AND 725 BIRCHWOOD AVENUE RESPECTIVELY. ALL AYES. MOTION PASSED.**

**B. Roads Committee Update**

- a. Lake Links Trail Update

**Administrator Lay:** Reviewed six options listed on page 36 of the agenda packet. Stated Lake Links Association highlighted seven total options in a recent email to council.

- b. Open House Scheduled for June 3, 2019, 6:30pm

**Mayor Wingfield:** Stated now that options have been received, council has a chance to seek input and inform residents using the open house and newsletter at the end of May.

**Mayor, Council Members and Administrator Lay:** Discussed signage for open houses, funding, decision-making process and importance of public input and use of surveys using the city's monthly newsletter.

**Councilmember LaFoy:** Volunteered to work with Administrator Lay on language for related submissions.

**C. Parks Committee Recommendations**

- a. Park Improvement Plan (PIP)

**Mayor Wingfield:** Asked how council would like to proceed.

**Administrator Lay:** Reminded council Houston Clinch of the Parks Committee is present.

**Mayor and Council Members:** Discussed PIP briefly. Accepted report as-is and clarified it is a working document, thus council will take recommendations under advisement. Thanked Parks Committee for their work.

- b. Labeling Garbage Cans

**Administrator Lay:** Informed council that Tennis Sanitation owns the garbage cans and will not allow them to be labeled.

**Mayor and Council Members:** Explored waste can management with respect to dog waste, public use and private use.

**Administrator Lay:** Informed council an ordinance requires residents to keep private cans out of public view with the exception of public cans due to the public service function. Stated Tennis agreed to swap out public cans once per year.

**Mayor and Council Members:** Decided to monitor garbage can management further and discuss issues as they arise.

c. Managing Deer Population

**Houston Clinch (Parks Committee):** Summarized managing deer population. Recommended gathering public feedback in a more formal capacity. Provided example citing the City of Oakdale and offered to convey the document templates used. Informed council of an organization that has helped numerous municipalities with deer removal safely.

**Mayor and Council Members:** Decided after discussing public education, inviting the input of professionals at a public open house on this topic, with public notice and outreach measures, would be the next step. Asked if Mr. Clinch will invite appropriate parties and neighboring communities to June or July's city council meeting or special meeting if needed.

**Houstoun Clinch (Parks Committee):** Agreed. Suggested simple steps like not feeding the deer also helps.

d. Map and Signs

**Anna Vang (Parks Committee):** Introduced topic stating many residents don't know where trails are and the maps are outdated. Recommended waiting for Lake Links Trail and then create updated trail maps and signs. No action taken.

e. Basketball Backboards

**Mayor Wingfield:** Concerned product was not as expected and did not change the court dynamics. Suggested offering second basketball backboard to a neighboring community like Willernie that needs it.

**Administrator Lay:** Suggested taking both basketball backboards down to avoid a mismatched pair and undesirable.

**Mayor and Council Members:** Declined. Asked Administrator Lay to store any related items not gifted in the garage.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO OFFER THE CITY OF WILLERNIE THE ONE STEEL BASKETBALL BACKBOARD THAT HAS NOT YET BEEN INSTALLED. ALL AYES. MOTION PASSED.**

f. Dog Waste Stations

**Mayor Wingfield:** Concerned about receiving the dog waste station document without enough time to review properly.

**Houstoun Clinch (Parks Committee):** Updated council. Recommended adding four more dog waste stations.

**Mayor and Council Members:** Discussed dog-waste stations and labor. Decided to revisit in June and asked the document be fine tuned with respect to precise locations, snow removal and identifying the two sites of greatest need.

g. Buoys

**Mayor Wingfield:** Summarized the buoys information gathering process.

**Mayor and Council Members:** Discussed possible locations and logistics. Thanked Mr. Clinch for his time.

**Administrator Lay:** Stated two requests have been received. One is no longer interested and one is a Dellwood resident interested in price. No Birchwood residents have expressed interest thus far.

**Mayor Wingfield:** Stated the person who reached out to her was local. Suggested council proceeds with location as discussed to test. \$350 is buoy cost in City of White Bear Lake. Suggested \$500 due to additional space needed for skid.

**Admin Lay:** Stated the city does not yet know installation/removal expenses (ex. scuba diver).

**Mayor Wingfield:** Offered to craft a proposal and to accommodate interested residents.

h. Picnic Tables

**Houstoun Clinch (Parks Committee):** Stated city picnic tables are not all ADA compliant and offered options.

**Mayor Wingfield:** Stated the previously purchased picnic tables did not meet their expected quality.

**Mayor and Council Members:** Asked Administrator Lay to see if maintenance workers were capable of retrofitting existing tables for ADA use. Decided to table the item for further observation.

i. Kayak Racks Update

**Administrator Lay:** Stated Kay Beach on South side of easement seems the best location. Informed council that abutting resident Duffy claims ownership of that half of vacated Kay easement. Requested city attorney look into the property records.

**Mayor Wingfield:** Stated the position of the city is that it has been returned to the city. Asked Attorney Kantrud to confirm.

**Councilmember Woolstencroft:** Added many residents want that area of land opened up for handicapped parking also.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE CITY ATTORNEY KANTRUD TO INSPECT THE RECORDS TO DETERMINE THE VACANCY AND OWNERSHIP STATUS OF THE PRESENTLY UNUSED LAND AREA DESCRIBED AS THE "SOUTH SIDE OF KAY BEACH EASEMENT ALONG THE DUFFY PROPERTY LINE". ALL AYES. MOTION PASSED.**

**Council Members:** Asked Attorney Kantrud how long the research is anticipated to take.

**Attorney Kantrud:** Stated he did view property line immortalizing the Duffy property and is comfortable with council approving the use of proposed location. Stated he cannot speak to other easements at this time, but will research the item for council.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE ADMINISTRATOR LAY TO DIRECT CITY MAINTENANCE STAFF TO INSTALL A NEW KAYAK/CANOE RACK AT THE KAY BEACH EASEMENT, WITH INSTALLATION TO OCCUR URGENTLY AND LOCATED ACCORDING TO THE RECOMMENDATIONS RECEIVED. ALL AYES. MOTION PASSED.**

D. Leftover Boat Slips

a. Council Deliberation and Approval

**Chris Churchill (BDA):** Updated council on boat slips. Stated two are available at this time. Commented on aesthetics as well as status and potential of installing additional slips at various locations. Proposed clearing trees and brush from shoreline in specified areas to increase capacity and work to accommodate wait list boaters and their boat types.

**Mayor, Council Members Attorney Kantrud and Chris Churchill (BDA):** Discussed the conservation district, DNR approval, involving Steve Dean on tree identification and removal, accommodating longer boats and explored ideas, new locations and altering approach in response to changes in water depth. Discussed slip demand briefly as well.

**Chris Churchill (BDA):** Displayed example of boat slip locations at Birch Beach to describe new possible spots and potential for storage of other watercraft types. Commented briefly on his move to Mahtomedi. (Time Stamp 01:15:28)

**Administrator Lay and Chris Churchill (BDA):** Determined trees are underwater and are thus under DNR purview.

**Administrator Lay:** Stated he would need to pull a DNR permit in that case, but that it should not be a problem.

**Mayor and Council Members:** Requested Mr. Churchill return with plan to summarize proposed changes including what would be needed in full description of the project, and in anticipation of pulling a permit with the DNR. Thanked Mr. Churchill for his time, hard work and service to the community.

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

a. Council Deliberation and Approval

**Mayor Wingfield:** Stated the goal was to reduce the document's size and complexity and gear it toward homeowners.

**Administrator Lay:** Updated council. Stated changes to the document have not yet been made.

**Attorney Kantrud:** Stated he felt responsible for the delay, but asserted he will revise the document. Continued by stating ordinance is not assigned for de minimis work; most cities apply a project value to exceed a preset dollar amount. Reminded council discretion in cases of dispute will fall onto the City Administrator.

**Mayor, Council Members and Attorney Kantrud:** Discussed code in relation to possible damage to city property and percentage chance of incident. Determined the edits are important, but challenging.

**Mayor and Council Members:** Decided public hearing would not be set until changes to document are completed.

**F. Amend Section 805, Assessments**

**a. Council Deliberation and Approval**

**Administrator Lay:** Stated Section 805 needs to be consistent with new assessment policy, thus the amendments.

**Mayor Council Members and Attorney Kantrud:** Discussed assessments in light of new policy. Determined a second reading may be waived due to Road Escrow being an older issue with only small item edits.

**b. Approve Public Hearing in June**

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER FLECK TO STRIKE SECTIONS 805.050 AND 805.060 AND APPROVE THE REDLINED DOCUMENT FOR PUBLIC HEARING AND FIRST READING IN JUNE'S REGULAR CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.**

**Mayor and Attorney Kantrud:** Discussed city procedure briefly regarding publication and formal public notice.

**MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO PUBLISH NOTICE OF PUBLIC HEARING FOR JUNE. ALL AYES. MOTION PASSED.**

**G. Fourth/Final Reading Ordinance 2019-01-01, Easement Usage**

**Administrator Lay:** Updated council on recent changes as per council direction. Provided thorough documentation.

**a. Council Deliberation and Approval**

**Mayor Wingfield:** Inquired if there is an application fee.

**Administrator Lay:** Directed council to note fines and the fee schedule with regards.

**Attorney Kantrud:** Highlighted fees, the fee schedule and deciding authority on easement usage further.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO ADOPT ORDINANCE 2019-01-01, EASEMENT USAGE AND PROVIDE SUMMARY PUBLICATION IN JUNE'S CONSENT AGENDA. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO SET THE EASEMENT USAGE APPLICATION FEE AT FIFTY DOLLARS, TO BE INCLUDED IN THE FEE SCHEDULE. ALL AYES. MOTION PASSED.**

**Councilmember Fleck:** Commented that Section 607.330 reads oddly.

**Mayor, Council Members, Administrator Lay and Attorney Kantrud:** Discussed enforcement and steps to better secure city property integrity and management of public use issues such as snowmobiles and ease of ice fishing access.

**H. First Reading Ordinance 2019-03-02, Undersized Lots**

a. Council Deliberation and Approval

**Administrator Lay:** Stated council asked the Planning Commission to find fixes for this ordinance. Reminded council that Attorney Kantrud worked with the Planning Commission in drafting the language.

b. Approve Public Hearing for June

**Mayor and Council Members:** Discussed ordinance 2019-03-02, Undersized Lots.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO APPROVE THE FIRST READING OF ORDINANCE 2019-03-02, UNDERSIZED LOTS. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO PUBLISH NOTICE OF PUBLIC HEARING ON ORDINANCE 2019-03-02, UNDERSIZED LOTS, FOR JUNE. ALL AYES. MOTION PASSED.**

I. City Hall Improvements Update

**Administrator Lay:** Provided council with status of City Hall Improvements.

a. Council Deliberation

**Councilmember LaFoy:** Summarized by stating he had worked on the overall plan, with the first step being information gathering with an analysis from a professional comprehensive building evaluator. Volunteered to head up a task force.

**Mayor Wingfield:** Approved of Councilmember LaFoy's outline and desire to head the task force after achieving some clarification. Stated it has not yet been determined if city hall is a historic building, but she is working with the White Bear Historical Society on grant application. Stated Sarah Hansen is also offering her services.

**Councilmember LaFoy:** Asserted an inspector must also be used to identify the structure's integrity, the obvious needs and a plan for what the building is and needs to be in the future.

**Mayor and Council Members:** Discussed what the building will need to be over the next 50 years versus what the building historically means to the city. Decided to identify a task force of at minimum two residents, Mayor Wingfield and Councilmember LaFoy, including solicitations in the newsletter to be posted for and decided on in June. Decided to use Councilmember LaFoy's plan as guideline for early "next steps". Discussed using an architect, inspector or contractor.

**Councilmember Fleck:** Offered to get his contact information for a comprehensive inspector to Councilmember LaFoy.

**Councilmember LaFoy:** Offered to write a solicitation for the newsletter for public participation on task force.

**Mayor and Council Members:** Decided to move forward on template, contact Jack Kramer, the city's Building Inspector and topically seek guidance from an architect or similar professional on where to begin on a project of this scale.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER FLECK TO AUTHORIZE WHITE BEAR HISTORICAL SOCIETY TO MOVE FORWARD ON A GRANT APPLICATION FOR CONDUCTING A HISTORICAL EVALUATION OF BIRCHWOOD CITY HALL. ALL AYES. MOTION PASSED.**

J. First Reading Ordinance 2017-07-01, Exterior Storage Amendments

**Councilmember Aakre:** Provided a brief background on exterior storage amendments, as inherited from former Councilmember White. Provided council with several suggestions that could serve as improvements to the language.

a. Council Deliberation

**Council Members Woolstencroft, Aakre and Fleck:** Discussed history, public interest and whether there is a need for change.

**Mayor and Council Members:** Discussed language changes in detail.

**Attorney Kantrud:** Recommended no change to ordinance. Stated a 72-hour street parking restriction is common, but restrictions on private property are far more challenging. Stated it may be possible for some front yard storage enforcement to occur in a manner similar to which backyard boat storage was once enforced in the city.

**Administrator Lay:** Informed council exterior storage is hard to enforce, complaints are not regular but do occur.

**Mayor and Council Members:** Decided to leave language of Ordinance 2017-07-01, Exterior Storage Amendments as-is and work on issues as they arise.

**K. Council Member Reports:**

**a. Councilmember LaFoy**

**i. Trees Update**

**Councilmember LaFoy:** Provided a status update to council. Welcomed input and suggestions from public.

**Mayor and Council Members:** Discussed tree plan, best areas to plant, tree inspections and regular maintenance.

**ii. Schedule Met Council Councilmember Gonzalez Visit**

**Mayor and Council Members:** Discussed upcoming Councilmember Gonzalez and Met Council meetings.

**Attorney Kantrud:** Informed council they must post and provide notice to the common media channels the city uses of change to June's meeting time.

**Mayor and Council Members:** Decided to schedule Councilmember Gonzalez for 6:45pm in June and NYFS for July's meeting if possible. Asked Administrator Lay to publish the change in meeting time accordingly.

**L. City Administrator's Report**

**i. Nuisance Complaints**

**Administrator Lay:** Updated council on an ongoing noise complaint. Suggested also due to information gathered from other small cities at a recent workshop, there may be merit to looking into administrative citations further. Provided details.

**Councilmember LaFoy:** Volunteered to look into administrative citations further.

**Mayor and Council Members:** Asked Councilmember LaFoy to return later with a template and recommendation.

**Attorney Kantrud:** Stated he does not recommend using administrative citations. Recommended issues are handled through increased communication with the Washington County Sheriff. Stated also some code and ordinance information is not yet entered into the county's law enforcement system. Once this is done, the ability to respond should be improved.

**Mayor and Council Members:** Discussed annual Washington County Sheriff's contract and handling service grievances.

**ii. Citywide Garage Sale**

**Administrator Lay:** Asked if council would reconsider the citywide garage sale, citing feedback from several residents.

**Mayor Wingfield:** Clarified that it was in fact Councilmember LaFoy volunteering and putting the whole thing together. Invited any interested parties to organize and volunteer.

**iii. Resolution 2019-14**

**Administrator Lay:** Requested ten hours of City Treasurer be reduced with the balance applied to hiring Sandy Simon, a municipal financial professional with decades of experience for bank reconciliation and staff training in CTAS. Stated CTAS training is inconsistent and experience minimal due to Treasurer turnover.

**Mayor and Council Members:** Approved of the idea.

**Mayor Wingfield:** Stated the move should also allow the city to use internal means to ensure fiscal responsibility.

**Attorney Kantrud:** Added it is common for cities to hire contracted groups specifically for bank reconciliation.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER AAKRE TO REDUCE THE HOURS OF CITY TREASURER BY 10 HOURS AND APPLY THOSE FUNDS TO HIRING SANDY SIMON FOR BANK RECONCILIATION AND CTAS STAFF TRAINING. ALL AYES. MOTION PASSED.**

iv. Lift Station #1 Update

**Administrator Lay:** Stated he and Engineer Thatcher met with the property owners, both offers were received and declined. Each property owner expressed the timeline was too short with too little information. Recommended a longer temporary solution for pumps and recommended alternative options be pursued urgently.

**Attorney Kantrud:** Suggested the timeline on the offer be extended.

**Mayor Wingfield:** Stated this is an urgent matter and must be resolved, but there is no harm in leaving offer open.

**Mayor, Council Members, Administrator Lay and Attorney Kantrud:** Discussed the Lift Station #1 bypass in detail.

**Mayor and Council members:** Decided "Plan B" would be easier to pursue if it is shown city has exhausted their options.

**Mayor Wingfield:** Spoke with Engineer Thatcher on longer-term temporary solution and one is available but is not cheap.

**Attorney Kantrud:** Suggested White Bear Township writes a letter to the two residents regarding the bypass agreement, as the idea may receive a better response due to each resident's greater level of local trust with their city of residence.

