



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
June 12, 2018
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Marian Johnson across the Lake Swim will be held July 2 beginning at 7am
- B. July 4 Parade will begin at 9:30am beginning at 5 Birchwood Ave
- C. Music in the Park – every Sunday beginning at 6pm
- D. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 3)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 10, 2018* (pp. 4-8)
- B. Approve Regular Meeting Minutes from May 8, 2018* (pp. 9-13)
- C. Approve Treasurer’s Report* (pp. 14-28)
- D. Approve publication of election info (candidates, deadlines, etc.)* (p. 29)
- E. Approve City Engineer’s Request to Waive CAD Requirement in ROW Ordinance* (pp. 30-31)

CITY BUSINESS – REGULAR AGENDA

- A. Eagle Scout Bell Project Update
 - a. Approve Project Location
Time Budget: 10 Minutes
- B. Parks Committee Update* (pp. 32-35)
 - a. Discuss and Approve Committee Recommendations
 - b. Discuss and Approve Committee Member Appointments
 - c. Discuss Joint Council / Committee Meeting
Time Budget: 20 Minutes

* Denotes items that have supporting documentation provided

- C. Roads Committee Update
Time Budget: 10 Minutes
- D. MS4: Storm Water Pollution Prevention Program Review* (pp. 36-44)
 - a. Public Hearing
Time Budget: 5 Minutes
- E. Planning Commission Recommendations* (pp. 45-49)
 - a. Discuss Recommendation to Repeal and Replace Sections 300.020.34 & 301.050 with Ordinance 2018-05-02 Non-Conforming Uses
 - b. Discuss Recommendation to Amend Section 304.040 with Ordinance 2018-04-01 Amending Variance Provisions
Time Budget: 20 Minutes
- F. Dock Management Contract* (p. 50)
 - a. Review Dock Management Contract
 - b. Request Dock Committee Review Contract and Make Recommendations
Time Budget: 5 Minutes
- G. First Reading Ordinance 2018-05-01 Special Events Permitting* (p. 51)
 - a. Deliberate and Approval First Reading
Time Budget: 10 Minutes
- H. Security Cameras at Ice Rink (Mayor Wingfield)
Time Budget: 5 Minutes
- I. Grotto Easement (Mayor Wingfield)
Time Budget: 5 Minutes
- J. Council Member Reports:
 - a. Councilmember Malvey
 - i. Lake Links Update
Time Budget: 5 Minutes
 - b. Councilmember LaFoy
 - i. Cable/SCC Info.
 - ii. Plant Exchange & Garage Sale
Time Budget: 5 Minutes
- K. City Administrator's Report
 - a. August Council Meeting* (p. 52)
Time Budget: 5 Minutes

ADJOURN

* Denotes items that have supporting documentation provided

MEMORANDUM



Birchwood Village

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

Dear Mayor and Council Members,

Citations for: Birchwood

5/1/2018 To 5/31/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	5/13/2018	820031813301	1205	R. Boleen	Written Warning		0 BIRCHWOOD AVE				Birchwood	BW - Noise ordinance	616.030
WCSO	5/31/2018	820005815101	WC11633	J. Szczepanski	Citation		0 CEDAR ST		0AKRIDGE DR		Birchwood	MOV-Stop Sign Violation	169.30(b)

Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
APRIL 10th, 2018**

MINUTES

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

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

Others Present: Dave Nietz, Sara Nephew, Ben Racine, Ally Crowl, James Nelson, Margie Nelson, Alan Mitchell, Shari Mitchell, William Sikorski, Chris Churchill, Urho Rahkala, Pam Rahkala, Mary ~~Sue~~S. Simmons, Judy Walker, Terry Granec, John Lund, Noel Hegedus and Bryan McGinnis.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

APPROVE AGENDA

Councilmember LaFoy: Requested to add Suburban Cable ~~Commission~~Commission (SCC) Update to the Council Member Report.

Councilmember Malvey: Requested to speak during the Dock Update and add Lake Links to the Administrator's Report.

Administrator Lay: Requested to add Parks Committee Update and table Item C, Special Event Permitting to May 2018.

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

OPEN PUBLIC FORUM

Nick Leeves (3 Oakview Ct.):-): Suggested Council incorporate the Birchwood Dock Association (BDA) to use funds for public space improvements and requested Council investigate private encroachment on public property.

Mayor Wingfield: Stated money from the BDA has stayed in special fund ~~and~~804 for parks-related ~~expenditures~~expenses.

Sara Nephew (20 Birchwood Ave): Asked Council to not approve the completion of improvements to Ash Path Trail.

Mayor Wingfield: Stated the city's Comprehensive Plan mandates cooperation with ~~neighboring communities~~neighbors and Ms. Nephew will be informed of any Ash Path Trail improvements.

Chris Churchill (140 Birchwood Ave): Spoke about crime along Birchwood Avenue.

Councilmember White: Agreed pedestrian crime is an issue.

Noel Hegedus (294 Jay St): Asked Council to explore returning the easements to swimming beaches.

Alan Mitchell (23 Oakridge Dr): Requested Council increase funds to the summer concerts. Declined to coordinate the concert this year. Requested the item is placed on the agenda for May.

Urho Rahkala (545 Wildwood Ave): Encouraged continued boat use with no rate increase as an amenity to residents.

James Nelson (256 Wildwood Ave): Stated his reasons for support of the recent boat slip fee vote and thanked the Council.

Chris Churchill (140 Birchwood Ave): Stated the issue with the BDA at this time is not the decision on rates but how the decision was achieved.

James Nelson (256 Wildwood Ave): Stated conflict regarding beachgoers and boaters is unwelcome.

Terry Granec (363 Lakewood Ln): Provided opinion about transparency on the boat slip issue and noted inconsistencies in the organization of public forums.

ANNOUNCEMENTS

- A. Garbage rates are increasing. Look for a notice mailed from Tennis Sanitation.
- B. Rain barrel & compost bin sale at recycleminnesota.org. Use the promo code: 'washington'.
- C. Washington County shredding event – April 18th, 8am- to 4:30pm – Limit: 6 boxes / 30 lbs each.
- D. Shredding events in Maplewood on Friday and Saturday's in April as well as in Mahtomedi in April also.
- E. Wildwood Library project meeting on April 23rd, 6:30- to 8pm at 1520 Mahtomedi Ave., Room 103.
- F. Prescription drug "take back" event – April 28th ~~from~~, 10am to 10pm at 1520 Mahtomedi Avenue.
- G. Street snow removal feedback should be sent to info@cityofbirchwood.com.
- H. Mahtomedi Garden Club approved the grant and offered help for the Birch Swale project.

PLANNING COMMISSION

- A. Variance Case No. 18-01-VB for 5 Oakridge Drive – Resolution No. 2018-11
 - a. Council Deliberation and Approval

Administrator Lay, Attorney Kantrud and John Lund (Planning Commission): Provided details on the variance request and resolution.

- b. Approve Resolution 2018-11

Councilmember LaFoy and Administrator Lay: Discussed the ~~resolution~~resolutions and its conditions.

Mayor and Council Members: Agreed with the language in the resolution.

Chris Sorenson (5 Oakridge Drive): Stated he ~~had~~ found the conditions to be sensible.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ACCEPT THE PLANNING COMMISSION'S RECOMMENDATION AND APPROVE VARIANCE CASE NO. 18-01-VB AND ACCOMPANYING RESOLUTION 2018-11. MAYOR WINGFIELD AND COUNCILMEMBERS MALVEY, LAFOY AND WOOLSTENCROFT VOTE AYE. COUNCILMEMBER WHITE ABSTAINS. MOTION PASSED.

Councilmember White: Noted the variance was given retroactively. She is supportive of measures that keep similar issues from occurring again.

Chris Sorenson (5 Oakridge Drive): Offered to help with ~~rubrief~~flowchart and worksheet for building permits and variances.

Administrator Lay: Stated Planning Commission will review existing code on variances and will bring recommendations to Council on amendments incorporating the State's new requirements.