**Mayor and Council Members:** Discussed involving White Bear Township briefly.

**Mayor Wingfield:** Stated discomfort with the idea, as she cannot guarantee negotiation terms using another city.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO EXTEND THE LIFT STATION #1 BYPASS EASEMENT OFFER TO THE PERTINENT RESIDENTS BY 30 DAYS. OFFER MAY BE WITHDRAWN UPON RECEIPT OF ANOTHER VIABLE ALTERNATIVE OPTION. ALL AYES. MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER AAKRE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:44 PM CST.**

**ATTEST:**

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

\_\_\_\_\_  
**Tobin Lay**  
City Administrator – City Clerk

For the Period : 5/14/2019 To 6/8/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$629,606.72	\$499.46	\$96,574.87	\$533,531.31
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	\$22,302.34	\$0.00	\$224.88	\$22,077.46
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	\$33,111.28	\$0.00	\$6,715.10	\$26,396.18
Sewer	\$56,539.24	\$0.00	\$4,867.74	\$51,671.50
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$796,914.60</b>	<b>\$499.46</b>	<b>\$108,382.59</b>	<b>\$689,031.47</b>

**\* PLEASE NOTE THAT UTILITY RECEIPTS MAY NOT HAVE REPORTED AT THE TIME OF THIS REPORT AS THEY ARE PROCESSED BY A THIRD-PARTY VENDOR**

**TREASURER'S REPORT**

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
05/21/2019	BIRCH, INC.	30522*	Snow Removal Services: 02/04/2019 - 03/01/2019 (5)	N	Ice and Snow Removal	100-43125-314-	\$ 1,125.00
		30522*				100-43125-314-	\$ 315.00
		30522*				100-43125-314-	\$ 1,102.50
		30522*				100-43125-314-	\$ 832.50
		30522*				100-43125-314-	\$ 1,417.50
		<b>Total For Check</b>	<b>30522</b>				<b>\$ 4,792.50</b>
05/21/2019	Hensien, Brian	30524*	Special Meeting - 05/07/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 67.50
		<b>Total For Check</b>	<b>30524</b>				<b>\$ 67.50</b>
05/21/2019	MCFOA	30525*	MCFOA Annual Dues 2019	N	City Training and Development	100-41914-433-	\$ 45.00
		<b>Total For Check</b>	<b>30525</b>				<b>\$ 45.00</b>
05/24/2019	Payroll Period Ending 05/24/2019	30523	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
		<b>Total For Check</b>	<b>30523</b>				<b>\$ 1,859.42</b>
05/24/2019	PERA	EFT052419A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
		<b>Total For Check</b>	<b>EFT052419A</b>				<b>\$ 358.06</b>
05/28/2019	Payroll Period Ending 05/28/2019	30526	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 920.23
		<b>Total For Check</b>	<b>30526</b>				<b>\$ 920.23</b>
06/04/2019	Payroll Period Ending 05/31/2019	30529	12/30/2018 - 05/31/2019	N	Parks	100-45207-100-	\$ 392.49
		<b>Total For Check</b>	<b>30529</b>				<b>\$ 392.49</b>
06/04/2019	Payroll Period Ending 05/31/2019	30530	Administration/Office Support - Dennis Sonnek	N	Clerk - Treasurer	100-41401-100-	\$ 166.23
		<b>Total For Check</b>	<b>30530</b>				<b>\$ 166.23</b>
06/04/2019	Lay, Tobin	30532*	Reimbursement - Office & Parks Supplies	N	Office Operations Supplies	100-41911-200-	\$ 6.43
		30532*			Parks	100-45207-210-	\$ 22.99
		<b>Total For Check</b>	<b>30532</b>				<b>\$ 29.42</b>
06/04/2019	Manship Plumbing & Heating Inc	30533*	Standby, Testing, Locates - May '19, Hydrant Flush + Locate for 326 Cedar	N	Water Utility	601-43180-314-	\$ 600.00

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
		30533*				601-43180-314-	\$ 720.00
		30533*				601-43180-314-	\$ 240.00
		30533*				601-43180-314-	\$ 180.00
		30533*				601-43180-314-	\$ 1,920.00
		30533*				601-43180-314-	\$ 310.00
		30533*				601-43180-314-	\$ 240.00
		<b>Total For Check</b>	<b>30533</b>				<b>\$ 4,210.00</b>
06/04/2019	Hanson, Michael	30534*	Move-out U/B Refund	N	Accounting	100-41530-810-	\$ 13.64
		<b>Total For Check</b>	<b>30534</b>				<b>\$ 13.64</b>
06/04/2019	St. Anthony Village	30535*	Utility Billing Services - Q2 2019	N	Financial Administration	601-41501-314-	\$ 1,943.10
		<b>Total For Check</b>	<b>30535</b>				<b>\$ 1,943.10</b>
06/04/2019	Gopher State One Call	30536*	Billable Tickets (19) - May 2019	N	Utility Locates	605-42805-314-	\$ 25.65
		<b>Total For Check</b>	<b>30536</b>				<b>\$ 25.65</b>
06/04/2019	TSE, Inc. Work Account	30537*	Janitorial Services - May 2019	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		30537*				100-41940-314-	\$ 25.00
		<b>Total For Check</b>	<b>30537</b>				<b>\$ 50.00</b>
06/04/2019	Press Publications	30538*	Legal Notice Publications - May 2019	N	Ordinances and Proceedings	100-41130-351-	\$ 50.40
		30538*				100-41130-351-	\$ 50.40
		30538*				100-41130-351-	\$ 50.40
		30538*				100-41130-351-	\$ 42.00
		30538*				100-41130-351-	\$ 67.20
		<b>Total For Check</b>	<b>30538</b>				<b>\$ 260.40</b>
06/04/2019	Mow Joe Inc	30539*	Spring Clean Up 2019	N	Leaf Pick-Up	100-43110-314-	\$ 3,294.09
		<b>Total For Check</b>	<b>30539</b>				<b>\$ 3,294.09</b>
06/04/2019	Companion Animal Control LLC	30540	Animal Control Services - Apr 2019	N	Animal Control	100-41916-314-	\$ 80.00
		<b>Total For Check</b>	<b>30540</b>				<b>\$ 80.00</b>
06/04/2019	MN Department of Health	30541*	Community Water Supply Connection Fee - Q2 2019	N	Water Utility	601-43180-437-	\$ 562.00
		<b>Total For Check</b>	<b>30541</b>				<b>\$ 562.00</b>
06/04/2019	Toshiba Business Solutions	30542*	Maintenance - 02/02/2019 - 05/01/2019	N	Office Operations Supplies	100-41911-230-	\$ 42.83

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
	<b>Total For Check</b>	<b>30542</b>					<b>\$ 42.83</b>
06/04/2019	League of MN Cities Insurance Trust	30543*	Municipal Excess Liability - Thru 06/12/2020	N	City Insurance	100-41945-361-	\$ 5,114.00
		30543*				100-41945-369-	\$ 855.00
	<b>Total For Check</b>	<b>30543</b>					<b>\$ 5,969.00</b>
06/04/2019	USS Minnesota One MT LLC	30544*	Energy Charges - Apr 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 843.97
	<b>Total For Check</b>	<b>30544</b>					<b>\$ 843.97</b>
06/04/2019	Washington County - Property & Tax	30545*	2019 Assessing Service Fees	N	Assessing	100-41550-437-	\$ 6,167.20
	<b>Total For Check</b>	<b>30545</b>					<b>\$ 6,167.20</b>
06/04/2019	Kantrud, Alan	30546*	City Attorney Fees - May 2019	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>30546</b>					<b>\$ 1,500.00</b>
06/04/2019	City of White Bear Lake	30547*	Fire Services - May 2019	N	Fire	100-42201-314-	\$ 2,030.17
	<b>Total For Check</b>	<b>30547</b>					<b>\$ 2,030.17</b>
06/04/2019	BIRCH, INC.	30548*	Snow Removal - Feb/Mar 2019	N	Ice and Snow Removal	100-43125-314-	\$ 967.50
		30548*	Outstanding Items (2)			100-43125-314-	\$ 675.00
	<b>Total For Check</b>	<b>30548</b>					<b>\$ 1,642.50</b>
06/04/2019	Anderson, Nicholas	30549*	Videographer - 06/03/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 67.50
	<b>Total For Check</b>	<b>30549</b>					<b>\$ 67.50</b>
06/04/2019	Ronnan, Kenny	30550*	Videographer - 05/14/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 84.38
	<b>Total For Check</b>	<b>30550</b>					<b>\$ 84.38</b>
06/04/2019	IRS - US Treasury	EFT060419A	Federal Taxes - Q2 2019 - May Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,761.53
	<b>Total For Check</b>	<b>EFT060419A</b>					<b>\$ 1,761.53</b>
06/04/2019	PERA	EFT060419B*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 157.49
	<b>Total For Check</b>	<b>EFT060419B</b>					<b>\$ 157.49</b>
06/04/2019	Xcel Energy	EFT060419C*	Xcel Utility Billing - May 2019	N	Sewer Utility	605-43190-383-	\$ 29.56
	<b>Total For Check</b>	<b>EFT060419C</b>					<b>\$ 29.56</b>

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
06/06/2019	Metropolitan Council - Env. Service	30551	Wastewater Service - July 2019	N	Sewer Utility	605-43190-217-	\$ 4,812.53
	<b>Total For Check</b>	<b>30551</b>					<b>\$ 4,812.53</b>
06/06/2019	Companion Animal Control LLC	30552	Animal Control Services - May 2019	N	Animal Control	100-41916-314-	\$ 80.00
	<b>Total For Check</b>	<b>30552</b>					<b>\$ 80.00</b>
06/06/2019	Minnesota City/County Management As	30553	Membership Renewal - 2019	N	City Training and Development	100-41914-433-	\$ 100.00
	<b>Total For Check</b>	<b>30553</b>					<b>\$ 100.00</b>
06/06/2019	League of MN Cities	30554	League Conference - Tobin Lay	N	City Training and Development	100-41914-310-	\$ 450.00
	<b>Total For Check</b>	<b>30554</b>					<b>\$ 450.00</b>
06/07/2019	Payroll Period Ending 06/07/2019	30528	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
	<b>Total For Check</b>	<b>30528</b>					<b>\$ 1,859.42</b>
06/07/2019	Payroll Period Ending 06/07/2019	30531	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 421.49
	<b>Total For Check</b>	<b>30531</b>					<b>\$ 421.49</b>
06/07/2019	Payroll Period Ending 05/31/2019	30555	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 424.95
	<b>Total For Check</b>	<b>30555</b>					<b>\$ 424.95</b>
06/07/2019	Carroll, Paul	30556	Reimbursement - MIP Signage & Sign Fasteners	N	Recreation	210-45101-810-	\$ 224.88
	<b>Total For Check</b>	<b>30556</b>					<b>\$ 224.88</b>
06/07/2019	Thatcher Engineering, Inc	30557*	Drainage Project, CUP for Landslide, Lake Ave Assm't	N	Engineer Service	100-41650-300-	\$ 127.50
		30557*				100-41650-300-	\$ 7,925.00
		30557*				100-41650-300-	\$ 8,432.00
		30557*				100-41650-300-	\$ 1,615.00
	<b>Total For Check</b>	<b>30557</b>					<b>\$ 18,099.50</b>
06/07/2019	TA Schifsky & Sons, Inc.	30558*	City Wide Improvements Items - Paving, asphalt, sweeping & catch basin repairs	N	Streets and Road Mntnc	100-43101-314-	\$ 39,150.00
	<b>Total For Check</b>	<b>30558</b>					<b>\$ 39,150.00</b>
06/07/2019	Jefferson, Thomas	30559*	Move-out U/B Refund	N	Accounting	100-41530-810-	\$ 20.61
	<b>Total For Check</b>	<b>30559</b>					<b>\$ 20.61</b>

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
06/07/2019	PERA	EFT060719A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
		<b>Total For Check</b>	<b>EFT060719A</b>				<b>\$ 358.06</b>
06/07/2019	PERA	EFT060719B*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 69.29
		<b>Total For Check</b>	<b>EFT060719B</b>				<b>\$ 69.29</b>
06/07/2019	PERA	EFT060719C	Elected Official Retirement - Mary Wingfield (2018)	N	Mayor	100-41310-121-	\$ 150.00
		<b>Total For Check</b>	<b>EFT060719C</b>				<b>\$ 150.00</b>
06/07/2019	PERA	EFT060719D	Elected Official Retirement - Randy LaFoy (2018)	N	Mayor	100-41310-121-	\$ 60.00
		<b>Total For Check</b>	<b>EFT060719D</b>				<b>\$ 60.00</b>
06/07/2019	PERA	EFT060719E	Elected Official Retirement - Mary Wingfield (2015)	N	Mayor	100-41310-121-	\$ 150.00
		<b>Total For Check</b>	<b>EFT060719E</b>				<b>\$ 150.00</b>
06/07/2019	PERA	EFT060719F	Elected Official Retirement - Randy LaFoy (2015)	N	Mayor	100-41310-121-	\$ 60.00
		<b>Total For Check</b>	<b>EFT060719F</b>				<b>\$ 60.00</b>
06/08/2019	LMCIT	30560	Worker's Comp Premium 6/19-6/20	N	City Insurance	100-41945-150-	\$ 2,526.00
		<b>Total For Check</b>	<b>30560</b>				<b>\$ 2,526.00</b>
<b>Total For Selected Checks</b>							<b>\$ 108,382.59</b>

Fund Name: All Funds

Date Range: 05/14/2019 To 06/08/2019

<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>
05/21/2019	Potter, Elizabeth	171734656*	Kayak/Canoe Permit (3)	(05/21/2019) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
						Kayak/Canoe Permits	100-32212-	\$ 30.00
								<b>\$ 90.00</b>
05/21/2019	Great Plains Windows & Doors	171734657*	Building Permit	(05/21/2019) -	N	Building Permits	100-32211-	\$ 186.25
								<b>\$ 186.25</b>
05/21/2019	Suburban Cable Commission	171734658*	Reimbursement - Q1 2019 (Videographer)	(05/21/2019) -	N	Refund-Reimbursemnt-Dividend	100-36240-	\$ 223.21
								<b>\$ 223.21</b>
<b>Total for Selected Receipts</b>								<b>\$ 499.46</b>

As on 6/8/2019

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	14,250.00	14,250.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>14,250.00</b>	<b>14,250.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>14,250.00</b>	<b>14,250.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Refunds and Reimbursements	0.00	224.88	(224.88)
<b>Total Acct 451</b>	<b>0.00</b>	<b>424.88</b>	<b>(424.88)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>424.88</b>	<b>(424.88)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>8,252.34</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>14,250.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>424.88</b>	
<b>Cash Balance as of 06/08/2019</b>		<b>22,077.46</b>	

As on 6/8/2019

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Total Disbursements	0.00	0.00	0.00
<b>Other Financing Uses:</b>			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 06/08/2019		66,233.91	

As on 6/8/2019

## Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	0.00	31,936.42	31,936.42
Penalty - Late Water/Sewer	0.00	202.65	202.65
State and Misc fees	0.00	862.74	862.74
<b>Total Acct 341</b>	<b>0.00</b>	<b>33,001.81</b>	<b>33,001.81</b>
Water Main Break	0.00	56.07	56.07
<b>Total Acct 349</b>	<b>0.00</b>	<b>56.07</b>	<b>56.07</b>
Miscellaneous	0.00	33.59	33.59
<b>Total Acct 361</b>	<b>0.00</b>	<b>33.59</b>	<b>33.59</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>33,091.47</b>	<b>33,091.47</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	221.15	(221.15)
<b>Total Acct 414</b>	<b>0.00</b>	<b>221.15</b>	<b>(221.15)</b>
Financial Administration			
Contracted Services	0.00	3,881.10	(3,881.10)
<b>Total Acct 415</b>	<b>0.00</b>	<b>3,881.10</b>	<b>(3,881.10)</b>
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	218.40	(218.40)
<b>Total Acct 419</b>	<b>0.00</b>	<b>503.38</b>	<b>(503.38)</b>
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	19,920.34	(19,920.34)
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)
<b>Total Acct 431</b>	<b>0.00</b>	<b>34,922.48</b>	<b>(34,922.48)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>39,528.11</b>	<b>(39,528.11)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>32,832.82</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>33,091.47</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>39,528.11</b>	
<b>Cash Balance as of 06/08/2019</b>		<b>26,396.18</b>	

As on 6/8/2019

## Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	230.69	230.69
State and Misc fees	0.00	0.00	0.00
Sewer Fee	0.00	45,401.62	45,401.62
<b>Total Acct 341</b>	<b>0.00</b>	<b>45,632.31</b>	<b>45,632.31</b>
SPECIAL ASSESSMENTS	0.00	512.30	512.30
<b>Total Acct 361</b>	<b>0.00</b>	<b>512.30</b>	<b>512.30</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>46,144.61</b>	<b>46,144.61</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
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)
<b>Total Acct 419</b>	<b>0.00</b>	<b>396.60</b>	<b>(396.60)</b>
Utility Locates			
Contracted Services	0.00	148.55	(148.55)
<b>Total Acct 428</b>	<b>0.00</b>	<b>148.55</b>	<b>(148.55)</b>
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	2,535.86	(2,535.86)
Utility Services: Gas Utilities	0.00	172.35	(172.35)
<b>Total Acct 431</b>	<b>0.00</b>	<b>36,629.68</b>	<b>(36,629.68)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>37,174.83</b>	<b>(37,174.83)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>42,701.72</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>46,144.61</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>37,174.83</b>	
<b>Cash Balance as of 06/08/2019</b>		<b>51,671.50</b>	

**MEMORANDUM****Birchwood Village**

---

**TO: Birchwood City Council**  
**FROM: Tobin Lay, City Administrator**  
**SUBJECT: Lift Station #1 Update & JPA**

---

Hello Mayor and Council Members,

Ramsey County has preliminarily approved the City to run the gravity sewer pipe between Birchwood lift station #1 and White Bear Township's South Shore Blvd. lift station down the center of East County Line Rd. Washington County and the Met Council have similarly indicated support. All indications point to this being the best option for all stakeholders.

Accordingly, staff has been working with the other governmental bodies to begin preliminary plans and to solidify a joint powers agreement (JPA) with White Bear Township (WBT).

City Engineer Steve Thatcher is present and prepared to update Council on this project and to answer questions. Additionally, City Attorney Kantrud has prepared the draft JPA (enclosed). This JPA has not yet been reviewed by the White Bear Township Board so expect the language to change somewhat.

Accordingly, the JPA isn't ready to be approved by Council. Staff instead requests Council authorize City Attorney Kantrud and City Administrator Lay to negotiate and approve the final JPA and authorize Mayor Wingfield and City Administrator Lay to sign the agreement. Staff also requests Council approve City Engineer Steve Thatcher to advertise for bids.

**Request/Recommendation**

Staff requests Council:

- 1) Review enclosed JPA and authorize Kantrud and Lay to negotiate and approve the final JPA
- 2) Authorize Mayor Wingfield and Lay to sign the final JPA upon Kantrud's approval
- 3) Authorize Thatcher to advertise for bids. Thanks!

Regards,  
Tobin Lay  
City Administrator

Enclosure: Preliminary WBT Joint Powers Agreement

**JOINT-POWERS AGREEMENT**  
**City of Birchwood & Town of White Bear**  
**2019 Utility/Sanitary Sewer Management Improvement Project including**  
**Birchwood Lane Lift Station connection to South Shore Boulevard**

THIS JOINT-POWERS AGREEMENT made and entered in this \_\_\_\_\_ day of \_\_\_\_\_, 2019, by and between the City of Birchwood, Washington County, Minnesota, and the Town of White Bear, Washington County, Minnesota.