ADMINISTRATIVE PRESENTATION

- A. Completed Sewer Improvement Project
- B. Manhole Repair

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting Minutes from March 13, 2018

MOTION WAS MADE BY LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE MARCH 13, 2018 REGULAR CITY COUNCIL MEETING MINUTES. ALL AYES. MOTION PASSED.

B. Approval of Treasurer's Report

Mayor Wingfield: Requested an exception to an invoice for snow removal.

Mayor, Council Members and Administrator Lay: Discussed this winter's snow removal services.

Mayor and Council Members: Requested Administrator Lay review snow removal specifications with Birch and request a reduction in billing amount based on unauthorized work. The reduced amount is to be negotiated by Administrator Lay.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE TREASURER'S REPORT AS AMENDED. ALL AYES. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. Parks Committee Update

Houstoun Clinch (Parks Committee): Stated maintenance received the most response in the survey. ~~Asked and asked~~ if a maintenance plan is in place for the Parks.

Mayor, Council Members, Administrator Lay and Mr. Clinch (Parks Committee): Discussed parks maintenance. ~~They and~~ talked about holding a joint meeting soon to discuss this and other Parks Committee-related topics.

Houstoun Clinch (Parks Committee): Informed Council the Parks Committee recommends not reappointing Committee Member Scott Howe once his term expires ~~this~~in July and to replace him with a new appointee; as he has not attended a single Parks Committee meeting to date. He asked about the special revenue fund used for Parks projects.

Administrator Lay: Noted the fund is called Special Revenue Projects, Fund Number 210; ~~fund and~~ is reported each month in the Treasurer's Report.

Mayor Wingfield: Explained the Special Revenue Project Fund further.

B. Docks Committee Update

Houstoun Clinch (Docks Committee): Provided an update on the Docks Committee; ~~the~~. The Mayor and Chris Churchill resigned from the Committee, leaving ~~him~~Mr. Clinch as the sole member.

Chris Churchill (140 Birchwood Ave): Rescinded his resignation from the Docks Committee.

Houstoun Clinch (Docks Committee): Requested increase to Docks Committee to five members.

Mayor and Council Members: Decided to post for the additional positions and assign a temporary representative.

Councilmember White: Volunteered to participate in general.

Councilmember Malvey: Volunteered to act as a Docks Committee Liaison or Interim Representative.

a. Council Deliberation and Appointment/Action

Mayor, Council Members, Houstoun Clinch (Docks Committee) and Chris Churchill (Docks Committee): Discussed reconstruction of the Docks Committee in light of recent changes to its members.

~~MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER MALVEY TO APPOINT COUNCILMEMBER MALVEY TO THE DOCKS COMMITTEE IN AN INTERIM POSITION UNTIL JULY 2018 AND POST FOR THREE ADDITIONAL POSITIONS RAISING THE TOTAL NUMBER OF DOCKS COMMITTEE MEMBERS TO FIVE. TO BE POSTED IN JUNE'S NEWSLETTER AND IN JULY'S REGULAR CITY COUNCIL MEETING.~~

Chris Sorenson (5 Oakridge Drive): Suggested random numbers table to incite equitable applicant selection.

Administrator Lay: Informed Council it would be useful to have the Committee establish bylaws.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO POST FOR THREE ADDITIONAL POSITIONS, RAISING THE TOTAL NUMBER OF DOCKS COMMITTEE MEMBERS TO FIVE, TO BE POSTED IN JUNE'S NEWSLETTER AND SELECTED IN JULY'S REGULAR CITY COUNCIL MEETING, AND TO APPOINT COUNCILMEMBER MALVEY TO THE DOCKS COMMITTEE IN AN INTERIM POSITION UNTIL NEW APPOINTEES ARE APPOINTED/CONFIRMED IN JULY-2018. ALL AYES. MOTION PASSED.

Mayor and Council Members: Determined the Committee will establish bylaws. Assigned Administrator Lay to field the new appointees at his discretion.

C. Birchwood Dock Association (BDA)

a. Accounting Discrepancy

Mayor Wingfield and Chris Churchill (BDA): Briefly discussed the matter.

Mayor Wingfield: Stated the information is incomplete and needs to be revised and reviewed at a later date.

Councilmember White: Addressed a recently published newspaper article regarding about boat slip fees. (Time Stamp: 1:22:40)

Mayor Wingfield, Council Members and Chris Churchill (BDA): Discussed the votes for increasing boat slip fees.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO EXTEND DISCUSSION BY 20 MINUTES. MAYOR WINGFIELD, COUNCILMEMBER WOOLSTENCROFT AND COUNCILMEMBER WHITE VOTE AYE. COUNCILMEMBERS MALVEY AND LAFOY VOTE NAY. MOTION PASSED.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO AMEND THE EXTENSION OF DISCUSSION BY REDUCING THE TIME LIMIT TO 10 MINUTES. ALL AYES. MOTION PASSED.

Mayor Wingfield, Council Members and Chris Churchill (BDA): Continued discussion.

Mayor Wingfield: Requested Mr. Churchill take takes the financial information to the BDA for revision. To be reviewed later.

b. Extension Request

Chris Churchill (BDA): Provided a status report. Requested until May 1, 2018 to provide a check for dock permits.

~~MOTION WAS MADE BY COUNCILMEMBER WHITE TO ACCEPT REQUEST AND EXTEND PERMIT APPLICATION PROCESS TO MAY 1, 2018.~~

Administrator Lay: Presented a letter from Kathy Leeves (3 Oakview Ct). (Time Stamp 2:15:16)

Mayor Wingfield, Councilmember LaFoy and Chris Churchill (BDA): Agreed wait slip deposits need to be calculated.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO ACCEPT BDA'S REQUEST TO EXTEND PERMIT APPLICATION PAYMENT TO MAY 1, 2018. ALL AYES. MOTION PASSED.

D. Water Meter Service Contract & Upgrade

a. Council Deliberation and Approval/Direction

Administrator Lay: Summarized temporary water meter service contract. Requested authorization to contact area municipalities for a combined effort to upgrade systems.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE TEMPORARY AGREEMENT WITH WATER METER READING SERVICE PROVIDER SL-SERCO THROUGH MAY 2018. ALL AYES. MOTION PASSED.

Mayor, Council Members and Administrator Lay: Discussed options and metering system upgrades.

Mayor and Council Members: Authorized Administrator Lay to pursue a combined effort to upgrade water meter systems with other area municipalities and report back.

E. Council Member Reports

a. Mayor Wingfield

i. Pickleball

Mayor Wingfield: Requested to use hockey rink in spring and summer for Pickleball. Cost estimated at \$180.00 for gorilla tape. Mayor Wingfield to donate a Pickleball net. Council approves action contingent on notifying the Parks Committee.

ii. Barn Quilts

Mayor Wingfield: Displayed illustration of a barn quilt patch. Suggested it may be a calling card for the city and a fun public event. Offered to ~~put up~~hang a barn quilt ~~on city hall~~in City Hall's meeting room and will report back. (Time Stamp 2:32:09)

b. Councilmember LaFoy

i. SCC Update

Councilmember LaFoy: Provided status update of ongoing negotiations.

Councilmember LaFoy: Reminded residents that a plant exchange & garage sale will be held the first Saturday in June.

F. City Administrator's Report

Administrator Lay: Steve Wogamot of Lake Links Trail requested Council representation at a State Capitol Investment Committee Hearing on Tuesday, April 17th from 3:00 to 4:30pm.

Councilmember Malvey: Volunteered to attend.

Councilmember LaFoy: Invites residents to check out a recently published seasonal area lakes drone photo collection.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:37 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
MAY 8th, 2018**

MINUTES

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

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

Others Present: Eugene Ruehle, Michael Lien, Tony Pehoski, Julie Pehoski, Ellen L. Maas Pratt, James Nelson, Sara Nephew, Nick Nephew, John McCormick, Bridget Sperl, Jim Hogenson, John Hogenson, Sarah Watkins and more.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

APPROVE AGENDA

Councilmember Malvey: Added Lake Links Update to Council Member Reports.