WHEREAS, the parties, pursuant to the provision of Minnesota Statutes Chapter 471.59, are authorized to enter into agreements to exercise jointly the governmental powers and functions each has individually; and,

WHEREAS, the City of Birchwood is proposing to connect its lift station located east of Century Avenue (aka East County Line) on Birchwood Lane; and,

WHEREAS, the connection point is located along the boundary between the City of Birchwood and the Town of White Bear on South Shore Boulevard in the Town of White Bear as shown on the attached Exhibit A; and,

WHEREAS, the City of Birchwood would transfer 13 residential addresses serviced from this connection to the Town of White Bear, as customers, to manage their sanitary sewer service as shown on the map attached hereto as Exhibit B, and,

WHEREAS, the City of Birchwood has contracted with a consulting engineer, Steven Thatcher, to prepare a feasibility report and final plans and specifications for said re-orientation of the line to run along Century Avenue to make its connection, and,

WHEREAS, the City of Birchwood will solicit competitive bids for the construction of said improvements.

NOW, THEREFORE, it is hereby agreed by and between the parties hereto as follows, to wit:

1. The City of Birchwood shall be responsible for the design, permitting, construction and associated costs with the re-orienting, routing and connection from its Lift Station #1 to the manhole/sewer access on South Shore Boulevard.

2. Upon the completion of the re-orientation improvement work, the Town of White Bear shall invoice the City of Birchwood for the actual costs incurred by it as a result of this project. The City of Birchwood shall pay the Town of White Bear within 45 days of receipt of the invoice.
3. The Town of White Bear shall be responsible for setting up the 13 residential addresses as sanitary sewer customers and establish accounts for them internally.
4. Until the cows come home the City of Birchwood shall be solely responsible for the upkeep and cleaning of the line constructed at its sole expense. Should the Town be conducting a project wherein the line may be cleaned as part of that project, the City and Town may agree to have the line cleaned as part of that project with the Town invoicing the City of Birchwood for the time and materials to do so. The City of Birchwood shall pay the Town of White Bear within 45 days of receipt of the invoice.
5. The parties agree to indemnify each other and hold each other harmless from any and all claims, causes of action, lawsuits, judgments, charges, demands, costs, and expenses, including, but not limited to, interest involved therein and attorneys' fees and costs and expenses connected therewith, arising out of or resulting from the failure of either party to satisfy the provisions of this agreement or for damages caused to other parties as a result of the manner in which the offending party performs or fails to perform duties imposed on each party by the terms of this agreement.
6. This agreement shall remain in full force and effect until terminated by mutual agreement of the parties or by an independent arbitrator in the event that there is not a mutual agreement.
7. It is agreed that, except as specifically provided hereby the execution of this agreement, neither party relinquishes any rights or powers possessed by it, neither party is relieved of any responsibility, duty or obligation imposed on it by law or regulation.
8. Data Practices:

- a. The parties agree to comply with the Minnesota Data Practices Act and all other state and federal laws relating to data privacy or confidentiality;
  - b. The parties will immediately report to each other any requests from third parties for information relating to this Agreement.
  - c. The parties agree to promptly respond to each other's inquiries concerning data requests.
9. Arbitration of Disputes: Any controversy claim arising out of or relating to this Agreement or breach thereof shall be settled by arbitration in accordance with the rules of the American Arbitration Association. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction thereof.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by their respective duly authorized representatives.

Dated \_\_\_\_\_

TOWN OF WHITE BEAR

By \_\_\_\_\_  
Its Mayor

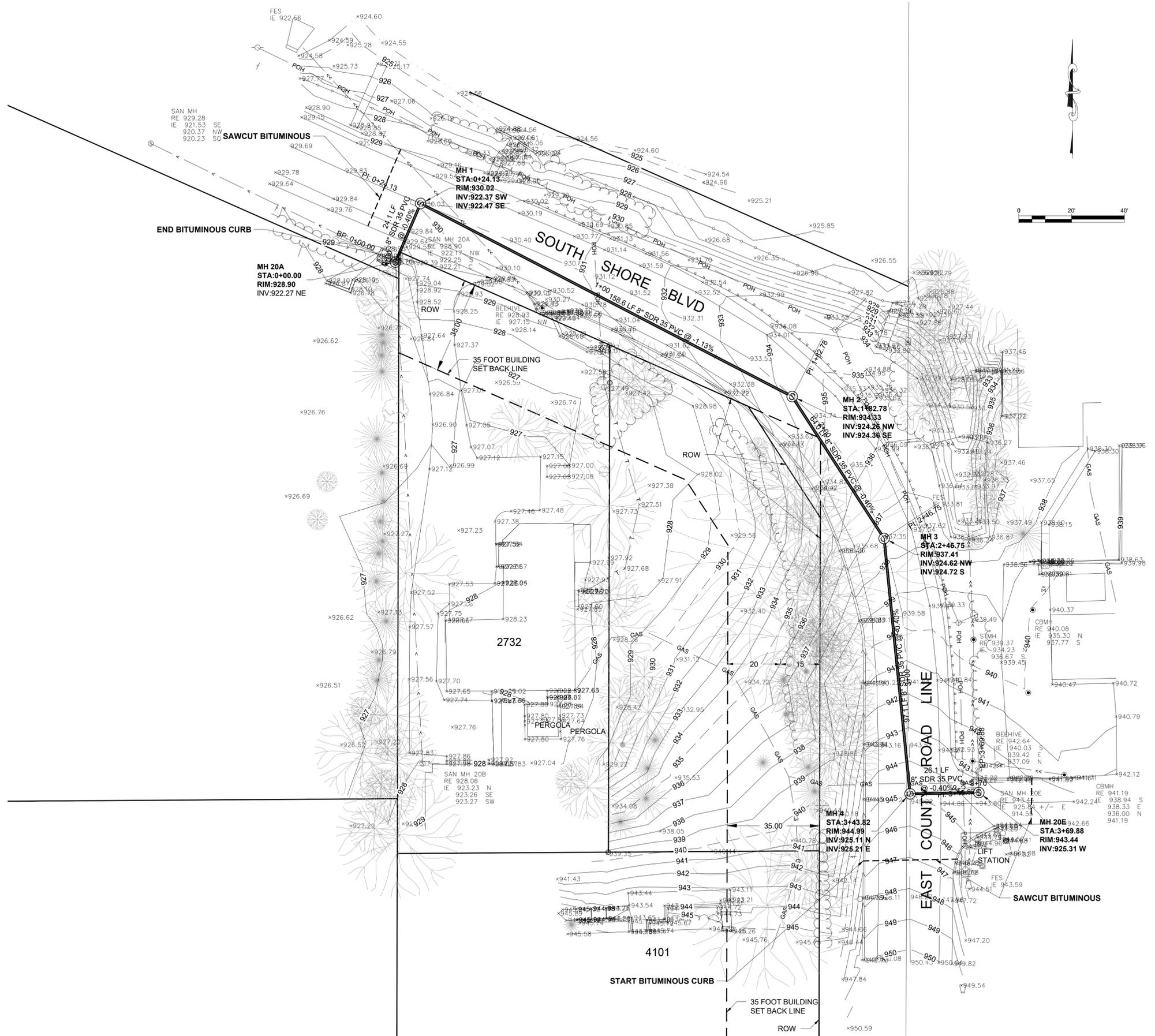
By \_\_\_\_\_  
Its Clerk-Treasurer

Dated \_\_\_\_\_

CITY OF BIRCHWOOD

By \_\_\_\_\_  
Its Mayor

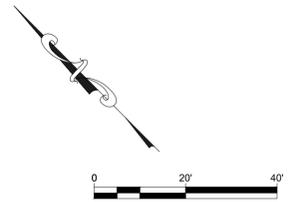
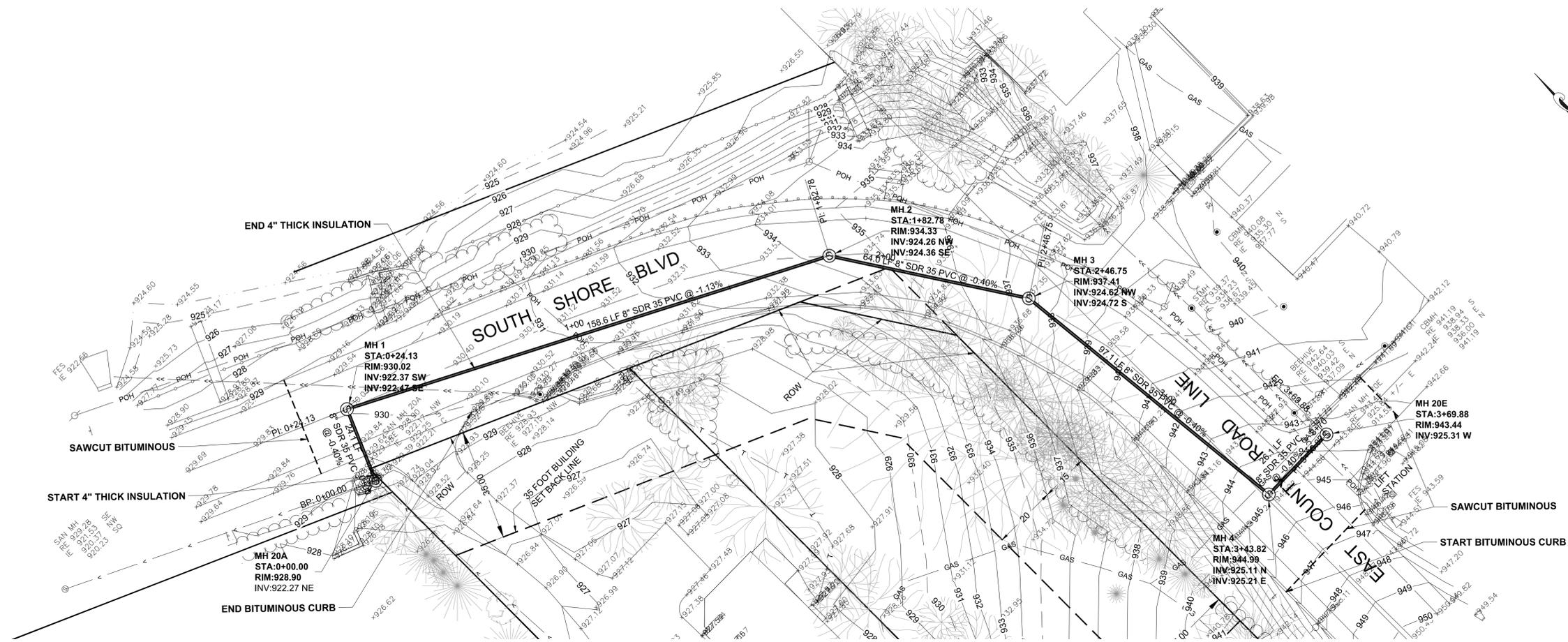
By \_\_\_\_\_  
Its City Administrator



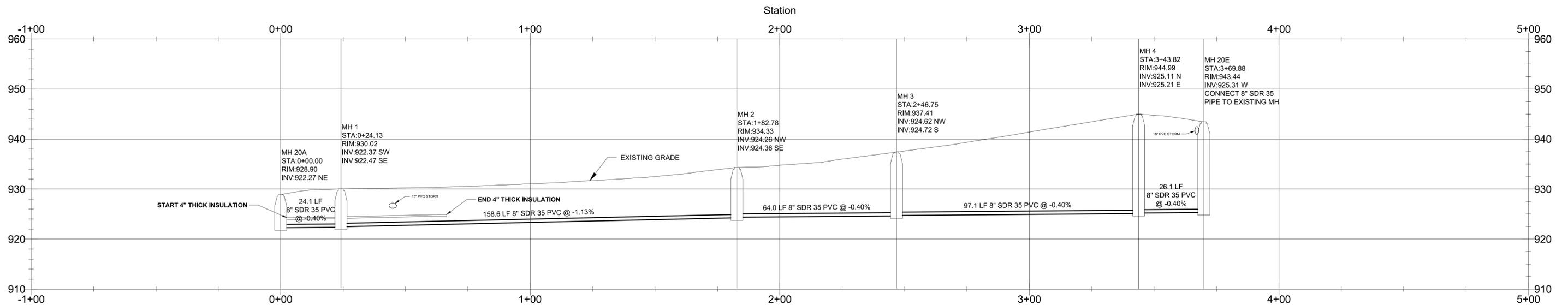
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

STEVEN W. THATCHER, PE  
MINNESOTA LICENSE NO. 14501. DATE: \_\_\_\_\_

1	REVISED ALIGNMENT AND PROFILE	R.W.C.	06-03-2019
REV.	DESCRIPTION	BY	DATE
WHITE BEAR TOWNSHIP, MINNESOTA			
<b>CITY OF BIRCHWOOD VILLAGE</b>			
<b>EMERGENCY LIFT STATION BYPASS PLAN</b>			
	<b>Gorman Surveying, Inc.</b>		DRAWN BY: R.W.C. DATE: 05-03-2019
	8640 HARRIET AVE. SO. SUITE 102 BLOOMINGTON, MINNESOTA 55420 (952)346-8300 FAX (952)346-9110		
CHECKED BY:	DATE:	HORIZONTAL SCALE IN FEET	
FILE: Birchwood Village\topo.dwg			
		JOB NUMBER	SHEET
		<b>19-035</b>	<b>1 OF 3</b>



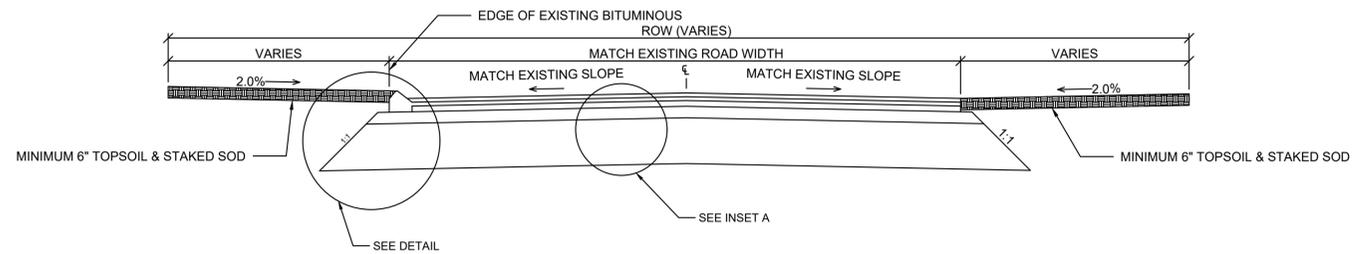
**SAN PROFILE**



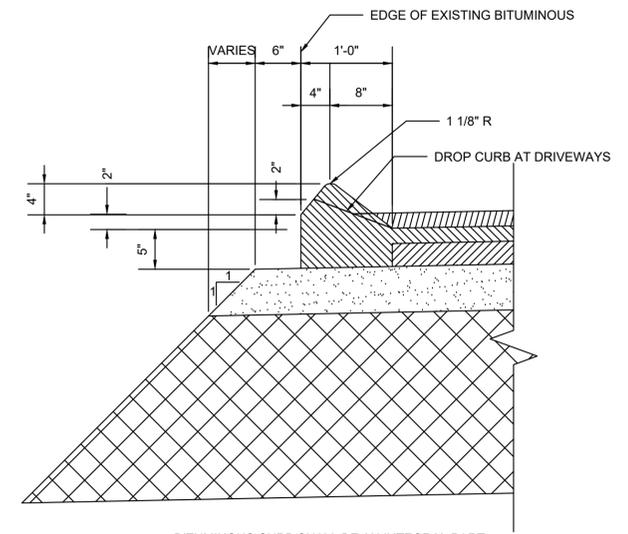
I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

STEVEN W. THATCHER, PE  
MINNESOTA LICENSE NO. 14501. DATE: \_\_\_\_\_

1	REVISED ALIGNMENT AND PROFILE	R.W.C.	06-03-2019
REV.	DESCRIPTION	BY	DATE
WHITE BEAR TOWNSHIP, MINNESOTA			
<b>CITY OF BIRCHWOOD VILLAGE</b>			
<b>EMERGENCY LIFT STATION BYPASS PLAN AND PROFILE</b>			
	<b>Gorman Surveying, Inc.</b>		DRAWN BY: R.W.C. DATE: 05-03-2019
	8640 HARRIET AVE. SO. SUITE 102 BLOOMINGTON, MINNESOTA 55420 (952)346-8300 FAX (952)346-9110		HORIZONTAL SCALE IN FEET 0 10 20 40
	CHECKED BY: _____ DATE: _____	JOB NUMBER	SHEET
FILE: Birchwood Village\topo.dwg	<b>19-035</b>	2 OF 3	3

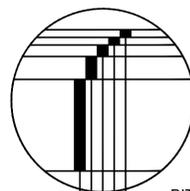


ROAD SECTION



6" SHOE FORMED BITUMINOUS CURB

INSET A



- BITUMINOUS TACK COAT BETWEEN BIT. COURSES MN/DOT SPEC. 2357
- 2" -2360 TYPE SP 12.5 BITUMINOUS WEARING COURSE MIXTURE (SPWEB440F)
- 2" -2360 TYPE SP 12.5 BITUMINOUS WEARING COURSE MIXTURE (SPWEB440F)
- 3" -2360 TYPE SP 12.5 BITUMINOUS NON WEARING COURSE MIXTURE (SPNWB430B)
- 6" -AGGREGATE BASE CLASS 6 MN/DOT SPEC. 3138
- 24" -SELECT GRANULAR BORROW MN/DOT SPEC. 3149



I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

STEVEN W. THATCHER, PE  
MINNESOTA LICENSE NO. 14501. DATE: \_\_\_\_\_

1	REVISED ALIGNMENT AND PROFILE	R.W.C.	06-03-2019
REV.	DESCRIPTION	BY	DATE
WHITE BEAR TOWNSHIP, MINNESOTA			
<b>CITY OF BIRCHWOOD VILLAGE</b>			
<b>EMERGENCY LIFT STATION BYPASS DETAILS</b>			
	<b>Gorman Surveying, Inc.</b>		DRAWN BY: R.W.C. DATE: 05-03-2019
	8640 HARRIET AVE. SO. SUITE 102 BLOOMINGTON, MINNESOTA 55420 (952)346-8300 FAX (952)346-9110		HORIZONTAL SCALE IN FEET 0 10 20 40
CHECKED BY:	DATE:	JOB NUMBER	SHEET
FILE: Birchwood Village\topo.dwg		<b>19-035</b>	3 OF 3

# Birchwood Village

Properties at Birchwood Village Served by Birchwood Lane FM



- City Sanitary**
- Forcemain
- Gravity
- LS City Lift Station
- Private Property
- Served Properties
- 10 Foot Elevation Contours (Hypsography)
- City & Township Boundaries
- Parcels - Washington County





**MEMORANDUM**

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Lake Ave Mill/Overlay & Drainage Feasibility Report

**Birchwood Village**

---

Hello Mayor and Council Members,

Enclosed is the feasibility report from City Engineer Steve Thatcher for the mill and overlay of Lake Avenue. Additionally, the appraisal ordered by City Attorney Alan Kantrud has been completed. Both Thatcher and Kantrud are present and prepared to explain findings and answer questions.