Mayor Wingfield: Added Grotto Easement Update, Water Meter and 2018 Lawn Services to Council Member Reports.

Administrator Lay: Requested Item G, Attorney Retainer Contract, be tabled to June; Resolution 2018-14 – Beer/Wine at Music in the Park be added to Item C, Parks Committee Update; and Schifsky’s water main repair quote, City Hall riprap and the Emerald Ash Borer grant be added to the Administrator’s Report.

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

OPEN PUBLIC FORUM

Michael Lein (8 Oakview Ct): Stated his support for the Music in the Parks (MIP) event and made recommendations.

Ellen Maas-Pratt (301 Wildwood Ave): Stated her support for the City’s MIP program.

Mayor Wingfield: Clarified the program has been in the budget since fall 2017 and has not been cancelled.

ANNOUNCEMENTS

- A. Spring Leaf Pick Up – May 14th & 21st
- B. Fire Hydrant Flushing – Sometime late May / early June – *stay tuned*.
- C. Earth Day Clean Up – Various dates and locations.
- D. Garage Sale / Giveaway – Saturday, June 2nd
- E. Spring Plant Exchange – Saturday, June 2nd
- F. Rain Barrel & Compost Bin Sale – recycleminnesota.org. Promo Code: ‘washington’
- G. New Wildwood Library Project – Final Meeting – May 17th, 6:30-8p, 1520 Mahtomedi Ave., Room 103
- H. We are social, follow us on Facebook / Twitter and/or register for the email listserv.

ADMINISTRATIVE PRESENTATION

- A. WBLCD Fund Balance Level Policy

CITY BUSINESS – CONSENT AGENDA

Mayor Wingfield: Pulled items A and B from Consent Agenda. Added to the Regular Agenda as Item J, Consent Agenda Items.

- A. ~~Approval of Regular Meeting Minutes from April 10, 2018~~
- B. ~~Approval of Treasurer's Report~~
- C. Approval of Resolution 2018-12, Approving Coverage for City Workers
- D. Approval of Resolution 2018-13, Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04
- E. Approve MS4 Public Hearing for June Council Meeting – Storm Water Pollution Prevention Program

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

CITY BUSINESS – REGULAR AGENDA

- A. Eagle Scout Bell Project
 - a. Council Deliberation and Approval

Gene Reuhle (262 Wildwood Ave) and David Dowry (Boy Scout Troop 434): Presented phase 1 of the Eagle Scout Bell Project. Stated that Becklin & Whitney Consulting Engineers Inc. has offered design services free of charge. (Time Stamp 0:13:40)

- B. Roads Committee Update
 - a. Council Deliberation and Appointment/Action

Administrator Tobin Lay: On behalf of the Roads Committee, who were unable to attend the meeting, he presented road repair bids from Schifskys and recommendation from the Roads Committee to accept the bids.

MOTION WAS MADE BY MAYOR WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE POTHOLE REPAIRS AS RECOMMENDED BY THE ROADS COMMITTEE. ALL AYES. MOTION PASSED.

- C. Third Reading of Ordinance 2018-01-02, Section 301 Amendments
 - a. Council Deliberation and Approval

Mayor Wingfield: Proposed that, "in conjunction with construction as part of a building permit as granted" be added to the note in 301.070.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE ORDINANCE 2018-01-02, SECTION 301 AMENDMENTS AS AMENDED. ALL AYES. MOTION PASSED.

- D. Special Events Permitting
 - a. Council Deliberation and Approval

Administrator Lay: Introduced proposed Ordinance 2018-05-01: Special Events Permitting and provided background to support adopting such an ordinance.

Mayor and Council Members: Discussed several possible changes, including changing the number of event attendees that require a permit to 50-plus persons. First reading to take place in June.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY FOR THE CITY ATTORNEY AND CITY ADMINISTRATOR TO REVIEW SPECIAL EVENTS PERMITTING WITH RECOMMENDATIONS FOR FIRST READING IN JUNE. ALL AYES. MOTION PASSED.

- E. Parks Committee Update
 - a. Council Deliberation and Direction

Houstoun Clinch (Parks Committee Chair): Presented several recommendations made by the Parks Committee, including Music in the Park, Ash Path improvements, and joint Council/Committee meeting.

Mayor, Council Members & Chair Clinch: Discussed the recommendations. Council Members considered assigning Music in the Park to administrative staff and keeping the band compensation rate at \$150 per concert but instituting tip jar.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO EXTEND TIME OF DISCUSSION BY 10 MINUTES. ALL AYES. MOTION PASSED.

Administrator Lay: Declined to manage Music in the Park citing time constraints. If other administrative staff is to manage then Council should authorize additional time for such.

Mayor and Council Members: Decided to assign Music in the Park to Deputy Clerk, beyond regular approved hours, and set band compensation at \$150 per concert plus tips for 10 bands over 10 weeks over the summer.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO ASSIGN CITY TREASURER / DEPUTY CLERK PAUL CARROLL MUSIC IN THE PARK PROGRAM DUTIES IN ADDITION TO HIS DUTIES AS TREASURER / DEPUTY CLERK AND TO BE PERFORMED BEYOND REGUALR APPROVED TREASURER / DEPUTY CLERK WORK HOURS. HE IS TO ADVERTISE FOR THE EVENT THROUGH BULLETIN AND WEBSITE POSTS WITH SET UP AND POWER TO BE ASSIGNED TO VOLUNTEERS OR CITY STAFF. CHAIR SET UP AND SIGNAGE WILL BE ON A VOLUNTEER BASIS ONLY. ALL AYES. MOTION PASSED.

MOTION MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE RESOLUTION 2018-14 TO ALLOW ALCOHOL CONSUMPTION DURING MUSIC IN THE PARK EVENTS. ALL AYES. MOTION PASSED.

MOTION MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO AUTHORIZE ADMINISTRATOR LAY TO PURSUE PARKS MAINTENANCE AND PROJECTS NOT TO EXCEED \$500 PER ITEM. ADMINISTRATOR LAY IS REQUIRED TO REPORT ON ACTIONS TAKEN. ANY ITEM OVER \$500 WILL REQUIRE COUNCIL APPROVAL. THIS WILL APPEAR AS AN AGENDA ITEM IN JUNE. ALL AYES. MOTION PASSED.

Mayor, Council Members & Chair Clinch: Discussed the Ash Path Trail improvements. (Time Stamp: 01:51:30)

Councilmember Malvey: Displayed maps illustrating current and proposed paths. (Time Stamp: 01:55:25)

Mayor and Council Members: Tabled Ash Path extension per Parks Committee recommendation.

F. Docks Committee

a. Purpose

Mayor and Council Members: Decided to review the BDA contract with attorney's recommendations once available from City Attorney Kantrud.

b. Appointee Criteria

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO TABLE THE DOCKS COMMITTEE DISCUSSION UNTIL JUNE'S CITY COUNCIL MEETING. ALL AYES. MOTION PASSED.

G. Building Permitting Procedures

a. Council Deliberation

Mayor and Council Members: Decided to review surrounding municipalities' Building Permitting codes.

H. Council Member Reports

a. Mayor Wingfield

i. Pickleball

Mayor Wingfield: Summarized the Pickleball installation and displayed an image of the new court.

- ii. Barn Quilt

Mayor Wingfield: Requested Council permission to hang an outdoors barn quilt on the exterior of City Hall.

- iii. Buckthorn Removal

Mayor Wingfield: Reported additional buckthorn removal in Bloomquist Park along Cedar Avenue is complete.

- iv. City Council Team-Building Workshop

Mayor and Council Members: Discussed holding a workshop with Larry Walker; dates and times to be determined.

I. City Administrator's Report

- a. 415 Wildwood Ave Building Permit

Administrator Lay: Stated Building Inspector Kramer denied the permit citing city code 301.050, nonconforming uses. The Planning Commission, City Attorney and City Engineer concur a variance is not required and permit should be issued. Asked Council for direction.