Also enclosed is the drainage feasibility report for the Lake Ave area, completed by Thatcher.

Staff now request's Council 1) authorize Thatcher and Kantrud to order and arrange the appraisal of the Lake Ave area for the purposes of drainage improvements and 2) authorize Thatcher to prepare plans and specifications for the mill and overlay and drainage improvements for Lake Avenue project.

Additionally, as directed by Council last month, I reached out to RCWD about a possible cost-share on the drainage improvement project around Lake Ave. RCWD responded favorably to our request and has requested to meet with Thatcher and myself. Staff requests Council authorize Thatcher to meet with RCWD and myself to discuss the drainage improvement around Lake Ave and the cost-sharing thereof.

**Request/Recommendation**

Staff requests Council:

- 1) Authorize Thatcher and Kantrud to order and arrange the appraisal of the Lake Ave area for the purposes of drainage improvements
- 2) Authorize Thatcher to prepare plans and specifications for both the mill and overlay AND the drainage improvements for Lake Ave project
- 3) Authorize Thatcher to meet with RCWD and Lay to discuss drainage improvements in Lake Ave area and the cost-sharing thereof.

Thanks!

Regards,  
Tobin Lay  
City Administrator

Enclosure(s): Mill and Overlay Feasibility Report; Drainage Feasibility Report



Thatcher Engineering, Inc.  
6201 Creek Valley Road  
Edina, MN 55439  
Phone: 612.781.2188  
www.thatcher-eng.com

**FEASIBILITY STUDY  
For  
CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

**LAKE AVENUE  
MILL AND OVERLAY  
City Project No. 2019-1  
MARCH 30, 2019**

**1.0 BACKGROUND AND PURPOSE**

The City of Birchwood Village retained Thatcher Engineering, Inc. to prepare a feasibility study for the Mill and Overlay of Lake Avenue from Wildwood Avenue to the south end of Lake Avenue and Iris Street from Lake Avenue to Wildwood Avenue

**2.0 PROJECT DESCRIPTION**

The proposed project will consist of mill and overlay. The total length of street mill and overlay is approximately 2,500 feet.

Based on observations of the streets by Thatcher Engineering, Inc. (TEI), it is TEI’s opinion that the street gravel base is acceptable and does not need to be removed and replaced.

It is also TEI’s opinion that city water and sanitary sewer pipes under the street do not need any improvement at this time.

A map showing the project location is included in Appendix 1.

**3.0 ALTERNATIVES**

Alternatives analyzed for the proposed project include doing nothing. Doing nothing is not a viable option because the existing streets are old and in poor condition.

**4.0 COST ESTIMATE**

The cost estimate is as follows:

<u>Item</u>	<u>Estimated Cost</u>
Mill and overlay	\$45,000.00
Grade change	\$11,000.00
Bituminous for gravel parking lot adjacent to the hockey rink	<u>\$3,000.00</u>
Construction Cost	\$59,000.00
Engineering	\$5,900.00
Contingency (20% of Estimated Construction Cost)	<u>\$11,800.00</u>
Estimated Total Cost	\$76,700.00

The cost of the grade change or the bituminous for the gravel parking lot adjacent to the hockey rink will not be assessed to the adjacent properties. The costs to be assessed are as follows:

<u>Item</u>	<u>Estimated Cost</u>
Mill and overlay	\$45,000.00
Grade change	\$0.00
Bituminous for gravel parking lot adjacent to the hockey rink	<u>\$0.00</u>
Construction Cost	\$45,000.00
Engineering	\$4,500.00
Contingency (20% of Estimated Construction Cost)	<u>\$9,000.00</u>
Estimated Total Cost for Assessment	\$58,500.00

## 5.0 FUNDING

Funding for the proposed project will be provided from city funds. No bond is needed.

The unit method will be used to assess 100% of the Total Cost for Assessments (\$58,500.00) to properties (lots) that benefit from the project. Appendix 2 shows the following:

1. A list of properties (lots) that benefit from the project.
2. A map of the properties proposed to be assessed.

The maps in Appendix 2 are from the Washington County Geographic Information System (GIS) web site which shows the name of the street between Lake Street and Wildwood Avenue to be “Irish Street.” The actual name is “Iris Street.”

The list of properties (Appendix 2) show that twenty nine (29) lots benefit from this project. Some items to note are as follows:

1. One house is on two lots (lots #6 and #7). The recommended assessment unit per lot in this situation is 0.5 units for each of these lots.
2. Two houses are on one lot (lot #28). The recommended assessment unit per lot in this situation is 1.0 because other lots in the City also have two living units (some living units are above garages on other lots).
3. The house located on lot #29 has frontage on both Wildwood Ave and Iris Street. Because the house is close to Iris Street and the owner accesses the lot from Iris Street, the recommended assessment unit for this lot is 1.0.
4. The house north of lot #29 is located on one lot which has frontage on both Wildwood Ave and Iris Street. The house is close to Iris Street. However, because the garage access is from Wildwood Avenue, the recommended assessment unit for this lot is zero (0.0).

Based in the above, TEI recommends twenty nine (29) assessment units for the project.

The recommended cost per assessment unit is \$2,017.24 (\$58,500/29 assessment units).

## 6.0 RECOMMENDATIONS, DISCUSSION & SCHEDULE

TEI recommends the following:

1. Mill and Overlay Lake Avenue from Wildwood Avenue to the south end of Lake Avenue and Iris Street from Lake Avenue to Wildwood Avenue.
2. Conduct the following work with the street improvement:
  - a. Install bituminous on the gravel parking lot adjacent to the hockey rink in Tighe-Schmitz Park. The City will save money because the street contractor will have paving equipment in the area.
  - b. Install drainage improvements on or near (i) Lake Avenue, (ii) the ice rink parking lot and (iii) Tighe-Schmitz Park. This work will enhance the useful life of the new street and save the City money.
2. Conduct a topographic survey to determine the location of the drainage problems. An accurate survey is needed prior to recommending the specific improvements to be installed.
3. Conduct a topographic survey to determine if a grade change is needed on Iris Street to reduce the slope of Iris Street at the intersection of Iris Street and Wildwood Avenue to make the intersection safer. This survey can be conducted at the same time that the topographic survey in Item 2 above is conducted.
4. Notifying the utility companies including gas, electric and cable companies that the City plans this street construction work in 2019, and suggesting that if they have plans to conduct any work in the streets in the next 5 years, they conduct the work before the City starts street construction. Property owners will not be happy if the new street is excavated for planned utility work.
5. The City should take the proper steps to secure a professional appraisal for the project.

The proposed improvement is necessary, cost-effective and feasible, and thus the improvement should be made as proposed and in connection with the improvements shown above.

If the city authorizes TEI to secure construction bids, the project could be constructed in 2019.

## 7.0 CONCLUSIONS

Based on the age and condition of the existing streets, it will be necessary to construct mill and overlay in the near future.

**APPENDIX 1**  
**Project Location Map**



Appendix 1  
 Project Location Map  
 3/26/2019

1:4,000

0 187.5 375 750 ft  
 0 55 110 220 m



**Thatcher**  
 engineering + environmental solutions

## **APPENDIX 2**

### **List and Maps of the Properties Proposed to be Assessed**

**Appendix 2**  
**City of Birchwood Village**  
**Lake Avenue Mill and Overlay**  
**List of Property (Lots) that Benefit from the Project**  
**3/30/2019**

Lot #	Recommended Assessment Unit	Type of Lot	Owner	Owner's Address	Notes
1	1.0	Corner Lot	WERRA DANNY	369 WILDWOOD AVE, WHITE BEAR LAKE MN 55110	
2	1.0	Corner Lot	OLSON CHRISTOPHER C & NATALIE	365 LAKEWOOD LN	
3	1.0	Irregular	DEMARS ANTHONY J & CHRISTINA A	407 LAKE AVE	
4	1.0	Irregular	CARLSON JERRY J & JACQUELINE L JAROSZ	409 LAKE AVE	
5	1.0	Irregular	MADORE DONALD R & KATHLEEN E	413 LAKE AVE	
6	0.5	Irregular	DAVIDSON COYLEEN H	30.030.21.13.0011	1040 SEAGROVE LN CH 4, SARASOTA FL 34242 The house on this lot is also on lot 7.
7	0.5	Irregular	DAVIDSON COYLEEN H	425 LAKE AVE 30.030.21.13.0012	1040 SEAGROVE LN CH 4, SARASOTA FL 34242 The house on this lot is also on lot 6.
8	1.0	Irregular	BARBARA A WINTERS TRS	429 LAKE AVE	
9	1.0	Irregular	WICKUM DAREN & JESSICA	433 LAKE AVE	
10	1.0	Irregular	MCKEOWN THOMAS D & LISA A JR	441 LAKE AVE	
11	1.0	Irregular	TRS AGR TODD & DENELLE A HAWKINS	445 LAKE AVE	
12	1.0	Irregular	SCHREINER MARGARET M & DOLORES SCHREINER	453 LAKE AVE	
13	1.0	Irregular	SEIGENTHALER JUDITH	461 LAKE AVE	
14	1.0	Irregular	BARTHEL JAMES H	469 LAKE AVE	
15	1.0	Irregular	KRAEMER MICHAEL R & CANDICE L	471 LAKE AVE	
16	1.0	Irregular	KRAEMER MICHAEL R & CANDICE L	471 LAKE AVE, WHITE BEAR LAKE MN 55110 30.030.21.13.0024	
17	1.0	Irregular	MAHONEY SUSAN L C	479 LAKE AVE	
18	1.0	Irregular	HARROD JAMES J & DEBRA L	483 LAKE AVE	
19	1.0	Irregular	JUDY DUFFY REVOC TRS	505 LAKE AVE	
20	1.0	Irregular	MCKENZIE MICHAEL G & JULIE L	509 LAKE AVE	
21	1.0	Irregular	MCCARTHY JUSTIN & JESSA	515 LAKE AVE	
22	1.0	Irregular	WALL WANDA F & DAVID W JR	517 LAKE AVE	
23	1.0	Irregular	KOHL'S PHILIP R & PATRICIA KOHL'S	523 LAKE AVE	
24	1.0	Irregular	MALVEY MICHAEL D & MEGAN W	525 LAKE AVE	
25	1.0	Irregular	KRIZ-HERBERT SANDA K	529 LAKE AVE	
26	1.0	Irregular	CALDERWOOD MARY E TRS	533 LAKE AVE	
27	1.0	Corner Lot	WHITE JOYCE E	613 WILDWOOD AVE	
28	1.0	Corner Lot	CORLISS CHARLES D & KARLEEN R	555 WILDWOOD AVE	
29	1.0	Irregular	VANG MARY C	549 JAY ST, CITY OF BIRCHWOOD	County Web Site also shows: Owner Address : 20 FLYNN ST, ESKO MN 55733
30	1.0	Corner Lot	LIND BRIAN R & KAREN A HAGAN-L	401 WILDWOOD AVE	
31	0.0	Irregular	BUERKLE BUICK LEASING	30.030.21.42.0008	This lot is not assessable because it is not a buildable lot. The lot is not buildable because of the wetland on it.
32	0.0	Irregular	City Lot 1		This lot is not assessable because it is not a buildable lot. It is too small to build on.
33	0.0	Irregular	City Lot 2		This lot is not assessable because it is not a buildable lot. It is too small to build on.
32	0.0	Irregular	City Lot 3 - Halls Marsh		This lot is not assessable because it is not a buildable lot. The lot is not buildable because of the wetland on it.
35	0.0	Irregular	City Lot 4 - Tighe-Schmitz Park		This lot is not assessable because it is not a buildable lot. The lot is subject to flooding. It's also a City Park. Users of the Park do not need to use all of Lake Avenue to Access the park. Users can access the park by driving on Lake Ave approximately 300 feet from the north and approximately 350 feet from the south.
	<b>29.0</b>	<b>Total Recommended Assessment Units</b>			

Note 1: Owner and Owner's address are from the Washington County GIS Web Site.

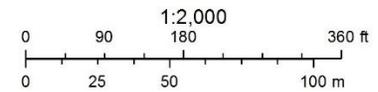
## Appendix 2



Map 1

Properties Proposed to be Assessed

3/26/2019



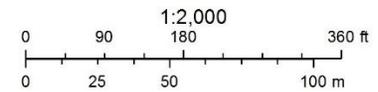
## Appendix 2



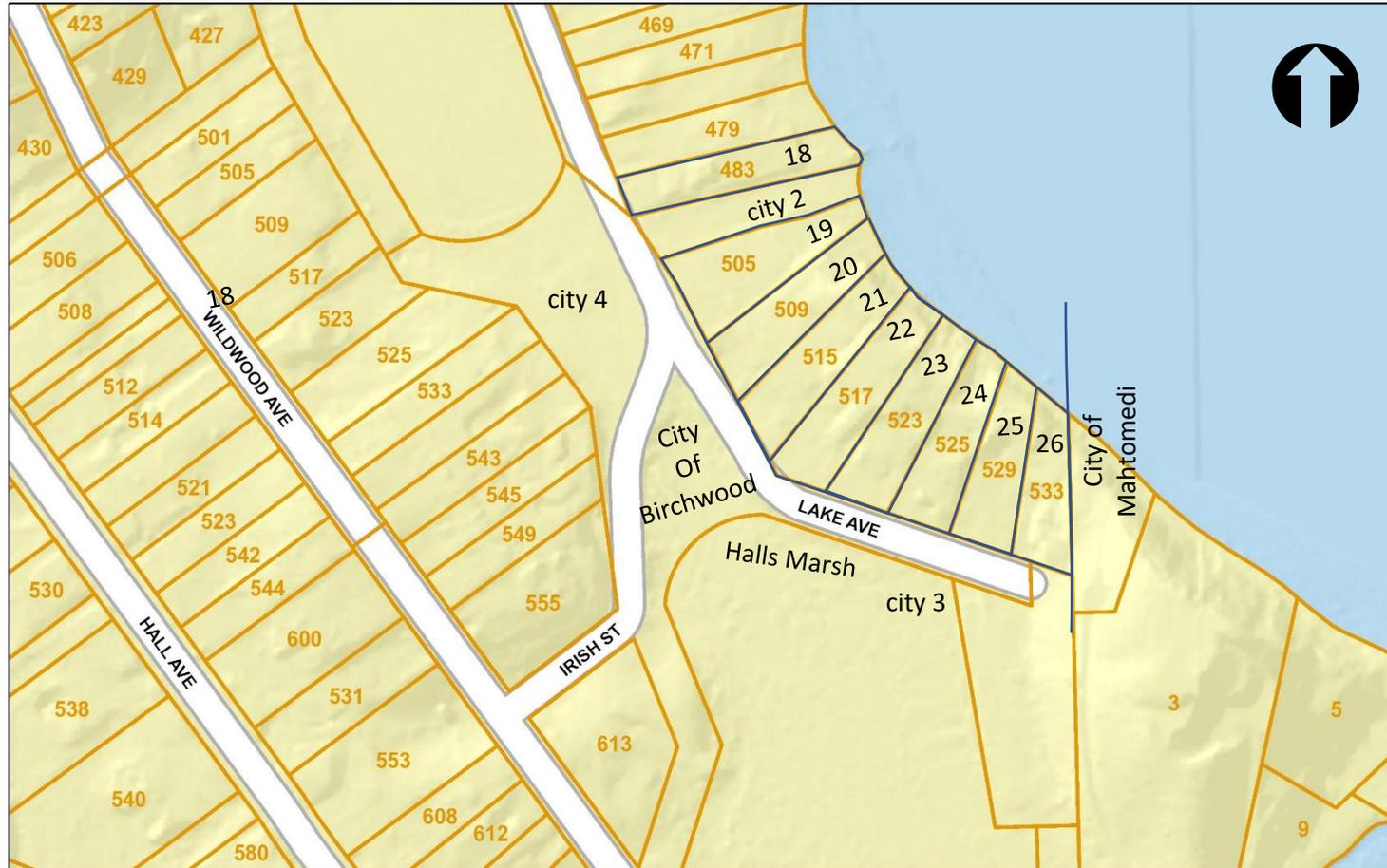
Map 2

Properties Proposed to be Assessed

3/26/2019



## Appendix 2



Map 3

Properties Proposed to be Assessed

3/26/2019

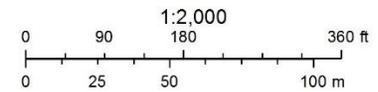
## Appendix 2



Map 4

Properties Proposed to be Assessed

3/26/2019





Thatcher Engineering, Inc.  
6201 Creek Valley Road  
Edina, MN 55439  
Phone: 612.781.2188  
www.thatcher-eng.com

**FEASIBILITY STUDY  
For  
CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

**LAKE AVENUE  
DRAINAGE PROJECT  
(Lake Avenue Stormwater)  
City Project No. 2019-2**

**JUNE 5, 2019**

**1.0 BACKGROUND AND PURPOSE**

The City of Birchwood Village retained Thatcher Engineering, Inc. (TEI) to prepare a feasibility study for the drainage (Stormwater) of Lake Avenue from Wildwood Avenue to the south end of Lake Avenue and Iris Street from Lake Avenue to Wildwood Avenue. The purpose is to minimize the stormwater flooding problems on Lake Avenue between the hockey rink parking lot and Park Avenue and on the ice skating and volleyball areas in Tighe-Schmitz Park.

**2.0 PROJECT DESCRIPTION**

The proposed project consists of the following:

1. Grading the following:
  - a. Ice skating and volleyball areas in Tighe-Schmitz Park (Park) which are located east of the hockey rink.
  - b. Hockey rink parking lot.
  - c. Lake Avenue from the hockey rink parking lot to Park Avenue.
  - d. The intersection of Lake Avenue and Park Avenue.
  - e. Park Avenue.
2. Installing bituminous on the hockey rink parking lot and Park Avenue.
3. Installing a shallow ditch on the south side of Lake Avenue between the hockey rink parking lot and Park Avenue.
  - a. This work includes the following:
    - i. Removing the existing fence and bituminous path.
    - ii. Removing existing trees at the existing stormwater Flared End Section (FES).
4. Installing a French Drain System (System), which is coarse filter aggregate (rock) wrapped by geotextile fabric, below the shallow ditch (Item 3 above) from the existing stormwater FES (which is located at the south east corner of Lake Avenue and Park Avenue) to the south side of the volleyball area in the Park. The FES is the inlet to the 18-inch diameter pipe that carries stormwater from the Park to White Bear Lake. The installation of a sign on a metal fence post at the end of the System (south of the volleyball area) is proposed to make locating it easier if the City decides to extend it at a future date.