Julie Pehoski (415 Wildwood Ave): Asserted the project is a benefit to the City, barring of course any violations of code.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO HAVE THE MAYOR MEET WITH THE CITY ADMINISTRATOR, CITY ATTORNEY, CITY BUILDING INSPECTOR AND PROPERTY OWNERS TO DISCUSS AND DECIDE ON THE PERMIT'S APPROVAL BY MAY 15th, 2018.

Councilmember Woolstencroft: Respectfully excused himself from the meeting.

- b. Schifsky's Water Main Break Quote

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE SCHIFSKY'S WATER MAIN BREAK QUOTE WITH UP TO \$2,000 IN PROJECT EXPENSES. ALL AYES. MOTION PASSED.

- c. City Hall Riprap

Mayor and Council Members: Approved having city maintenance staff repair City Hall riprap with City Engineer Thatcher approval.

- d. Emerald Ash Borer Grant

Mayor and Council Members: Decided City Treasurer/Deputy Clerk Carroll will pursue the grant and bill time beyond his regularly approved work hours.

- e. Lawn Maintenance – Summer 2018

Mayor and Council Members: Decided City maintenance staff will be used for lawn services.

J. Additions

- a. Grotto Easement

Mayor and Council Members: Decided to revisit the grotto easement issue upon review of recently received information.

- b. Approval of Regular Meeting Minutes from April 10, 2018

Mayor Wingfield: Stated she will discuss her edits to April's minutes with Treasurer/Deputy Clerk Carroll and include in June for Council's review and approval.

c. Lake Links Update

Councilmember Malvey: Tabled until June's Regular City Council Meeting.

d. Approval of Treasurer's Report from April 10, 2018

Mayor Wingfield: Inquired about the status of the Insituform project payment as well as Birch billing negotiations.

Administrator Lay: Stated the Insituform invoice has been received and the Birch billing negotiations are in progress.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE THE TREASURER'S REPORT FOR APRIL 2018. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 10:41 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator - Clerk

For the Period : 5/8/2018 To 6/9/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$552,330.12	\$15,885.83	\$25,487.12	\$542,728.83
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$4,460.00	\$0.00	\$0.00	\$4,460.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$7,592.40	\$11,950.00	\$0.00	\$19,542.40
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$577.08	(\$577.08)
Sewer Re-hab 2008 Debt	\$13,220.20	\$0.00	\$0.00	\$13,220.20
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$46,110.25	\$103.18	\$5,843.00	\$40,370.43
Sewer	\$96,588.63	\$154.28	\$75,623.83	\$21,119.08
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$779,290.25	\$28,093.29	\$107,531.03	\$699,852.51

City of Birchwood Village

Receipts Register

6/9/2018

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
05/08/2018	Haupt, Mark & Mary	171734353*	Canoe/Kayak Permit - x2	(05/08/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 20.00 \$ 20.00
05/08/2018	Washington County	171734354*	2017/2018 Recycling Grant Payment	(05/08/2018) -	N Recycle Grant	100-33602-	\$ 839.50 \$ 839.50
05/08/2018	Sanders, Malorie	171734355*	Animal License - x2 + Late Fee	(05/08/2018) -	N Animal Licenses Animal Licenses	100-32240- 100-32240-4	\$ 20.00 \$ 6.00 \$ 26.00
05/11/2018	Residents - via St Anthony Village	171734399	Utility Billing - 05/11/2018	(05/11/2018) -	N Water Fee	601-34110-	\$ 58.24
05/14/2018	Tbbeck, David or Patricia	171734356*	Canoe/Kayak Permit	(05/14/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00 \$ 10.00
05/17/2018	Johnson, Van	171734357*	Building Permit #2018-16	(05/17/2018) -	N Building Permits	100-32211-	\$ 1,002.18 \$ 1,002.18
05/17/2018	Potter, Elizabeth	171734358*	Animal License + Late Fee & Canoe/Kayak Permit Payment	(05/17/2018) -	N Kayak/Canoe Permits Animal Licenses Animal Licenses	100-32212- 100-32240- 100-32240-4	\$ 10.00 \$ 10.00 \$ 5.00 \$ 25.00
05/17/2018	McCann, William	171734359*	Animal License + Late Fee	(05/17/2018) -	N Animal Licenses Animal Licenses	100-32240- 100-32240-4	\$ 10.00 \$ 5.00 \$ 15.00

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
05/17/2018	Capital Siding & Windows	171734360*	Building Permit - Heinz	(05/17/2018) -	N Building Permits	100-32211-	\$ 171.75
05/17/2018	Yares Services	171734361*	Building Permit - Pehoski	(05/17/2018) -	N Building Permits	100-32211-	\$ 795.78
05/17/2018	Rust Construction Services, Inc.	171734362*	Building Permit - Ferry	(05/17/2018) -	N Building Permits	100-32211-	\$ 1,053.68
05/17/2018	Fireplace Guys, LLC	171734363*	Building Permit - Chariot Const./Cassman	(05/17/2018) -	N Building Permits	100-32211-	\$ 41.42
05/17/2018	Birchwood Dock Association	171734364*	Dock, Permit & Boat Slip Fees 2018	(05/17/2018) -	N Dock/Lift Permit Fee	210-32260-	\$ 11,950.00
05/17/2018	Stewart / Lentsch	171734365*	Canoe/Kayak Permit	(05/17/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00
05/17/2018	Ciapetta, Kelly	171734366*	Canoe/Kayak Permit x2	(05/17/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 20.00
05/18/2018	Residents - via St Anthony Village	171734400	Utility Billing - 05/18/2018	(05/18/2018) -	N Water Fee	601-34110-	\$ 22.38
							\$ 1.12
							\$ 1.59
							\$ 2.27
							\$ 45.36
							\$ 72.72
06/06/2018	Window World	171734367*	Building Permit Payment - 2018-20	(06/06/2018) -	N Building Permits	100-32211-	\$ 372.16
06/06/2018	Barton, Keith	171734368*	Animal License + \$5 Late Fee	(06/06/2018) -	N Animal Licenses	100-32240-	\$ 10.00
							\$ 5.00
							\$ 15.00

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
06/06/2018	Lallak, Jody	171734369*	Animal License - New Resident - No Late Fee	(06/06/2018) -	N Animal Licenses	100-32240-	\$ 10.00
							<u>\$ 10.00</u>
06/06/2018	Lallak, Jody	171734370*	Canoe/Kayak Permit	(06/06/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00
							<u>\$ 10.00</u>
06/06/2018	Worthley, Emma	171734371*	Canoe/Kayak Permit	(06/06/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00
							<u>\$ 10.00</u>
06/06/2018	Wohlfeil, Trisha	171734372*	City Hall Rental	(06/06/2018) -	N City/Town Hall Rent	100-34101-	\$ 25.00
							<u>\$ 25.00</u>
06/06/2018	Suburban Cable Commission	171734373*	Annual Franchise Fee Distribution - 2018	(06/06/2018) -	N Refund-Reimbursemt-Dividend	100-36240-	\$ 9,445.97
							<u>\$ 9,445.97</u>
06/06/2018	Barton, Keith	171734374*	Building Permit #2018-29	(06/06/2018) -	N Building Permits	100-32211-	\$ 84.75
							<u>\$ 84.75</u>
06/07/2018	Innovative Basement Systems	171734375*	Building Permit #2018-23	(06/07/2018) -	N Building Permits	100-32211-	\$ 209.66
							<u>\$ 209.66</u>
06/07/2018	Legacy Restoration, LLC	171734376*	Building Permit #2018-24	(06/07/2018) -	N Building Permits	100-32211-	\$ 171.62
							<u>\$ 171.62</u>
06/07/2018	Innovative Basement Systems	171734377*	Building Permit #2018-22	(06/07/2018) -	N Building Permits	100-32211-	\$ 256.86
							<u>\$ 256.86</u>
06/07/2018	Leammukda, Felicia	171734378*	Canoe/Kayak Permit	(06/07/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00
							<u>\$ 10.00</u>
06/07/2018	Leammukda, Mitch & Felicia	171734379*	Animal License + \$5 Late Fee	(06/07/2018) -	N Animal Licenses	100-32240-	\$ 10.00
							<u>\$ 10.00</u>
							\$ 5.00
							<u>\$ 15.00</u>