5. Removing the existing abandoned catch basin located near the hockey rink parking lot.

Based on the City's experience, flooding occurs in the area because water freezes in and plugs existing stormwater pipes and catch basins. The water does not run off because:

1. Groundwater is only about one (1) foot below the ground and street surface.
2. The ground and street surface has very little or no slope.
3. The groundwater elevation is approximately the same as the lake water surface elevation.

To prevent water freezing in the pipes, the existing stormwater pipe and catch basin located between the hockey rink parking lot and Park Avenue will be removed and no new stormwater pipe will be installed.

Installing a French Drain System (System) in the ditch is needed to maximize the elevation distance between the groundwater elevation (basically the surface of the lake) and the elevation of Lake Avenue and thus maximize the useful life of the road. Groundwater close to a road surface shortens its useful life.

Installing a System in the Park is needed to minimize flooding because the ground surface has very little or no slope. Surface water floods a ground surface with very little slope because of differential settlement of soil, and it is difficult to grade an area with very little slope without creating low spots that flood. The System will minimize flooding by enhancing infiltration of surface water. However, the capability of the System to work effectively is limited by the very small distance in elevation between the groundwater and the ground surface.

Grading the ice skating and volley ball areas in Tighe-Schmitz Park includes adding soil so that the proposed ground surface will be approximately one (1) foot above the existing ground surface. This is needed to minimize flooding because the groundwater elevation is approximately the same elevation as the ground surface elevation.

Removing existing trees at the existing stormwater FES is needed because of the following:

1. The trees have damaged the existing storm sewer pipe and FES.
2. If they remain in place, the trees will:
  - a. Continue to damage and thus shorten the useful life of the existing pipe and FES.
  - b. Shorten the useful life of and interfere with the effective operation of the French Drain System.
  - c. Cause additional flooding of the Park because the roots will grow around and under the existing pipe and FES, thus raising their elevation. Runoff water from approximately the north half of the Park flows through this pipe.

Removing the abandoned catch basin near the hockey rink parking lot is needed because, if it remains in place, it will shorten the useful life of the street and parking lot due to frost heaving and differential settlement.

Grading Lake Avenue is needed to drain stormwater runoff across Lake Avenue to the proposed shallow ditch on the south side of Lake Avenue because water now floods the north side of Lake Avenue. The elevation of the north side of Lake Avenue cannot change because water runs off the existing driveways onto Lake Avenue. Therefore, the proposed elevation of the south side of Lake Avenue must be lower than the existing elevation. An existing water main is below the south side

of Lake Avenue. However, the proposed street elevation (lower than existing elevation) reduces the distance from the ground surface to the existing water main and water service lines which could cause them to freeze. Thus the project includes locating and determining the actual depth of the existing water main and water service lines to determine whether or not insulation is needed to protect the pipes from freezing.

Installing bituminous on Park Avenue (#2 of the Project Description above), which is currently a gravel road, is needed for storm water drainage and erosion control purposes.

On Tuesday May 28, after a long and intense rainfall the previous day, Steven Thatcher of TEI observed water flowing across Lake Avenue (east to west) at a low spot in the road near 461 Lake Avenue. Runoff had flooded a low spot on private property to the east of Lake Avenue. This project does not solve this problem because (a) the road surface elevation (926.34) is currently very close to the elevation of White Bear Lake (925.16) and (b) it appears that a better solution is to work with the property owner to install a French Drain, install a rain garden, create a larger ponding area, or grade the low area so that water overflows the low area to White Bear Lake, or a combination of these solutions. Also, this problem will likely only occur after long and intense rainfall events during a very wet season (May 2019 has been very wet).

A map showing the project location is included in Appendix 1.

### 3.0 ALTERNATIVES

Alternatives analyzed for the proposed project include milling and overlaying Lake Avenue without solving the flooding problems. Failure to solve the flooding problems is not a good idea because the flooding will shorten the useful life of Lake Avenue.

### 4.0 COST ESTIMATE

The cost estimate is as follows:

<u>Item</u>	<u>Estimated Cost</u>
Grading and other work	\$50,000.00
French Drain System	<u>\$15,000.00</u>
Construction Cost	\$65,000.00
Preliminary Engineering	\$10,000.00
Engineering	\$7,000.00
Contingency (20% of Estimated Construction Cost)	<u>\$13,000.00</u>
<b>Estimated Total Cost</b>	<b>\$95,000.00</b>

### 5.0 FUNDING

Funding for the proposed project will be provided from city funds. No bond is needed.

The unit method (square foot basis) will be used to assess 100% of the Total Cost of the project (\$95,000.00) to properties (lots) from which runoff flows to the existing FES. The FES is the inlet to the pipe that carries stormwater from the Park to White Bear Lake, and is located at the south east corner of Lake Avenue and Park Avenue.

The area proposed to be assessed is the drainage area, which is the area of land where precipitation collects and drains off into a common outlet. The drainage area includes all the surface water from rain runoff and snowmelt that run downslope towards the outlet. See Figures 1 and 2 for a map of the drainage area.

Appendix 2 shows the following:

1. A list of properties (lots) located in the drainage area including the lot area proposed to be assessed in square feet.
2. A map of the properties proposed to be assessed.

The maps in Appendix 2 are from the Washington County Geographic Information System (GIS) web site which shows the name of the street between Lake Street and Wildwood Avenue to be “Irish Street.” The actual name is “Iris Street.”

The list of properties (Appendix 2) show that all or a portion of forty two (42) lots are located in the drainage area.

Based in the above, TEI recommends 340,832 assessment units (square feet) for the project.

The recommended cost per assessment unit is \$0.2787 per square foot (\$95,000/340,832 square feet).

## **6.0 RECOMMENDATIONS, DISCUSSION & SCHEDULE**

TEI recommends the following:

1. Install drainage improvements on or near (i) Lake Avenue, (ii) the hockey rink parking lot and (iii) Tighe-Schmitz Park. This work will enhance the useful life of the new street and save the City money.
2. Notifying the utility companies including gas, electric and cable companies that the City plans this street construction work in 2019, and suggesting the following:
  - a. That if they have plans to conduct any work in the streets in the next 5 years, they conduct the work before the City starts street construction. Property owners will not be happy if the new street is excavated for planned utility work.
  - b. That they likely need to lower their utilities because the proposed street elevation is lower than the existing street elevation.
3. The City should take the proper steps to secure a professional appraisal for the project.

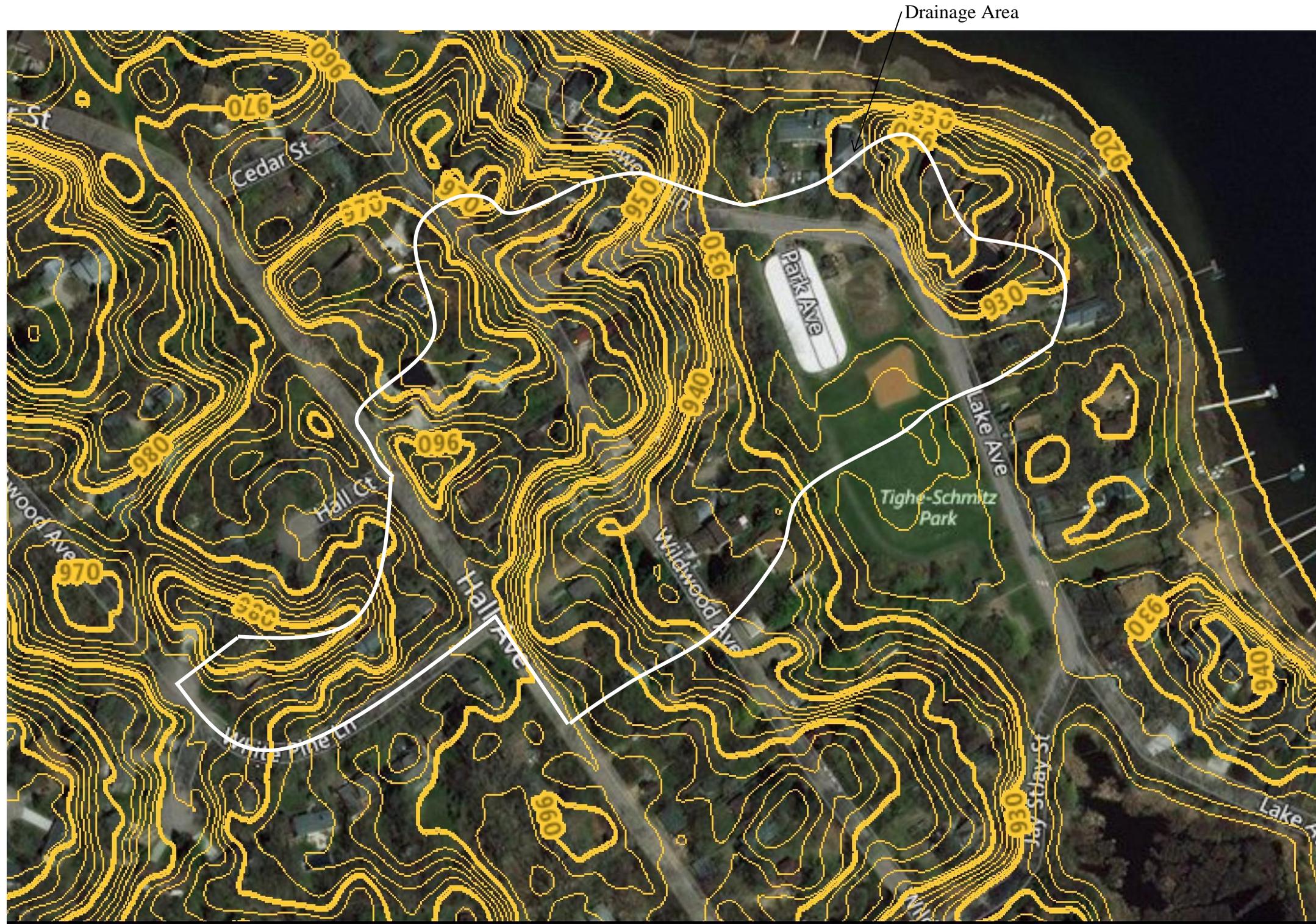
The proposed improvement is necessary, cost-effective and feasible, and thus the improvement should be made as proposed.

If the city authorizes TEI to secure construction bids soon, the project could be constructed in 2019, provided that the utility companies can lower their utilities this year.

## **7.0 CONCLUSIONS**

Because of the flooding problems the City has experienced, it will be necessary to construct the drainage improvements described above in the near future.

## FIGURES



PROJECT TITLE: City of Birchwood  
 DRAWING TITLE: Drainage Area with Topo  
 PROJECT LOCATION: Birchwood Village MN  
 DRAWN BY: CCU SCALE: On Plan

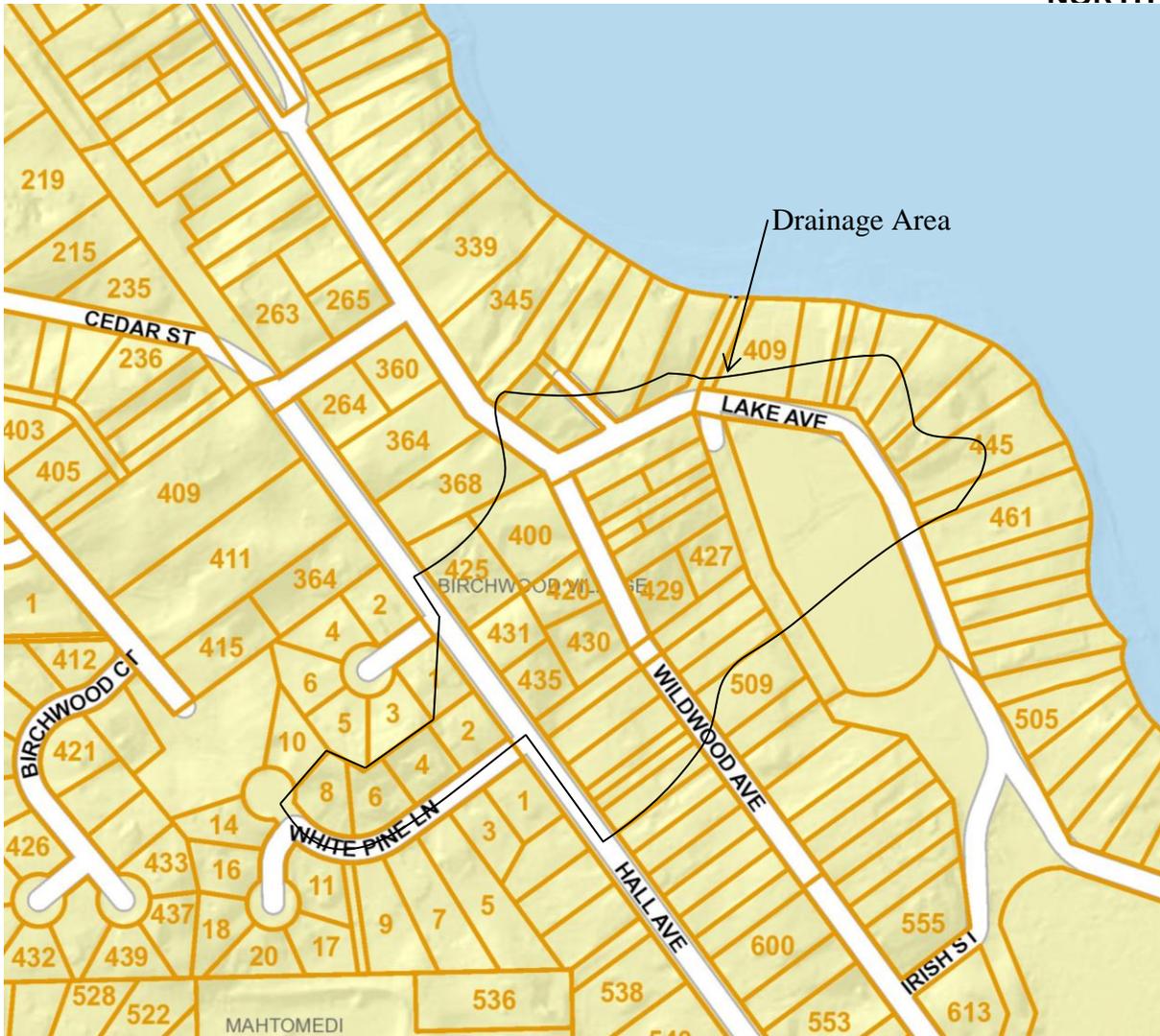
FIGURE: **1**

Thatcher Engineering, Inc.  
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 Minneapolis, MN 55418  
 Phone: (612) 781-2188  
 Fax: (612) 781-2241  
 www.thatcher-eng.com





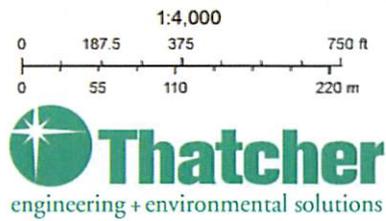
NORTH



**APPENDIX 1**  
**Project Location Map**



Appendix 1  
 Project Location Map  
 3/26/2019



## **APPENDIX 2**

### **List and Maps of the Properties Proposed to be Assessed**

**Appendix 2**  
**City of Birchwood Village**  
**Drainage Project**  
**List of Property (Lots) Proposed to be Assessed and Area of Each Lot in the Drainage Area**  
**6/2/2019**

Lot #	Recommended Assessment Unit (Square Feet)	Lot Area (Square Feet)	Owner	Owner's Address	Notes
1	8,500	11,419	WERRA DANNY	369 WILDWOOD AVE, WHITE BEAR LAKE MN 55110	
2	2,100	21,360	OLSON CHRISTOPHER C & NATALIE	365 LAKEWOOD LN	
3	2,400	16,143	DEMARS ANTHONY J & CHRISTINA A	407 LAKE AVE	
4	4,200	22,303	CARLSON JERRY J & JACQUELINE L JAROSZ	409 LAKE AVE	
5	4,200	14,898	MADORE DONALD R & KATHLEEN E	413 LAKE AVE	
6	1,800	4,835	DAVIDSON COYLEEN H	30.030.21.13.0011	1040 SEAGROVE LN CH 4, SARASOTA FL 34242 The house on this lot is also on lot 7.
7	2,100	8,749	DAVIDSON COYLEEN H	425 LAKE AVE 30.030.21.13.0012	1040 SEAGROVE LN CH 4, SARASOTA FL 34242 The house on this lot is also on lot 6.
8	4,300	16,826	BARBARA A WINTERS TRS	429 LAKE AVE	
9	4,300	25,567	WICKUM DAREN & JESSICA	433 LAKE AVE	
10	4,300	19,266	MCKEOWN THOMAS D & LISA A JR	441 LAKE AVE	
11	7,200	28,575	TRS AGR TODD & DENELLE A HAWKINS	445 LAKE AVE	
12	4,600	13,921	SCHREINER MARGARET M & DOLORES SCHREINER	453 LAKE AVE	
13	8,300	31,537	FREDRICK DANIEL & KAREN	368 WILDWOOD AVE	
14	14,338	14,338	FLECK JONATHAN E & SUSAN R	400 WILDWOOD AVE	
15	12,443	12,443	MALLES RONALD R JR & KATHY A	420 WILDWOOD AVE	
16	15,079	15,079	DANUS CLAUDIO & SANDRA L	430 WILDWOOD AVE	
17	12,001	12,001	BOLDT JEFFREY JOHN & ALLISON MARIE	435 HALL AVE	
18	12,127	12,127	HALVERSON JAMES A & JUDY A	431 HALL AVE	
19	20,100	35,284	FLECK JONATHAN E & SUSAN R	425 HALL AVE	
20	3,100	12,000	PATSY THOMAS R & JEANNETTE L	1 HALL CT	
21	12,000	12,000	ANDERSON JOHN L & ALICE B	2 WHITE PINE LN	
22	12,000	12,000	KUCZYNSKI ADRIAN J & DAWN E	4 WHITE PINE LN	
23	12,304	12,304	TOMLINSON JOHN A & CYNTHIA S	6 WHITE PINE LN	
24	12,196	12,196	ALECKSON CHRISTINE & JEFFREY	8 WHITE PINE LN	
25	14,040	14,040	ANDERSON MARK D & TAMI HEART	506 WILDWOOD AVE	
26	13,373	13,373	WITTENBERG LISA M	508 WILDWOOD AVE	
27	5,576	5,576	WITTENBERG LISA M	508 WILDWOOD AVE	
28	5,576	5,576	ELLISON MICHAEL L & DAVONNA	512 WILDWOOD AVE	
29	5,500	11,145	ELLISON MICHAEL L & DAVONNA	512 WILDWOOD AVE	
30	2,500	20,004	PLADSON MARK A & MATTHEW TSCHIDER	509 WILDWOOD AVE	
31	10,364	10,364	MOREHEAD TROY A & NAOMI R	505 WILDWOOD AVE	
32	10,606	10,606	CHARPENTIER KAREN A	501 WILDWOOD AVE	
33	11,655	11,655	WYLAND JOHN LOUIS	427 WILDWOOD AVE	
34	12,445	12,445	PERRY PATRICIA	429 WILDWOOD AVE	
35	12,632	12,632	FLECK JONATHAN E & SUSAN R	425 HALL AVE	423 WILDWOOD AVE
36	4,792	4,792	BIGPUT LLC	889 BARBARA CT, MENDOTA HEIGHTS MN 55118	419 WILDWOOD AVE
37	2,614	2,614	SIMES JOSEPHINE BERG & JAMES I BERG	1077 SIBLEY MEM HWY # 610, WEST ST PAUL MN 55118	419 WILDWOOD AVE
38	6,970	6,970	PEHOSKI ANTHONY J & JULIE A	415 WILDWOOD AVE	
39	6,027	6,027	SIMNING JAMES A & SANDRA L	2091 ROTH PLACE, WHITE BEAR LAKE MN 55110	2 PARK AVE
40	6,033	6,033	HAGAN KENNETH L & MARGARET A	2821 FLINT TRL, KELLER TX 76248	411 WILDWOOD AVE
41	13,641	13,641	LIND BRIAN R & KAREN A HAGAN-L	401 WILDWOOD AVE	
42	500	5,401	MUELLERLEILE LARRY R & SHARON A MUELLERLEILE	367 WILDWOOD AVE, WHITE BEAR LAKE MN 55110	
	<b>340,832</b>	<b>Total Recommended Assessment Units (Square Feet)</b>			

Note 1: Owner and Owner's address are from the Washington County GIS Web Site.

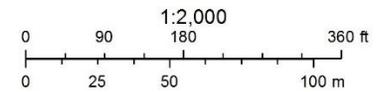
## Appendix 2



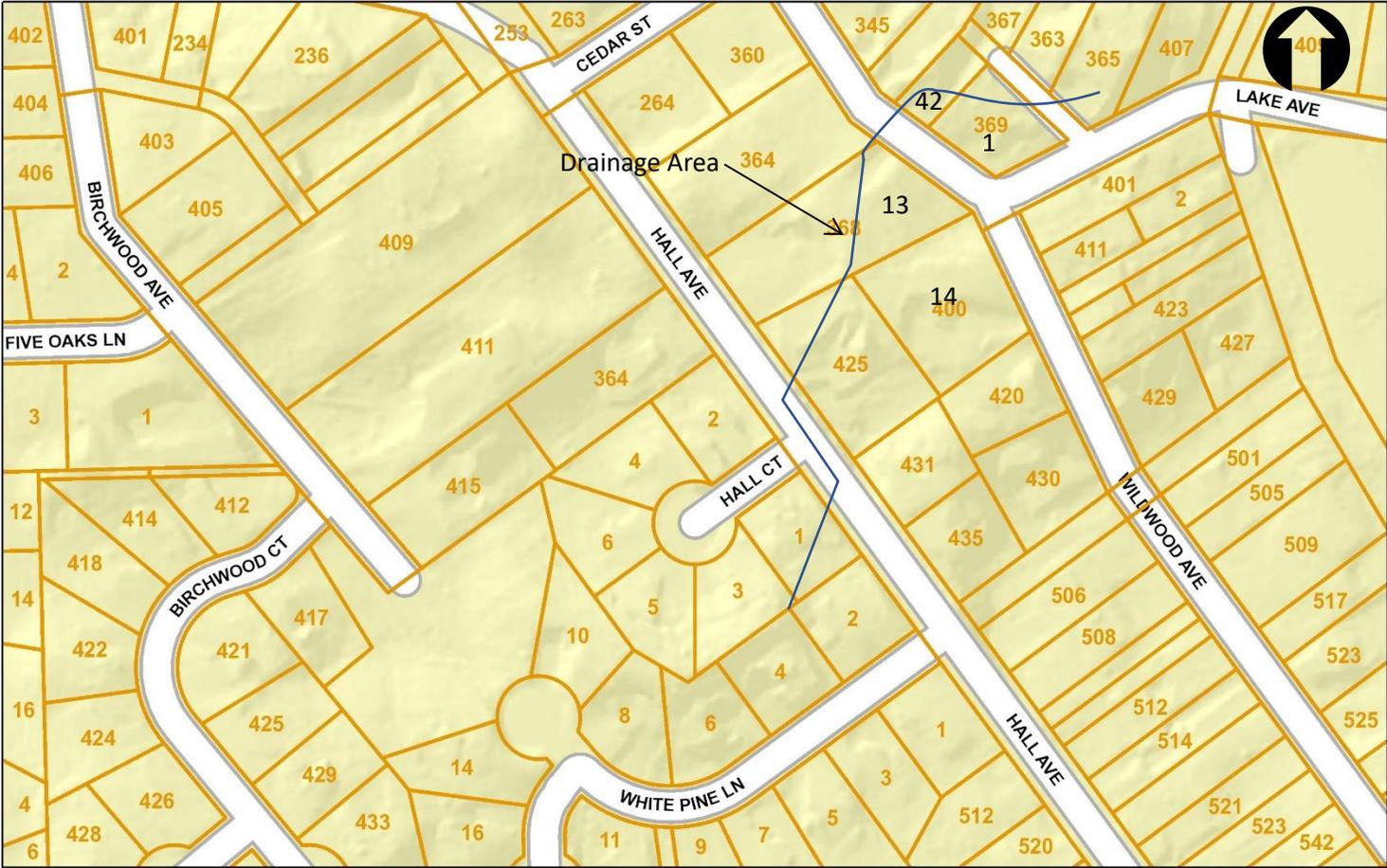
Map 1

Properties Proposed to be Assessed

6/2/2019



Appendix 2



Map 2  
Properties Proposed to be Assessed  
6/2/2019



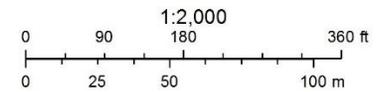
## Appendix 2



Map 3

Properties Proposed to be Assessed

6/2/2019





# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** MS4 Public Hearing

---

Dear Mayor and Council Members,

Each year the City is required to hold a public hearing regarding MS4 – Storm Water Pollution Prevention Program – to review and discuss the City’s storm water management procedures. These procedures are found in Section 202.100 of City Code (enclosed).

Based on the Council’s authorization last month, staff has published notice of tonight’s public hearing accordingly.

**Request/Recommendation**

Staff requests Council to open the public hearing regarding MS4 – Storm Water Pollution Prevention Program. Thanks!

Regards,  
Tobin Lay

**THE CITY OF BIRCHWOOD VILLAGE  
STORM WATER POLLUTION PREVENTION PROGRAM PLAN (SWPPP)**

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

The objectives of this Ordinance are:

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

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

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

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

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

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

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

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

grading, excavating, and demolition.

- 202.100.2.5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.
- 202.100.2.6. Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- 202.100.2.7. MPCA: Minnesota Pollution Control Agency
- 202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.
- 202.100.2.9. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
- 202.100.2.10. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 202.100.2.11. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- 202.100.2.12. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.
- 202.100.2.13. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 202.100.2.14. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.
- 202.100.2.16. City: Birchwood Village
- 202.100.2.17. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a property.
- 202.100.2.18. Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof
- 202.100.3. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- 202.100.4. RESPONSIBILITY FOR ADMINISTRATION. Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.
- 202.100.5. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- 202.100.6. DISCHARGE PROHIBITIONS.

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

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

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

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

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

202.100.6.2. Prohibition of Illicit Connections.

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

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

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

202.100.7. SUSPENSION OF MS4 ACCESS.

202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations. Birchwood Village

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

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

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

202.100.8. MONITORING OF DISCHARGES.

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

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

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

of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.

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

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

202.100.12. ENFORCEMENT.

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

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

202.100.12.1.2. The elimination of illicit connections or discharges;

- 202.100.12.1.3. The violating discharges, practices, or operations shall cease and desist;
- 202.100.12.1.4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- 202.100.12.1.5. Payment of a fine to cover administrative and remediation costs; and
- 202.100.12.1.6. The implementation of source control or treatment best management practices; and
- 202.100.12.1.7. The deadline within which to remedy the violation.
- 202.100.12.2. If the abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- 202.100.13. APPEAL OF NOTICE OF VIOLATION. Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.
- 202.100.14. ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
- 202.100.15. COST OF ABATEMENT OF THE VIOLATION. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- 202.100.16. INJUNCTIVE RELIEF. The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- 202.100.17. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.
- 202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- 202.100.19. CRIMINAL PROSECUTION. Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.
- 202.100.20. REMEDIES NOT EXCLUSIVE. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

**ADOPTED BY ORDINANCE 2013-06-01; JUNE 11, 2013**



# MEMORANDUM



**Birchwood Village**

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**TO: Birchwood City Council**  
**FROM: Tobin Lay, City Administrator**  
**SUBJECT: Ordinance 2019-03-02, Undersized Lots (302.015)**

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Dear Mayor and Council Members,

Last month the Council approved the first reading of Ordinance 2019-03-02 that was recommended by the Planning Commission.

After deliberating the language of the proposed ordinance with Attorney Alan Kantrud, the Council made a few changes. The enclosed ordinance includes those changes made last month.

The Council ordered the publication of public hearing for this meeting. That has been done.

The ordinance is now before you for public hearing and second/final reading.

**Request/Recommendation**

Staff requests Council:

- 1) Review the enclosed Ordinance 2019-03-02; and
- 2) Approve the second/final reading.

Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2019-03-02**

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

**AN ORDINANCE AMENDING UNDERSIZED LOTS PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 300 (Land Use) and Chapter 302 (Zoning Code: Requirements and Performance Standards) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

**SECTION 300. LAND USE**

300.020. DEFINITIONS. For the purpose of Chapters 300 through 399 certain terms and words are hereby defined as follows:

...

~~62.—Area. The habitable space included within surrounding exterior walls, or exterior walls and fire walls, exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.~~

**SECTION 302. ZONING CODE: REQUIREMENTS AND PERFORMANCE STANDARDS**

302.015. UNDERSIZED LOTS. Any lot ~~which was held in a single ownership~~ of record as of January 1, 1975, which remains in its then-existing dimensions and which does not meet the requirements of this Code ~~as to area, width, or other open space~~ may nevertheless be utilized for single-family detached dwelling purposes provided the requirements of 302.010~~measurements of such area, width, or open space~~ are at least 60% of those as at required. ~~This does not apply to setbacks.~~

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 11<sup>th</sup> day of June, 2019.

Attest:

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

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

# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2019-05-01, Sec 805

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Dear Mayor and Council Members,

Council recently passed a new Special Assessment Policy. With the new policy in place, parts of Sec 805 are in conflict with the policy or are now unnecessary.

Enclosed is Ordinance 2019-05-01, which the Council reviewed and amended last month – removing 805.050 and 805.060. Without 805.050 and 805.060, the remaining Sec 805 almost seems unnecessary.

The Council ordered a public hearing for this Ordinance at this meeting. The Council also discussed waiving the second reading requirement and adopting it forthwith. The Ordinance now comes before you for public hearing and first/final reading.

**Request/Recommendation**

Staff requests Council:

- 1) Review and discuss the enclosed Ordinance 2019-05-01;
- 2) Approve the first reading; and
- 3) Waive the second reading requirement.

Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2019-05-01**

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

**AN ORDINANCE AMENDING PUBLIC IMPROVEMENTS FINANCING AND  
ASSESSMENT REGULATIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 805 (Public Improvements Financing and Assessment Ordinance) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

**805 PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE**

805.010. PURPOSE. The purpose of this ordinance is to establish procedures to guide the City of Birchwood Village in employing its authority under Minnesota State law, Chapter 429.010 to 429.111 which provides that a municipality shall have the power to make public improvements such as sanitary sewer, storm sewers, water supply and storage, and water distribution facilities, street improvements including grading curb and gutter, surfacing, sidewalks, street lighting, and recreational facilities.

The statute further defines that the cost of any improvement may be assessed upon property benefited by the improvement based upon the benefits received whether or not the property abuts on the improvement and whether or not any part of the cost of the improvement is paid from other funding sources. The law is not specific on how these benefits are to be measured or how the costs are to be apportioned, but rather makes it incumbent upon the municipality to determine with assistance of the City Engineer, City Attorney, appraisers or other qualified personnel, a fair and equitable method of cost sharing among the properties benefited along with assuring that the financial risk to the community is minimized. In no case shall the recommended assessment exceed the benefit(s) conferred to the property from the said improvement.

805.020. DEFINITIONS. For the purpose of this ordinance the words below shall have the meanings given to them in this section.

1. Improvements. Improvement shall mean a public improvement such as, but not limited to, the construction or reconstruction of streets, including curbs and gutters, the construction or reconstruction of storm sewers, installation and maintenance of street lighting systems and other similar projects described herein.

2. Mean. Mean refers to the total improved street footage divided by the number of properties assessed.

3. Residential Streets. All streets in Birchwood are classified residential streets.

805.030. IMPROVEMENT AND ASSESSMENT PROCESS. Public improvements and assessments as envisioned within this ordinance shall be governed by the provisions of Minnesota Statutes Chapter 429.

805.040. WATER AND SANITARY SEWER SYSTEMS. The cost of reconstruction of any sanitary sewer main or water main or building of any new sewer pumping system or installation of any new water monitoring system shall be paid from the city. The City Council may decide to recoup the reconstruction cost by a surcharge against each sanitary sewer user account or by an increase in the user rates until such enterprise fund is sufficiently replenished.

~~805.050. CALCULATION OF ASSESSMENT ON THE BASIS OF FRONT FOOTAGE. An assessment for abutting property shall be determined by dividing the total cost for each project by the assessable front feet. The cost per front foot is then multiplied by the number of lineal feet of each lot to determine the assessment. The assessment shall not exceed the benefit conferred to the property.~~

~~805.060. SPECIAL RULES:~~

~~1. Front Footage. Shall mean the linear front footage of the assessable parcel as recorded by Washington County Assessor.~~

~~2. Adjusted frontage. When the amount of an assessment is determined by frontage, an equivalent front footage shall be determined according to the following rules when an irregular lot requires such an adjustment to maintain fairness in the assessment. Where a lot falls into more than 1 category below, the method used to calculate front footage will be decided by the City Council upon consideration of all relevant evidence, including the recommendation of the City Engineer.~~

~~a. front footage shall be measured at the property building setback line on cul de sacs and irregular shaped lots.~~

~~b. for corner lots or multiple frontage lots—lots with more than one side of abutting frontage, the front footage shall be the long side plus one half (1/2) the short side.~~

~~c. on corner lots and multiple frontage lots where one or more frontage is not improved, only the improved frontage shall be assessed. Similar projects being done in subsequent years on the unimproved sides, will be assessed an amount to be determined by the Council with consideration given to previous improvements on other frontages and all other relevant factors bearing upon the current proposed assessment.~~

~~d. equivalent front footage shall be determined by dividing the square footage of the lot by the general lot depth of the sub-division for pie-shaped lots and irregular shaped lots where other rules do not apply.~~

~~e. where a lot consists of a combination of rectangular and pie-shaped or irregular portions, the equivalent front footage shall be determined as the sum of the straight front footage plus the remainder in accordance with applicable rules.~~

~~f. City property frontage is assessed on the same basis as all other parcels. The City will redistribute the City's share to all properties. (Wildwood Park and Hall's Marsh not included).~~

~~g. Parcels gaining access via easements across other parcels will be charged the mean front footage of those included in the project but in no case a greater amount than their front footage, to the extent that a benefit has been conferred.~~

~~h. Parcels with no direct access except via unimproved street right-of-way will be charged the mean front footage of those included in the project, to the extent that a benefit has been conferred.~~

805.070. EFFECTIVE DATE. This ordinance shall be effective from and after its passage and publication according to law.

Adopted by the City of Birchwood Village City Council this 11<sup>th</sup> day of June, 2019

Attest:

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

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

# MEMORANDUM

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Second Reading Ordinance 2019-03-01



Hello Mayor and Council Members,

The Council has tabled this agenda item the past several months, requesting staff to tighten up the language and to ensure its compatibility with Sec 309 ROW. Staff now presents the enclosed Ordinance 2019-03-01 for your consideration and approval of first reading.

This Ordinance was recommended by the Roads Committee and was approved by the Planning Commission. Two (2) Roads Committee members have also submitted suggestions for your further consideration (see enclosed email).

Enclosed are Ordinance 2019-03-01; a proposed escrow fee schedule borrowed from the City of Grant; and an email from Roads Committee members.

### **Request/Recommendation**

Staff requests Council:

- 1) Review and discuss enclosed Ordinance 2019-03-01 and supporting documents;
- 2) Approve the first reading of Ordinance 2019-03-01; and
- 3) Order publication for public hearing in July.

Thanks!

Regards,  
Tobin Lay  
City Administrator

Enclosure(s): Ordinance 2019-03-01; a proposed escrow fee schedule borrowed from the City of Grant; and an email from Roads Committee members.

**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 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.

**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 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. 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 14<sup>th</sup> day of May, 2019

Attest:

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

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

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 Including building, driveway, Grading, fence, retaining wall Permits	\$3000

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.

## Tobin Lay

---

**From:** John Anderson  
**Sent:** Thursday, March 7, 2019 7:47 PM  
**To:** Tobin Lay  
**Subject:** Fwd: Proposed changes to Permit requirements

Hey Tobin.

Sent this to Gene earlier after we went over it yesterday and we both think it'll slide right into that proposal to escrow funds for building permits to cover damage.

Gene asked me to forward it to you and he'll call you tomorrow.

I mention in the email to him a bit of a concern that some folks will have trouble not being able to park a dumpster in the street for a new roof or?? and we thought you could add that as a provision or an exception with a special dumpster permit on feeder streets only, never on a collector street.

Let me know if you have questions and Gene will call tomorrow.

John Anderson

†\*\*\*\*\*  
,,,,,,

**From:** John Anderson  
**Sent:** Thursday, March 7, 2:14 PM  
**Subject:** Proposed changes to Permit requirements  
**To:** BRC Gene Ruehle

Hey Gene.