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
06/07/2018	W S & D Permit Service, Inc.	171734380*	Building Permit #2018-28	(06/07/2018) -	N Building Permits	100-32211-	\$ 382.12
06/07/2018	Roofs R Us	171734381*	Building Permit #2018-26	(06/07/2018) -	N Building Permits	100-32211-	\$ 382.12
06/07/2018	Home Energy Center	171734382*	Building Permit #2018-27	(06/07/2018) -	N Building Permits	100-32211-	\$ 404.23
06/07/2018	Fireside Hearth & Home Retail Permi	171734383*	Building Permit #2018-25	(06/07/2018) -	N Building Permits	100-32211-	\$ 404.23
06/07/2018	Champion Plumbing, LLC	171734384*	Building Permit #2018-30	(06/07/2018) -	N Building Permits	100-32211-	\$ 98.50
06/07/2018	Ferry, Stephen & Nancy	171734385*	Bell Tower Project Donation	(06/07/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 98.50
06/07/2018	Lentsch, Althea	171734386*	Bell Tower Project Donation	(06/07/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 25.00
06/07/2018	Sandstrom, Charles & Suzanne	171734387*	Bell Tower Project Donation	(06/07/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 50.00
06/07/2018	Stanhope, Todd & Amanda	171734388*	Bell Tower Project Donation	(06/07/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 50.00
06/07/2018	Wall, David & Wanda	171734389*	Bell Tower Project Donation	(06/07/2018) -	N Contributions and Donations from Private Sources	100-36230-	\$ 40.00
							\$ 40.00
							\$ 50.00
							\$ 100.00
							\$ 100.00
							\$ 40.00
							\$ 40.00
							\$ 50.00
							\$ 50.00
							\$ 28,093.29

Total for Selected Receipts

Fund Name:	Vendor	Date	Description	Check #	Void	Account Name	F-A-O-P	Total
All Funds								
Date Range:	05/08/2018 To 06/09/2018							
05/08/2018	Payroll Period Ending 04/29/2018	30064	Treasurer/Deputy Clerk		N	Clerk - Treasurer	100-41401-100-	\$ 618.12
	Total For Check	30064						\$ 618.12
05/08/2018	Payroll Period Ending 05/11/2018	30065	Administrator		N	Clerk - Treasurer	100-41401-100-	\$ 2,157.85
	Total For Check	30065						\$ 2,157.85
05/08/2018	Manship Plumbing & Heating Inc	30066	Monthly Standby/Water Testing		N	Water Utility	601-43180-314-	\$ 550.00
	Total For Check	30066						\$ 550.00
05/08/2018	PERA	EFT050818A*	Employee Retirement - Tobin		N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT050818A						\$ 350.00
05/08/2018	PERA	EFT050818B*	Employee Retirement - Paul		N	Clerk - Treasurer	100-41401-121-	\$ 100.80
	Total For Check	EFT050818B						\$ 100.80
05/08/2018	IRS - US Treasury	EFT050818C	Q2 2018 - April Payment		N	Clerk - Treasurer	100-41401-100-	\$ 1,452.74
	Total For Check	EFT050818C						\$ 1,452.74
05/08/2018	Xcel Energy	EFT050818D*	Electric for Street Lights - April 2018		N	Street Lighting	100-43160-380-	\$ 1,218.65
	Total For Check	EFT050818D						\$ 1,218.65
05/10/2018	Anne Salo	30067*	Kayak Rack Refund		N	MISCELLANEOUS	100-49001-810-	\$ 10.00
	Total For Check	30067						\$ 10.00
05/14/2018	Payroll Period Ending 05/14/2018	30068	Maintenance		N	Parks	100-45207-100-	\$ 847.84
	Total For Check	30068						\$ 847.84
05/14/2018	Amazon	EFT043018B*	Vacuum Bags & Paper Order.		N	Office Operations Supplies	100-41911-230-	\$ 4.99
	Total For Check	EFT043018B						\$ 4.99
05/17/2018	Payroll Period Ending 05/25/2018	30069	Administrator		N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30069						\$ 1,817.66
05/17/2018	PERA	EFT051718A*	Employee Retirement - Tobin		N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT051718A						\$ 350.00

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
05/29/2018	Rydeen, Jim	30070	Reimbursement - Halogen Headlight (Parks)	N	Parks	100-45207-220-	\$ 8.58
Total For Check 30070							\$ 8.58
05/29/2018	Engstrom, Anders	30071*	Videographer - 05/08/18 RCC Meeting	N	Cable Eqmpt and Service	100-41950-314-	\$ 100.00
Total For Check 30071							\$ 100.00
05/29/2018	Lay, Tobin	30072*	Reimbursement - City Training & Development	N	City Training and Development	100-41914-334-	\$ 271.04
Total For Check 30072							\$ 271.04
05/29/2018	Minnesota City/County Management As	30073	Membership Renewal - 2018	N	City Training and Development	100-41914-433-	\$ 100.00
Total For Check 30073							\$ 100.00
05/29/2018	City of Roseville	30074*	Computer Upgrades - Microsoft Office 2016 Standard Licenses (2)	N	General Government Buildings and Plant	100-41940-320-	\$ 486.00
Total For Check 30074							\$ 486.00
05/29/2018	Metropolitan Council - Env. Service	30075*	Wastewater Service - June 2018.	N	Sewer Utility	605-43190-217-	\$ 4,411.24
Total For Check 30075							\$ 4,411.24
05/29/2018	Metropolitan Area Management Assoc.	30076*	MAMA Membership - April 2018	N	City Training and Development	100-41914-433-	\$ 25.00
Total For Check 30076							\$ 25.00
05/29/2018	SL-serco	30077*	Water Meter Service - Feb 2018	N	Water Utility	601-43180-314-	\$ 500.00
Total For Check 30077							\$ 500.00
05/29/2018	TSE, INC	30078*	Janitorial Services - 04/19/18 & 05/03/18	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
Total For Check 30078							\$ 25.00
05/29/2018	Washington County - Property & Tax	30079*	Special Assessment Billing 2018	N	Assessing	100-41550-314-	\$ 288.00
Total For Check 30079							\$ 288.00
05/29/2018	White Bear Township	30080*	General Repair Service - 03/30/2018	N	Sewer Utility	605-43190-314-	\$ 701.25
Total For Check 30080							\$ 701.25

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check					701.25
05/29/2018	City of White Bear Lake	30081*	Fire Services - June 2018	N	Fire	100-42201-314-	1,694.75
		Total For Check					1,694.75
05/29/2018	League of MN Cities	30082*	LMC Membership Dues	N	City Training and Development	100-41914-433-	1,452.00
		Total For Check					1,452.00
05/29/2018	Washington County - Road & Bridge	30083*	Snowplow Materials & Ice Control - 04/19/2018	N	Ice and Snow Removal	100-43125-210-	871.17
		Total For Check					871.17
05/29/2018	Toshiba Business Solutions, USA Inc	30084*	Maintenance - 02/02/18 to 05/01/18.	N	Office Operations Supplies	100-41911-314-	54.21
		Total For Check					54.21
05/29/2018	Dell USA L.P.	30085*	Computer Upgrades	N	Cable Eqpmt and Service	100-41950-320-	1,544.25
		30085*				100-41950-320-	1,046.92
		30085*				100-41950-320-	617.41
		Total For Check					3,208.58
05/29/2018	Payroll Period Ending 05/29/2018	30086	Maintenance - May 2018	N	Parks	100-45207-100-	652.10
		Total For Check					652.10
05/29/2018	Amazon	EFT052918A*	Computer Upgrades	N	Office Operations Supplies	100-41911-230-	60.00
		EFT052918A*				100-41911-230-	30.79
		Total For Check					90.79
05/30/2018	Aegion - Insituform	30087*	Sewer Lining Project	N	Sewer Utility	605-43190-300-	64,573.87
		Total For Check					64,573.87
06/06/2018	Payroll Period Ending 06/08/2018	30088	Administrator	N	Clerk - Treasurer	100-41401-100-	2,157.85
		Total For Check					2,157.85
06/06/2018	PERA	EFT060618A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	350.00
		Total For Check					350.00
06/06/2018	PERA	EFT060618B*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	100.80
		Total For Check					100.80
06/07/2018	Payroll Period Ending 05/31/2018	30089	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	980.41
		Total For Check					980.41