That four page doc you gave me to look over...it already has provisions in it for erosion control and they look complete.

It also has a requirement that dumpsters are not allowed in the street where they might block traffic. This concerns me as lots of folks (like me) have driveways that prohibit setting a roll off dump[ster anywhere in the driveway or on the property. My concern lies in the fact that I'll need to replace my roof soon and the dumpster will need to go somewhere, but my driveway is too steep.

I suppose I could put plywood in the front yard and have them drop it there but it's sloped a bit and might not sit there safely. Should be a provisional permit for that as long as the pavement is protected.....leave it in the street for a couple days on plywood pieces?

Need to mention this.

As for street damage in the bonding regs, damage to pavement is already there on page 2, second para near the bottom (**Sec. \_\_\_\_\_ Permit Standards for both demolition permits and building permits.**), a,b and c - Item "C" covers pavement damage but is abbreviated and needs expansion. I'd add this or similar wording: (right onto item "C").

**Deliveries of heavy 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 for repeated trips with a tractor or forklift and heavy loads could consist of heavy 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 - ALL activity associated with the project will be the responsibility of the Permit Holder. The Permit Holder will be responsible for any and all damage to**

**the surface of the roadway or street and for instances where damage occurs, monies from that escrow will be used to pay for all repairs needed to return the pavement to its former condition. The Inspector responsible for the final inspection of the project (or city official) will also assure the city that the roadway, right of way and any city property is left in good pre-construction condition and if not the city will determine the extent of the damage and the escrowed damage deposit will be used to repair that damage.**



**MEMORANDUM**



**Birchwood Village**

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**TO: Birchwood City Council**  
**FROM: Tobin Lay, City Administrator**  
**SUBJECT: Appoint Commission/Committee Seats**

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Dear Mayor and Council Members,

After publishing vacancies on several commissions/committees, the City has received responses for the following positions:

**Planning Commission**

Michael Kraemer of 471 Lake Ave is interested in serving on the Planning Commission. As a retired civil engineer and consulting municipal engineer, he has relevant experience.

Michael’s one concern was that he travels during the winter months. According the Sec 303.040, however, Michael can miss up to three-consecutive regular Commission meetings within a given calendar year without excuse and more with the Planning Commission Chair’s excuse. Michael didn’t think this would be a problem.

Please see Michael’s enclosed letter (email) of interest.

**City Hall Improvements Taskforce**

Between Mayor Wingfield and myself, we have received responses from the following individuals to serve on the City Hall Improvements Taskforce: Steve Schad; Bridget Sperl; Shirley Ruehle; Carl Bayley. Based on last month’s discussion, both Randy LaFoy and Mayor Wingfield would also serve on this committee.

Please follow the process in Article 9.01 of the Birchwood Rules of Procedure (ROP) to create this taskforce, as follows:

**ARTICLE 9 COMMITTEES AND POLICIES**

**9.01. COMMITTEES.** The city council may establish a committee to assist the council in carrying out its duties. Whenever the council creates a committee, [1] it shall give the committee a name, [2] establish its purpose, [3] determine the number of members and [4] their terms, and [5] determine whether any compensation will be provided to members who serve on the committee. The council shall also determine [6] whether the committee shall expire on a date certain or continue until further action of the council. The council’s action in creating a committee shall be reduced to writing and may be placed on the city webpage by the clerk.

**Request/Recommendation**

Staff requests Council:

- 1) Review the enclosed letter of interest and appoint for Planning Commission (to exp. 12/2020);
- 2) Create the City Hall Improvements Taskforce by following ROP Article 9.01 (above); and
- 3) Appoint candidates for the Taskforce and their terms.

Thanks!

Regards,  
 Tobin Lay

## **Tobin Lay**

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**From:** Mike Kraemer  
**Sent:** Monday, June 3, 2019 1:54 PM  
**To:** BVInfoEmail  
**Subject:** Michael Kraemer's Application for Open Position on Village Planning Commission

Dear Honorable Mayor and City Council:

Please consider this email my formal application as candidate for the open position on the Village Planning Commission.

Michael Kraemer  
471 Lake Ave  
Birchwood, MN 55110

My wife Candice and I have lived in Birchwood for the past two years, moving here after 28 years from the City of Grant, MN. We have attempted to get involved in the communities in which we have lived and I would welcome the chance to serve as a member of the village Planning Commission.

As a professional civil engineer, I respect the role the Planning Commission plays, and have some working knowledge of its challenges having served as the consulting city engineer for communities for 43 years.

I am impressed with the individuals currently on the Commission and would welcome the chance of serve with them.

I was upfront with City Administer Tobin Lay and indicated that during some winter months I may periodically be gone (usually during Jan, Feb, or Mar) but will make every effort to work around Planning Commission dates. I trust that with the availability of today's technology I can remain an active Commission member and execute my responsibilities. If you feel this causes concerns and reason for denial of my candidacy I totally understand.

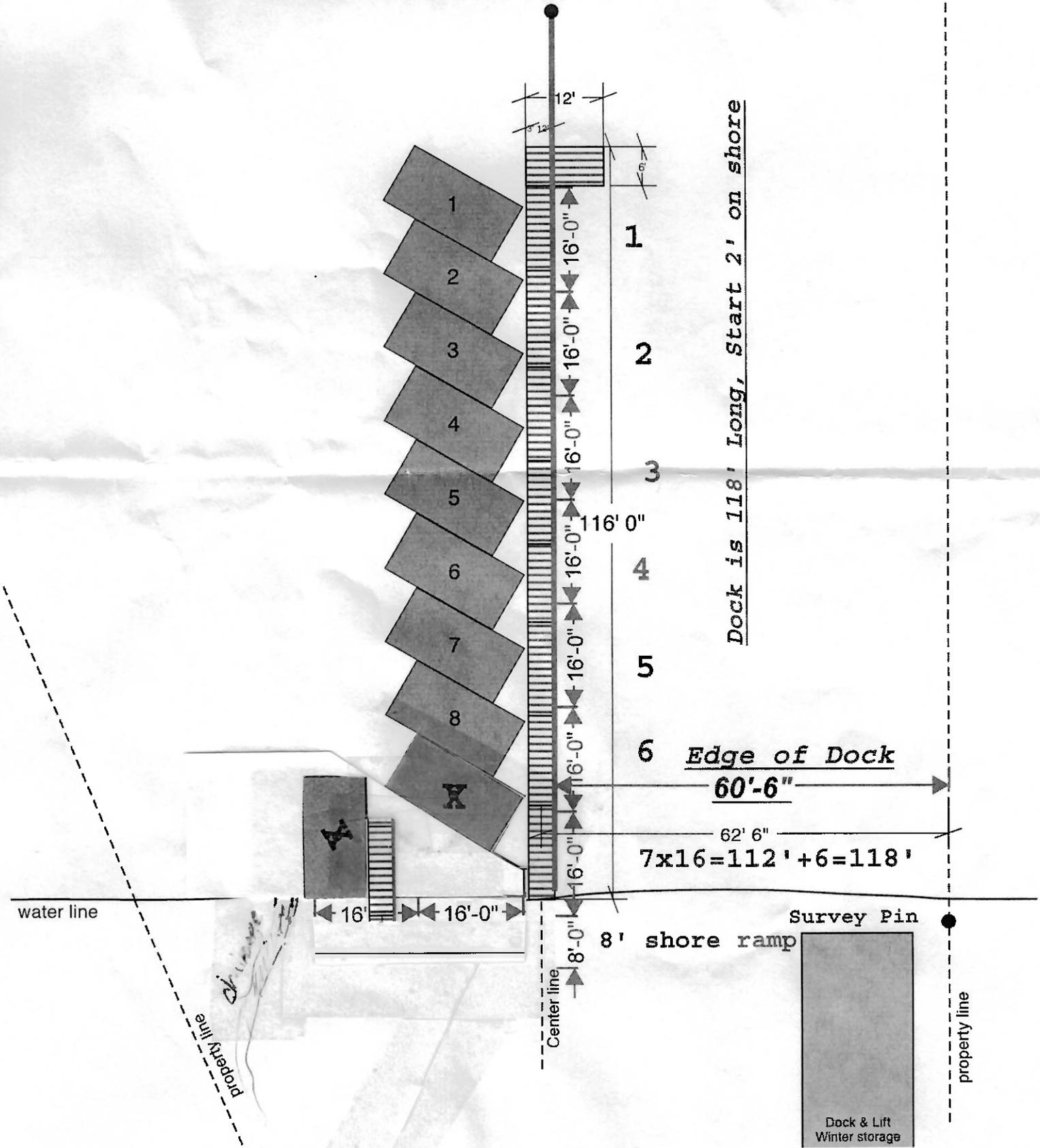
Thank you for your consideration and I would welcome any questions you may have.

Sincerely,

Michael Kraemer

# BIRCH EASEMENT BOAT SLIPS (BDA) PLAN 1

Satellite Tower  
across Lake

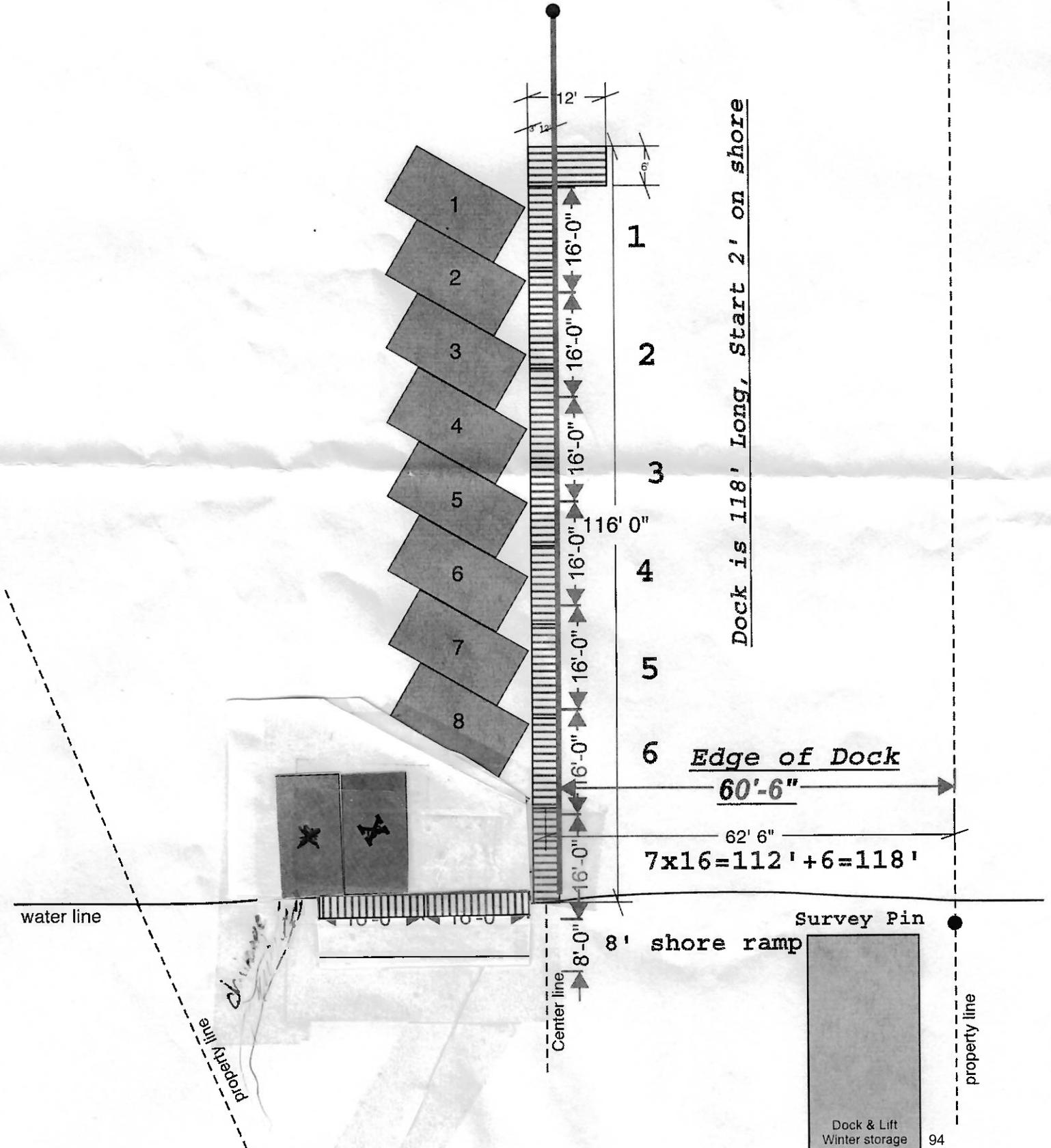


# Birch Beach

Approximate Scale 1" : 20'  
Edited by Mike Evangelist - 8/25/2012

## PLAN 2

### Satellite Tower across Lake







# MEMORANDUM



**Birchwood Village**

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

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Dear Mayor and Council Members,

Last month, the Council spoke with Parks Committee Chair Houstoun Clinch about several proposals. The Council asked Clinch to have the Committee discuss a few topics in more depth and return this month to report. The following are the Committee's report:

**Deer Culling Open House**

The Council asked the Committee to come up with dates for a joint Council/Committee open house on culling the local deer herds. The DNR has offered only two (2) dates for July – Wed 24<sup>th</sup> and Thur 25<sup>th</sup>. The July 25<sup>th</sup> date conflicts with the Planning Commission's meeting at City Hall so Wed July 24<sup>th</sup> must be the date. Please discuss and approve **7:00pm July 24<sup>th</sup>** for this open house or direct the Committee accordingly.

**ADA Picnic Tables**

As directed by Council, I spoke to the City maintenance staff to see if they were able to repurpose existing picnic tables as ADA tables. **Jim Rydeen has confirmed that he can do this work** and does have some tables in mind to use. There will be minimal cost for some new boards and parts.

**Dog Waste Stations**

Council asked the Committee to reconsider their previous recommendation regarding dog waste station sites and return this month with only two (2) recommended locations for dog waste stations.

The Committee has returned a recommendation for **four (4) locations, as follows**: one at both ends of **Ash Walkway**, one at the intersection of **Hall and Jay**, and one at the east end of **Wildwood Park**. Additionally, Bridget Sperl and Bob Byerly have offered their properties as possible locations.

**Request/Recommendation**

Staff requests Council:

- 1) Review and discuss the above recommendations.

Thanks!

Regards,  
Tobin Lay



# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Kay Beach Disability Parking

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Dear Mayor and Council Members,

During the Kay Beach kayak discussion last month, Councilmember Woolstencroft introduced the idea of providing disability parking on the Kay Beach easement. Council asked Woolstencroft to prepare a plan for further discussion this month.

Woolstencroft's plan, for your consideration and deliberation is as follows:

- Remove or open the chain that blocks the Kay Easement
- Designate and allow disability only parking spaces along the grass on Kay Easement
- Install a boardwalk from the parking spaces to the Kay Beach dock
- Install handrails along the north side of Kay Beach dock

**Request/Recommendation**

Staff requests Council:

- 1) Review and discuss the above proposal.

Thanks!

Regards,  
Tobin Lay



**MEMORANDUM****Birchwood Village**


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**TO:** Birchwood City Council  
**FROM:** Mary Wingfield, Mayor  
**SUBJECT:** Tax Assessments  
**DATE:** June 4, 2019

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## DISCUSSION POINTS REGARDING WASHINGTON COUNTY ASSESSOR

The City contracts with Washington County for property assessments. Most cities in Washington County contract with the county, but some, including Dellwood and Grant, use a private vendor. (Mahtomedi changed over to the county when their assessor retired.)

As most on the council are aware, ten years ago, I reviewed the quality of the assessment services we were receiving from the county. On the basis of that information, the city opted to change assessment providers and contracted with a private assessor. That contract was to commence July 1, 2011. However, at the last minute, the county claimed that the city could not contract privately under Minnesota law. (Subsequent review suggests this law is applicable to counties that provide *all* assessment services to cities and townships in their jurisdiction. And it should be noted those counties are obligated to provide that service at no charge.) The 2011-12 council terminated the contract and returned to the county for its assessment services; it continues to this day. (None on the current council was part of that decision.)

I am bringing this back for council consideration for these reasons:

The county continues to use only sales of Birchwood homes to determine the change in value each year. Over the past five years, the average number of homes sales used annually is ten. Of that ten, there is an average of two home sales for lake properties. Clearly, this is not a representative sample and statistic analysis from such is not reliable.

For the 2018 AY, the county reported 13 home sales (one being a lake property) and noted that four of the others had some sort of “physical change” in the property that apparently was not reported or considered for prior valuations. Those four properties had an average sales ratio of 83% (assessed value relative to sale price). The county’s target sales ratio is 95%. Without those lower ratios skewing the average, the city ratio for 2018 was 92%. Despite that reality, the county raised the city properties and average of 9.1% for 2019.

Dellwood and Grant have private assessors. Private contractors are obligated to provide accurate measurements of property values. They are also likely to be responsive cities’ concerns including the issue that one cannot rely on a very small number of sales to determine market value. (The private assessor the city had previously intended to hire acknowledged the need to compare sales across city boundaries.)

Here is the percentage of valuation change for a few area communities compared to Birchwood for the past five years:

	2015	2016	2017	2018	2019	Net Change to \$300,000 Property over 5 years
Birchwood	13.9	-1.6	4.4	10.1	9.1	\$420,000
Dellwood	5.3	8.7	2.3	1.0	-2	\$354,000
Grant	1.1	2.6	2.2	2.8	10.1	\$360,000
Mahtomedi	10.1	-1.3	7.7	1.6	5.0	\$372,000

I also note there is significant fluctuation (up and down) year to year with county assessing that does not seem to be occurring with private assessors. I believe the actual market conditions had a steady increase in values rather than the pendulum swings the chart shows for Birchwood.

It should be noted the issue of the percentage increase does not affect how much each property is taxed *within* the municipality, but inequities are created when applied to county, school, and "other" taxing districts.

I will bring forward more information at the next council meeting.

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**MEMORANDUM**

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

**Birchwood Village**

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Hello Mayor and Council Members,

Maintenance worker Greg Beckman has resigned from his position. With the busy summer season upon us, we need to replace Beckman quickly. I have been in discussion with two potential candidates to fill Beckman's position – one, Ron Koehnle, has affirmed a desire for the position and the other is still considering it. I have enclosed Koehnle's resume and accompanying Resolution 2019-17. If the other candidate affirms prior to this meeting then I will distribute his information and accompanying resolution at the meeting.