N1

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
06/07/2018	Payroll Period Ending 05/31/2018	30090	Office Support	N	Clerk - Treasurer	100-41401-100-	\$ 147.76
	Total For Check	30090					\$ 147.76
06/07/2018	Payroll Period Ending 05/31/2018	30091	Maintenance	N	Parks	100-45207-100-	\$ 473.29
	Total For Check	30091					\$ 473.29
06/07/2018	Allstream	30092*	Analog Phone Line - 05/23/18 to 06/22/18	N	General Government Buildings and Plant	100-41940-320-	\$ 45.84
	Total For Check	30092					\$ 45.84
06/07/2018	MENARD'S - MAPLEWOOD	30093*	Dethatcher 42" Tow Behind (Minus Applied Rebate)	N	Lawn Care - Maintenance	100-45208-240-	\$ 46.73
	Total For Check	30093					\$ 46.73
06/07/2018	MN Department of Health	30094*	Community Water Supply Service Connection Fee - 04/01/2018 - 06/30/2018	N	Water Utility	601-43180-437-	\$ 562.00
	Total For Check	30094					\$ 562.00
06/07/2018	Metropolitan Council - Env. Service	30095*	Wastewater Service - July 2018.	N	Sewer Utility	605-43190-217-	\$ 4,411.24
	Total For Check	30095					\$ 4,411.24
06/07/2018	Manship Plumbing & Heating Inc	30096	Monthly Standby/Water Testing - 05/31/2018	N	Water Utility	601-43180-314-	\$ 2,350.00
	Total For Check	30096					\$ 2,350.00
06/07/2018	AirFresh Industries, Inc.	30097*	Rental Monthly Unit (1) - June 2018 + 1 Additional Unit 4/26 Billed for May & June 2018.	N	Parks	100-45207-314-	\$ 243.75
	Total For Check	30097					\$ 243.75
06/07/2018	St. Anthony Village	30098*	Q2 2018 Utility Billing (Admin)	N	Financial Administration	601-41501-314-	\$ 1,881.00
	Total For Check	30098					\$ 1,881.00
06/07/2018	Thatcher Engineering, Inc	30099*	Sewer Lining Project (02/13/2018 - 04/06/2018)	N	Engineer Service	605-41650-300-	\$ 850.00
	Total For Check	30099					\$ 850.00
06/07/2018	CARPENTERS SMALL ENGINE	30100*	Snow blower repair part	N	Parks	100-45207-220-	\$ 34.99
	Total For Check	30100					\$ 34.99
06/07/2018	TSE, INC	30101*	Janitorial Services - 05/17/2018	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/07/2018	City of Roseville	30102*	IT - May 2018 + Phone - May 2018 + Computer Upgrades - Adobe Acrobat Pro Subscription (1)	N	General Government Buildings and Plant	100-41940-320-	\$ 366.00
		Total For Check 30102					\$ 25.00
06/07/2018	Press Publications	30103*	Legal Notice Publications - 05/17 & 05/24 2018	N	Ordinances and Proceedings	100-41130-351-	\$ 64.60
		Total For Check 30103					\$ 96.90
06/07/2018	Mow Joe Inc	30104*	Spring Clean Up 2018	N	Leaf Pick-Up	100-43110-314-	\$ 80.34
		Total For Check 30104					\$ 80.34
06/07/2018	Rydeen, Jim	30105*	Reimbursement - Lawn Mower Gas (Parks)	N	Parks	100-45207-220-	\$ 33.38
		Total For Check 30105					\$ 33.38
06/07/2018	Wingfield, Mary	30106*	Reimbursement for Supplies - April & May 2018 + Trees	N	Parks	100-45207-220-	\$ 252.00
		Total For Check 30106					\$ 252.00
06/07/2018	US Bank	EFT060718A*	Debt Service Payment - 05/17/2018	N	Bond Payment	303-47101-610-	\$ 577.08
		Total For Check EFT060718A					\$ 577.08
06/07/2018	Xcel Energy	EFT060718B*	Gas for Generator - 4/18/18 - 5/17/18 & Electric Utility Billing - 4/18/18 - 5/19/18	N	General Government Buildings and Plant	100-41940-380-	\$ 120.75
		Total For Check EFT060718B					\$ 120.75
		EFT060718B*	Parks			100-45207-380-	\$ 15.53
		EFT060718B*	Sewer Utility			605-43190-380-	\$ 212.76
		EFT060718B*				605-43190-380-	\$ 107.70
		EFT060718B*				605-43190-380-	\$ 327.53
		EFT060718B*				605-43190-383-	\$ 28.24
		Total For Check EFT060718B					\$ 812.51
06/07/2018	PERA	EFT060718C*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	\$ 59.08
		Total For Check EFT060718C					\$ 59.08

Fund Name: All Funds

Date Range: 05/08/2018 To 06/09/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/08/2018	Harmonic Relief	30107	Music in the Park - 06/10/2018	N	Recreation	100-45101-440-	\$ 150.00
		30107					\$ 150.00
06/08/2018	Xcel Energy	EFT060818A*	Electric Utility Billing - 05/03/18 -06/02/18	N	Street Lighting	100-43160-380-	\$ 1,225.81
							\$ 1,225.81
							\$ 107,531.03

Total For Check

Total For Check EFT060818A

Total For Selected Checks

As on 6/9/2018

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	12,050.00	12,050.00
Total Acct 322	0.00	12,050.00	12,050.00
Park Fees	0.00	220.00	220.00
Total Acct 347	0.00	220.00	220.00
Total Revenues	0.00	12,270.00	12,270.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Total Acct 451	0.00	200.00	(200.00)
Parks			
Misc	0.00	220.00	(220.00)
Total Acct 452	0.00	220.00	(220.00)
Total Disbursements	0.00	420.00	(420.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		7,692.40	
Total Receipts and Other Financing Sources		12,270.00	
Total Disbursements and Other Financing Uses		420.00	
Cash Balance as of 06/09/2018		19,542.40	

As on 6/9/2018

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 06/09/2018		66,233.91	

As on 6/9/2018

Water	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	30,912.48	30,912.48
Penalty - Late Water/Sewer	0.00	229.02	229.02
State and Misc fees	0.00	920.57	920.57
Total Acct 341	0.00	32,062.07	32,062.07
Water Main Break	0.00	2,866.00	2,866.00
Total Acct 349	0.00	2,866.00	2,866.00
Total Revenues	0.00	34,928.07	34,928.07
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	5,633.10	(5,633.10)
Total Acct 415	0.00	5,633.10	(5,633.10)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	176.36	(176.36)
Contracted Services	0.00	25,448.48	(25,448.48)
Fees	0.00	1,124.00	(1,124.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	10,749.90	(10,749.90)
Total Acct 431	0.00	37,898.74	(37,898.74)
Total Disbursements	0.00	43,531.84	(43,531.84)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		48,974.20	
Total Receipts and Other Financing Sources		34,928.07	
Total Disbursements and Other Financing Uses		43,531.84	
Cash Balance as of 06/09/2018		40,370.43	