Additionally, since we replaced our lawn care contractor with City Maintenance Workers, we have realized a significant restriction/delay in completing the regular maintenance work during the summer months. In order to compensate for this, and in order to better respond to growing maintenance demands, I recommend hiring one (1) additional part-time on-call maintenance worker in addition to Beckman's replacement; creating a total of three (3) part-time on-call Maintenance Workers.

Furthermore, I recommend hiring a temporary part-time worker to assist Maintenance Worker Jim Rydeen with lawn care during the summer. Tyler Woolstencroft, who worked as a rink attendant with the City this past winter, has shown interest in filling this job.

**Request/Recommendation**

Staff requests Council:

- 1) Review enclosed Koehnle resume and approve accompanying Resolution 2019-17;
- 2) Approve hiring an additional part-time on-call maintenance worker;
- 3) Approve Resolution 2019-18 to hire Woolstencroft as a temporary part-time Parks Staff to assist with lawn care.

Thanks!

Regards,  
Tobin Lay  
City Administrator

Enclosure(s): Koehnle Resume, Resolutions 2019-17 & 2019-18

# RONALD W. KOEHNLE

## **Professional Experience**

### **United States Postal Service: Network Specialist (Retired) 1985-2015**

- Coordinate transportation of mail from the Twin Cities throughout the United States
- Monitor contracts between the Postal Service and Trucking, Airline and Railroad carriers
- Procure and direct emergency transportation contracts on a daily basis
- Budgeting and Compensation for contracts performed

### **City of North St Paul 2015-2019**

- Code Compliance Officer for the City of North St Paul, June, 2015 to present
- Certified Minnesota State Fire Inspector 1, April, 2019 to present

## **Additional Experience**

### **City of North St Paul 2001-2008**

- Managed/worked concession stands at a five-field ballpark (McKnight Fields)
- Planned and executed large softball tournaments utilizing North St Paul and Maplewood fields
- Completed softball field preparation including cleaning, dragging, raking and line chalking

### **House Builder & Handyman 1980-2019**

- Built and remodeled six houses from ground up including, framing, plumbing, electrical and duct work
- Perform handyman work for friends and family including landscaping, remodeling and household maintenance

### **Mogren Brothers Landscaping 1972-1982**

- Operated machinery, Bulldozers, Bobcats, Front End Loaders, Dump Trucks and Tractors
- Performed golf course construction duties including repair, block landscape walls and maintenance (Indian Hills, Oak Glen, Country View, & Tartan Park)
- Equipment maintenance including welding, carpentry, tractor and truck servicing

## **Volunteer Work**

### **North St Paul Fire Department: Fire Fighter 1986-2019**

- Engineer and Fire truck operator
- First Responder and active medical responder on weekly duty shifts
- Fire Department Treasurer

## **Awards and Certifications**

- Awarded "Firefighter of the Year" for 2014 and 2005
- EMR, CPR & AED Certified
- Minnesota State Fire Inspector 1

**RESOLUTION 2019-17**

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

**ACCEPTING THE RESIGNATION OF CURRENT MAINTENANCE WORKER  
GREG BECKMAN AND APPROVING THE HIRING AND APPOINTMENT OF  
RONALD KOEHNLE AS CITY MAINTENANCE WORKER,  
EFFECTIVE JUNE 12, 2019.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, June 11, 2019, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Randy LaFoy and Kevin Woolstencroft, and the following absent: Councilmembers Jessi Aakre and Jon Fleck, the Birchwood City Council resolved:

**WHEREAS,** Current Maintenance Worker Greg Beckman has resigned his position effective upon the completion of his replacement's training; and

**WHEREAS,** The City of Birchwood Village will employ Ronald Koehnle as Maintenance Worker; and

**WHEREAS,** The City of Birchwood Village will compensate Ronald Koehnle at a rate of pay of \$25.00/hour.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby accepts the resignation of Greg Beckman effective upon the completion of his replacement's training, and approves the hiring and appointment of Ronald Koehnle as Maintenance Worker, effective June 12, 2019.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11<sup>th</sup> day of June, 2019.

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

Attest:

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

**RESOLUTION 2019-18**

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

**APPROVING THE HIRING AND APPOINTMENT OF TYLER  
WOOLSTENCROFT AS TEMPORARY PARKS STAFF,  
EFFECTIVE JUNE 12, 2019.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, June 11, 2019, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Randy LaFoy and Kevin Woolstencroft, and the following absent: Councilmembers Jessi Aakre and Jon Fleck, the Birchwood City Council resolved:

**WHEREAS,** The City of Birchwood Village will employ Tyler Woolstencroft as a temporary Parks Staff during the summer months of 2019; and

**WHEREAS,** The City of Birchwood Village will compensate Tyler Woolstencroft at a rate of pay of \$12.00/hour.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby approves the hiring and appointment of Tyler Woolstencroft as a temporary Parks Staff, effective June 12, 2019.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 11<sup>th</sup> day of June, 2019.

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

Attest:

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

**CITY OF BIRCHWOOD VILLAGE**  
**2018-2019 FEE SCHEDULE**

**GENERAL FEES**

Compact Disk.....	\$1.00 per disk
Copies (Black and White).....	\$0.10 per page 8 ½ x 11 and 8 ½ x 14 \$0.20 per page 11 x 17
Copies (Color).....	\$0.50 per page
Chicken / Pig License.....	\$10.00 for two years, <del>w/</del> <del>\$3.00</del> late fee <del>if</del> <del>paid</del> after Feb. 15
Dog License.....	\$10.00 bi-annual; <del>\$3.00</del> late fee <del>if</del> <del>paid</del> after Feb. 15
-Replacement Dog Tag.....	\$1.00
Facsimile.....	\$1.00 first page; \$0.50 each additional page
Hall Rental.....	\$25.00 plus \$100.00 refundable deposit
Postage & Envelopes for Mailings & Public Hearing Notices.....	\$0.11 plus postage
<u>Public Property Access Limited License (\$607.230).....</u>	<u>\$50.00</u>
Returned Check.....	\$30.00

**DOCK ASSOCIATION FEES**

Dock Permit Fee: \$750 (\$650 per boat slip user plus \$100 per stored boat lift) payable in full by April 1 of the boating season. In the event of low water, the fee shall be at least the fee amount multiplied by the number of boat slip users at the end of the previous boating season or the number of boat slip users for the following boating season, whichever is greater.

**PLANNING AND ZONING FEES**

Comprehensive Plan Amendment Application Fee.....	\$500.00
Conditional Use Permit Application Fee.....	\$400.00
Home Occupation Permit Application Fee.....	\$100.00
Interim Use Permit Application Fee.....	\$400.00
Planned Unit Development Application Fee.....	\$650.00
Rezoning Application Fee.....	\$650.00
Subdivision: Minor Subdivision/Lot Split Application Fee.....	\$225.00
Subdivision Preliminary Plat Application Fee.....	\$450.00
Street Vacation.....	\$150.00
Variance Application Fee.....	\$300.00
Zoning Permits: Shed, Driveway, or Fence.....	\$30.00
- (plus City Engineer's review time and materials)	
Right-of-Way Permit Application Fee.....	\$250.00
- (plus time and materials for Engineer's review time extending beyond two hours; plus time and materials for utility locates)	

**SMALL CRAFT STORAGE FEES**

Annual Small Craft Permit.....	\$30.00
Use of Small Craft Rack Without a Permit.....	<del>\$2570.00</del>
Small Craft Removal Fee.....	\$50.00

Post Boat Storage Boating Season Violation Fee.....\$25.00 per diem

**BUILDING PERMIT FEES**

TOTAL VALUATION	FEE
\$1.00 to \$500.00	\$29.50
\$501.00 to \$2,000.00	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000.00
\$2001.00 to \$25,000.00	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00
\$25,001.00 to \$50,000.00	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001.00 to \$100,000.00	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 to \$500,000.00	\$993.75 for the first \$100,000 plus \$5.60 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.00
\$500,001.00 to \$1,000,000.00	\$3,233.75 for the first \$500,000.00 plus \$4.75 for each additional \$1,000.00 or fraction thereof, to and including \$1,000,000.00
\$1,000,001.00 and up	\$5,608.75 for the first \$1,000,000.00 plus \$3.15 for each additional \$1,000.00 or fraction thereof.

Other Inspections and Fees:

Inspections outside of normal business hours . . . (Minimum charge - two hours)	<del>\$47.00</del> <u>63.25</u> per hour*
Re-inspection fees . . . . .	<del>\$47.00</del> <u>63.25</u> per hour*
Inspection for which no fee is specifically indicated (Minimum charge - one-half hour) . . .	<del>\$47.00</del> <u>63.25</u> per hour*
Plan Review.....	<del>50</del> <u>65</u> % of the building permit fee

Additional plan review required by changes,  
 additions or revisions to Plans  
 (minimum charge - one-half hour) . . . . . ~~\$47.00~~63.25 per hour\*

~~TKDA~~ Thatcher Engineering, Inc. consultant for building, CUP, and variance review ~~\$12485.00~~  
 per hour\*  
 inspections or both . . . . . Actual costs\*\*

\*Or the total hourly cost to the city, whichever is the greatest. This cost shall include supervision,  
 overhead, equipment, hourly wages, and fringe benefits of the employees involved.

\*\*Actual cost includes administrative and overhead costs.

**DEMOLITION AND WRECKING OF BUILDINGS FEES**

\$25.00 for the first 1,000 square feet, plus \$10.00 for each additional 1,000 square feet or fraction thereof. The minimum permit fee is \$25.00.

**GRADING FEES**

Plan Review Fees:

<u>100 cubic yards or less</u>	<u>No fee</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$50</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$50 for first 10,000 cubic yards</u> <u>\$25 for each additional 10,000 or fraction thereof.</u>
<u>101,000 to 200,000 cubic yards</u>	<u>\$300 for first 100,000 cubic yards</u> <u>\$15 for each additional 10,000 or fraction thereof.</u>

<u>200,001 cubic yards or more</u>	<u>\$400 for first 200,000 cubic yards</u> <u>\$10 for each additional 10,000 or fraction thereof.</u>
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Permit Fees:

<u>100 cubic yards or less</u>	<u>\$25</u>
<u>101 to 1,000 cubic yards</u>	<u>\$40 for first 100 cubic yards</u> <u>\$25 for each additional 100 or fraction thereof.</u>
<u>1,001 to 10,000 cubic yards</u>	<u>\$200 for first 1,000 cubic yards</u> <u>\$20 for each additional 1,000 or fraction thereof.</u>
<u>10,001 to 100,000 cubic yards</u>	<u>\$350 for first 10,000 cubic yards</u> <u>\$75 for each additional 10,000 or fraction thereof.</u>
<u>101,000 cubic yards or more</u>	<u>\$1,000 for first 100,000 cubic yards</u> <u>\$40 for each additional 10,000 or fraction thereof.</u>

**UTILITY CONNECTION FEES**

Buildings or dwellings existing or constructed in the City of Birchwood Village must connect to the municipal water and sanitary sewer system so long as it is reasonably available. Prior to connecting to public utilities, the owner or representative must pay the following fees:

(a) Metropolitan Council Sewer Access Charge SAC fee as established by the Metropolitan Council per state statute MN 473.517.

(b.) City Sewer Connection (SAC) Fees.

- |     |                         |                        |
|-----|-------------------------|------------------------|
| (1) | Single Family Dwellings | \$500.00 per home      |
| (2) | Two Family Dwellings    | \$1000.00 per dwelling |

(c ) Water Connection (WAC) Fees

(1)	Single Family Dwellings	\$500.00 per home
(2)	Two Family Dwellings	\$1,000.00 per dwelling

**CERTIFICATE OF OCCUPANCY**

If a permit shall require a certificate of occupancy, a fee of \$10.00 shall be paid at the time of issuance.

**PLUMBING PERMIT FEES**

Plumbing Fixture Unit Fees:

Residential fee (minimum permit fee)	\$25.00
Non-Residential fee (minimum permit fee)	\$35.00
For each fixture or fixture opening	\$10.00
For each gas piping outlet, stove, dryer etc.	\$ 5.00
For each water heater and/or vent	\$30.00
For each lawn sprinkler system backflow protection device	\$20.00
For each atmospheric-type vacuum breaker	\$ 1.00
For each backflow protection device (other than items 6 & 7)	\$20.00
Clothes washers: First five or less	\$20.00
For each additional unit	\$ 7.00
For each flammable waste trap or catch basin	\$ 5.00
For each sewage ejector	\$15.00
For each water softener	\$20.00
For each ground run for existing buildings	\$15.00
For each water distribution piping extension or alteration	\$20.00
For each rainwater leader	\$10.00
Main gas line	\$10.00
Sewer and Water: Unit Fee Schedule:	
Street excavation/refundable deposit	\$25.00/\$1,500

For each water tap	\$20.00
For each sewer tap	\$20.00
For each residential water line installation or repair	\$30.00
For each residential sewer line installation or repair	\$30.00
For each non-residential water line installation or repair	\$45.00
For each non-residential sewer line installation or repair	\$45.00
For each hydrostatic and conductivity test	\$45.00
Storm Sewer	\$30.00

Value-Based Repairs/Alterations: Unit Fee Schedule:

Repair or alteration of any plumbing system based on value:	
-First \$100.00 (of value)	\$15.00
-For each additional \$100.00 (of value) or fraction thereof	\$ 2.00

Backflow Protection Test Filing Fee: For each RPZ or double check/double gate valve \$15.00

**HEATING PERMIT FEES**

For the installation of any new or replacement central heating and/or air conditioning system, or in floor heating with heat source, the permit fee is 1% of estimated cost or the minimum, whichever is greater.

Minimum Fee - Heating system	\$60.00
Minimum Fee - Air Conditioning	\$30.00
Minimum Fee - Heating and Air Conditioning	\$90.00

(a) For alteration or repair to any central heating and/or air conditioning system, the permit fee is 1% of the estimated cost or \$20.00, whichever is greater.

(b) For each appliance or piece of equipment regulated by the code, but not classed in other appliance categories, or for which no other fee is listed in the code, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(c) For the extension or alteration of ductwork in one and two family dwellings whereby the work is supplemental to a current building permit, the permit fee is 1% of the estimated value or \$20.00, whichever is greater.

(d) For the installation, alteration, or repair of each process piping system, the fee is 1% of the estimated value or \$30.00, whichever is greater.

(e) For the installation of a fireplace, the fee is 1% of the estimated cost or \$25.00, whichever is greater.

(f) For a review of plans and other data the fee is equal to 25% of the permit fee or \$ ##.00, whichever is greater.

**ELECTRICAL FEES**

Electrical fees shall be applied as established in Minnesota Statutes Section 326B.37.

**FIRE SPRINKLER SYSTEM FEES**

- (a) For each fire suppression cooking hood extinguisher system \$30.00
- (b) For each bath or tank system \$30.00
- (c) For each automatic fire suppression system
  - 1 to 10 heads, including risers \$30.00
  - Each additional 10 heads or fraction thereof \$ 3.00
- (d) For each on site fire hydrant \$35.00
- (e) Building standpipe systems per building \$50.00
- (f) Fire Alarm \$30.00
- (g) Fire Permit Plan Review Fee 50% of the permit fee

**STATE SURCHARGE FEES**

If the fee for the permit issued is fixed in amount the surcharge is equivalent to one-half mil (0.0005) of the fee or \$5.00, whichever amount is greater. For all other permits the surcharge is as follows:

VALUATION OF STRUCTURE, ADDITION OR ALTERATION	SURCHARGE COMPUTATION
\$1,000,000 or less	.0005 x valuation
\$1,000,000 to \$2,000,000	\$500 + .0004 x (Value - \$1,000,000)
\$2,000,000 to \$3,000,000	\$900 + .0003 x (Value - \$2,000,000)
\$3,000,000 to \$4,000,000	\$1200 +.0002 x (Value - \$ 3,000,000)
\$4,000,000 to \$5,000,000	\$1400 +.0001 x (Value - \$ 4,000,000)
Greater than \$5,000,000	\$1500 +.00005 x (Value - \$ 5,000,000)

**BUILDING MOVING FEES**

The fee to move a building from its present location in Birchwood to any other site, whether or not the new site is within Birchwood, shall be \$100.00.

**WATER AND SEWER RELATED FEES**

Water Use...	<del>\$21/Qtr base fee plus:</del>
	<del>Tier 1 - \$13.25</del> <del>2.56 per additional 100 cubic feet (CF) up to 800 CF</del> <del>for the first 800 cubic feet (CF);</del>
	<del>Tier 2 - \$2.95 per additional 100 CF after 801 up to 2,000 CF</del> <del>801-2,000 CF;</del>
	<del>Tier 3 - \$3.39</del> <del>2.00</del> <del>per additional 100 CF after 2,001 up to 4,000 CF;</del>
	<del>Tier 4 - \$3.91</del> <del>4.00</del> <del>per additional 100 CF after 4,001 up to 10,000 CF;</del>
	<del>Tier 5 - \$4.48</del> <del>per additional 100 CF after 10,000+ CF</del> <del>\$1.65 per additional 100 cubic feet;</del>
	<del>State Surcharge - plus \$1.59</del> <del>Qtr state surcharge</del>
Sewer Fee (metered, quarterly)...	<del>\$2836.00 base fee plus: for the first 800 cubic feet; \$3.50 per additional</del> <del>100 cubic feet</del> <del>\$3.37 per 100 CF based on first quarter water consumption</del>
Sewer Fee (unmetered, quarterly).....	\$4080.00
Outside sewer/water installation or repair permit.....	\$60.50
Turning water service on or off at street.....	\$150.00
<u>Water Meter Replacement (time and materials) .....</u>	<u>\$400.00 (plus \$150/hr after first hour)</u>
Utility Bill Late Fee.....	.5% of the unpaid balance
<u>ACH Discount.....</u>	<u>\$.02/Qtr</u>
<u>Close Account Fee.....</u>	<u>\$50</u>

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**ADDITIONAL FEES**

Late Fee: In the event a person shall engage in conduct for which a permit or license is required without first paying the appropriate fee and obtaining the permit or license, the fee established shall be tripled or \$50, whichever is greater.

Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee (whichever is less), shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of reinspections of the project in order to ensure compliance with the City Code or the terms of the permit of license.

Fines: Payment of any late fee or additional fees shall be in addition to any fines that may be imposed for violation of the City Code.

**REFUNDS**

The City will refund ½ of the fee for the permit or license if the applicant requests a refund within 15 days after the fee is paid and no action has been taken by the City on the request for the permit or license.