As on 6/9/2018

Sewer	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	271.32	271.32
Sewer Fee	0.00	47,205.92	47,205.92
Total Acct 341	0.00	47,477.24	47,477.24
SPECIAL ASSESSMENTS	0.00	16,340.07	16,340.07
Total Acct 361	0.00	16,340.07	16,340.07
Total Revenues	0.00	63,817.31	63,817.31
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	773.60	(773.60)
Total Acct 414	0.00	773.60	(773.60)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,960.00	(4,960.00)
Total Acct 416	0.00	4,960.00	(4,960.00)
Utility Locates			
Contracted Services	0.00	55.40	(55.40)
Total Acct 428	0.00	55.40	(55.40)
Sewer Utility			
Sewer - Wastewater Charge	0.00	26,467.44	(26,467.44)
PROFESSIONAL SERVICES (301 through 319)	0.00	64,573.87	(64,573.87)
Contracted Services	0.00	4,896.75	(4,896.75)
Utility Services (381 through 389)	0.00	5,798.00	(5,798.00)
Utility Services: Gas Utilities	0.00	169.74	(169.74)
Total Acct 431	0.00	101,905.80	(101,905.80)
Total Disbursements	0.00	107,694.80	(107,694.80)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		63,817.31	
Total Disbursements and Other Financing Uses		107,694.80	
Cash Balance as of 06/09/2018		21,119.08	

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Publication of Election Information

Dear Mayor and Council Members,

As you know, 2018 is an election year and there are several elected city positions that will be on the ballot. In preparation for the election, the City is required to publish election info, such as filing deadlines.

Request/Recommendation

Please authorize staff to publish required election information in the White Bear Press. Thanks!

Regards,
Tobin Lay

MEMORANDUM



TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: City Engineer ROW Requirement Waiver Request

Birchwood Village

Dear Mayor and Council Members,

The City Engineer has requested your approval to waive a requirement in the newly adopted ROW Ordinance Section 309.061 (see attached). This Ordinance requires ROW permit applicants to submit plans in Auto CAD format and no provision in the Ordinance permits City staff to alter that requirement.

This very specific request has proved to be too onerous to our first ROW permit applicant and after reviewing the situation, both City Engineer Thatcher and City Attorney Kantrud agree that other formats would be acceptable.

Request/Recommendation

Staff requests Council authorize City Engineer Thatcher to:

- 1) Waive the Auto CAD format requirement in 309.061; and
- 2) Select another appropriate format for ROW permit applicants to use for purposes of meeting the 309.061 requirements.

Thanks!

Regards,
Tobin Lay

From: Steven W. Thatcher
To: [Tobin Lay](#)
Cc: ["H. Alan"](#)
Subject: RE: FW: Birchwood: Electric Cable Replacement/ROW Permit
Date: Tuesday, June 5, 2018 6:50:15 PM

Tobin,

As you know, City Code 309.061 requires that an application for a ROW permit shall be accompanied by several items including item A. Item A is as follows:

- A. *Scaled drawings showing the location of all known existing facilities and improvements proposed by the applicant. The applicant will be requested to submit in English measurement two (2) paper copies at 1" = 50' scale plans at the smallest and/or one (1) copy in Auto CAD format (Washington County Coordinate system) with X, Y, Z dimensions to foot accuracy electronic plan. All plans must be dimensional and show existing utilities, curb and gutter, sidewalks, bikeways, signal poles, driveways, boxes, relevant structures, property lines and corners and property addresses*

On May 18, 2018, Colette Jurek (Jurek), Manager Community Relations and Economic Development of Xcel Energy, sent an email to you stating:

I recently left two v/m messages for you regarding a recent right-of-way permit application for what we deem a "fast track" cable replacement project. I spoke to Steve Thatcher the other day regarding the request being made of us to provide auto CAD format of plans showing curb and gutter, sidewalks, bikeways, property lines, etc. In these situations, cities typically provide us with a preliminary CAD layout and we impose our construction plans on the document. Steve explained to me that the city does not currently have any of this information tracked. I wanted to speak to you for a few minutes about the importance of this cable replacement project for summer reliability purposes. Not replacing the cable before the late June/July/August timeframe could have the impact of a prolonged or extended power outage with summer electric demand for A/C needs. I'm going to be in a meeting most of the morning but I will try to contact you after 1 PM today to discuss this issue. Thanks!

In accordance with Jurek's request, I understand the City may waive the Auto CAD format for this application. I agree with this because it is Xcel Energy's first application with the new Code.

Another issue is that the code section says paper copies "and/or" Auto CAD. Who decides which applies in a given situation? What is going to be the City's preference for future applications?

I do not believe we need to amend Code 309.061 now, but we might consider changing the "and/or" in the future.

Thanks,
Steve

Steven Thatcher, PE
Thatcher Engineering Inc.
6201 Creek Valley Road
Edina, MN 55439
Phone: 612-781-2188 Cell: 612-867-7234 Fax: 612-781-2188 Web: www.thatcher-eng.com

MEMORANDUM



Birchwood Village

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

Dear Mayor and Council Members,

A member of the Parks & Natural Resources Committee is present tonight to provide an update and recommendations on the following topics:

Parks Committee Recommendations

See enclosed email from Chair Houstoun Clinch.

Committee Member Appointments

Committee members request Council appoint two members as both James Nelson and Scott Howe's terms have expired. James Nelson desires to be reappointed and continue serving on the Committee but Scott Howe has expressed no interest in reappointment.

Joint Council / Committee Meeting

Last month, the City Council discussed a joint City Council / Parks Committee meeting with Chair Clinch. The Council asked staff to create a doodle survey for members of both groups to select available dates. Please be advised that not everyone has completed the doodle survey so a date is not determinable at this point.

Request/Recommendation

Council is requested to:

- 1) Consider and discuss enclosed recommendations;
- 2) Consider and discuss Committee member appointments;
- 3) Discuss whether a joint meeting with the Parks Committee is still desired and if so, please commit to completing the doodle survey at this link: <https://doodle.com/poll/664humtdybeuf2si>.

Thanks!

Regards,
Tobin Lay

From: Houstoun
To: [Tobin Lay](#)
Subject: Park requests
Date: Thursday, June 7, 2018 11:12:45 AM
Attachments: [Screen Shot 2018-06-07 at 10.25.57 AM.png](#)
[Screen Shot 2018-06-07 at 10.23.14 AM.png](#)
[Screen Shot 2018-06-07 at 10.21.28 AM.png](#)
[Screen Shot 2018-06-07 at 10.20.36 AM.png](#)

Hi Tobin,

I will not be able to be at the council meeting next week but am working on having one of the members there to present.

The committee is requesting:

5-6 picnic benches (1-2 at Birch Beach, Wildwood park, Dellwood beach, Kay beach and Elm or Tighe.

8-10 benches (each beach, Ash walkway, 2 at Wildwood, Tighe, Blomquist)

Replace both basketball backboards in the ice rink

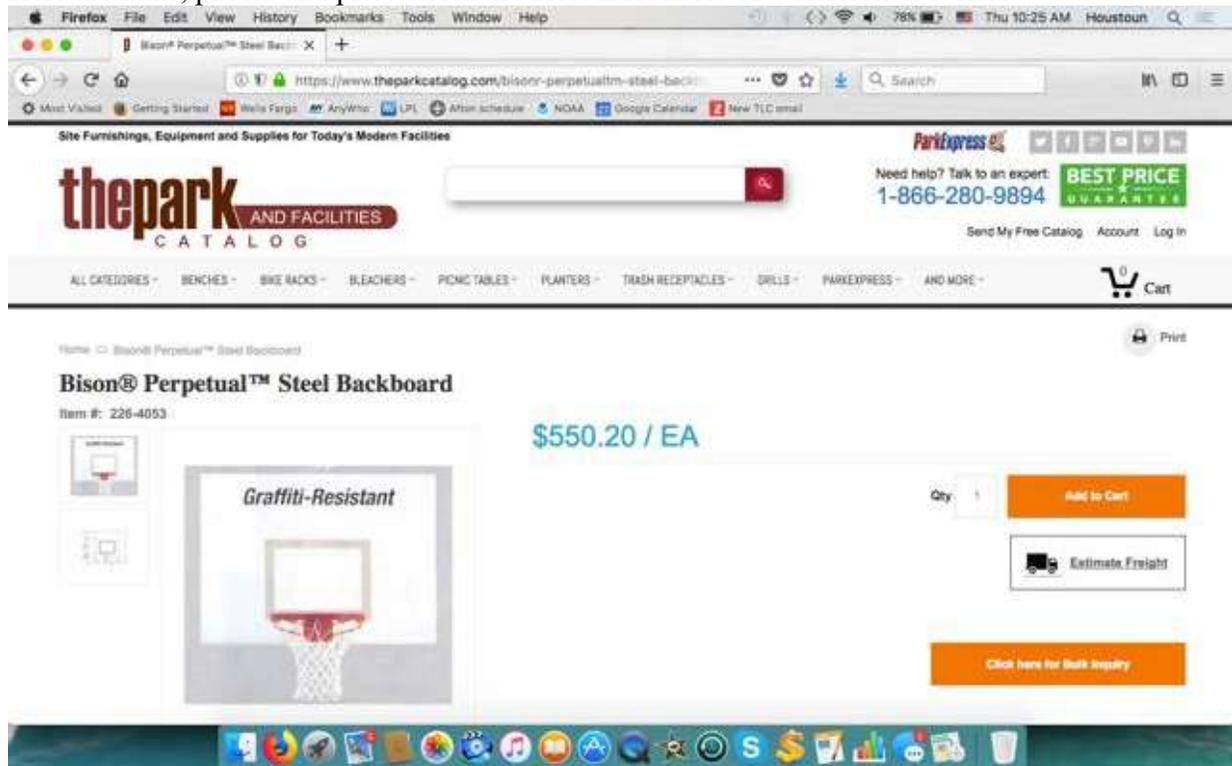
Add garbage cans to all parks (either residential Tennis Sanitation cans or city owned cans)

A port-a-potty at Kay beach or east end of Tighe

Thanks

Houstoun

Here are links, photos and prices from the most reasonable of 4 different websites:



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32-Gallon Recycled Plastic Trash Receptacle

Item #: 133-1043



\$272.00 / EA \$347.16 (Save 22%)

Choose your options:

Color * * Required Fields Qty: 1

Cedar

Add to Cart

Estimate Freight

Click here for Bulk Inquiry

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8-Ft. Plastic Coated Metal Ben

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Home >> Everest Series 8-Ft. Park Bench with Back

Everest Series 8-Ft. Park Bench with Back

Item #: 398-6002



\$376.00 / EA

Choose your options:

Pattern Type * * Required Fields Qty: 1

Diamond

Mounting Option *

Portable Mount

Seat Color *

Green

Add to Cart

Estimate Freight

Buy More and Save!

Price	Qty
\$376.00 / each	1 - 2
\$368.48 / each	3 - 5
\$360.97 / each	6 - 10
\$353.44 / each	11+

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Home > Everest Series 8-Ft Heavy Duty ADA Picnic Table  Print

Everest Series 8-Ft Heavy Duty ADA Picnic Table

Item #: 398-8007

\$653.00 / EA

Choose your options:

Pattern Type * * Required Fields Qty:

Diamond

Style *

Double Sided

Color *

Green

Price	Qty
\$653.00 / each	1 - 2
\$639.94 / each	3 - 5
\$628.89 / each	6 - 10



Double Sided Overhang Style

MEMORANDUM



Birchwood Village

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

Council is requested to open the public hearing regarding MS4. Thanks!

Regards,
Tobin Lay

CITY OF BIRCHWOOD VILLAGE
COUNTY OF WASHINGTON, STATE OF MINNESOTA

THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

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

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

THE BIRCHWOOD VILLAGE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

The objectives of this Ordinance are:

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

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

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

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

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

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

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

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

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

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

202.100.2.7. **MPCA:** Minnesota Pollution Control Agency

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

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

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

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

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

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

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

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

202.100.2.16. City: Birchwood Village

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

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

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

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

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

202.100.6. DISCHARGE PROHIBITIONS.

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

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

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

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

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

202.100.6.2. Prohibition of Illicit Connections.

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

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

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

202.100.7. SUSPENSION OF MS4 ACCESS.

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

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

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

202.100.8. MONITORING OF DISCHARGES

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

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

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

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

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

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

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

202.100.12. ENFORCEMENT.

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

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

202.100.12.1.2. The elimination of illicit connections or discharges;

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

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

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

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

202.100.12.1.7. The deadline within which to remedy the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the City of Birchwood Village City Council

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

Attest: _____ Mayor
Mary Wingfield

Attest: _____, City Clerk
Cindie J Reiter

MEMORANDUM



Birchwood Village

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

Dear Mayor and Council Members,

The Planning Commission made the following recommendations for Council's consideration at their last Commission meeting:

Non-Conforming Uses

The Planning Commission recommends Council repeal Section 300.020.34 & 301.050 and replace with Ordinance 2018-05-02 (enclosed), which is borrowed from the City of Roseville.

City Attorney Kantrud disagrees with this recommendation as he believes the result of the proposed language would be the same as the existing ordinance. Kantrud recommends the Council specifically target what housing should to be eliminated and focus on changing definitions in the code rather than repealing and replacing the whole ordinance. Kantrud further recommends the Council work directly with the Planning Commission in joint meetings, involving a City-wide discussion to make a political decision that is intentional and supported by the stakeholders. Kantrud is present at the meeting and prepared to answer questions.

Variance Provisions

The Planning Commission recommends Council amend Section 304.040 with Ordinance 2018-04-01 (enclosed).

Request/Recommendation

Council is requested to:

- 1) Consider and discuss the Planning Commission and City Attorney recommendations; and
- 2) Amend Section 300.020, 301.050, and 304.040.

Thanks!

Regards,
Tobin Lay

ORDINANCE 2018-05-02

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

**AN ORDINANCE REPEALING AND REPLACING
NON-CONFORMING USES IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 300.020.34 of Chapter 300 (Land Use) and Section 301.050 of Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village are hereby repealed and replaced as follows:

SECTION 300: LAND USE

300.020.34 Non-Conforming Use. **Non-Conforming Pre-Existing Structure or Use:** Any building or structure which was legally existing on January 1, 1975, or authorized by variance thereafter, which would not conform to the applicable conditions if the building or structure were to be erected under this Code. Such a structure or use may be continued but may not be extended, expanded, intensified, or changed unless to a conforming use. **Non-Conforming Illegal Structure, Use, or Lot:** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the area in which the structure or use is located.

SECTION 301: ZONING CODE: GENERAL PROVISIONS

301.050. NON-CONFORMING USES.

1. **Definition:** A non-conforming use or structure. See definition in Section 300.020.
2. **Existing Structures or Uses:** A pre-existing non-conforming use or structure may be continued but may not be extended, expanded, intensified or changed, unless to a conforming use. Exceptions include:
 - a. An expansion of a pre-existing residential principal or accessory structure in an R-1 or R-2 zoning district which maintains the same property line setbacks and structure separations provided there is no further encroachment of any non-conforming structural dimension or increase in the non-conformity of use of the land.
 - b. A pre-existing principal or accessory structure, including expansion thereof, in which a property line setback dimension has been made substandard by eminent domain or other formal public agency action. Such a structure shall be considered a legally conforming structure. All future additions to the structure or use shall meet the current required setback from the revised property or easement line.

3. **Damaged Non-Conforming Structures:** Any non-conforming structure damaged to an extent of not more than fifty percent (50%) of its reproduction cost by fire, flood, explosion or other casualty may be reconstructed and used as before if such reconstruction is completed within six (6) months of the casualty. If the damage to the structure is greater than fifty percent (50%) of the replacement cost of the structure at the time of loss, as determined by the City Council, the reconstruction shall be in accordance with this Code.
4. **Discontinued Non-Conforming Use:** Whenever a non-conforming use shall have been discontinued for a period of twelve (12) months, it shall not return to the original or any other use which is non-conforming.
5. **Maintenance of Non-Conforming Structures:** Normal maintenance of a structure containing or which is a non-conforming use is permitted, including necessary nonstructural repairs and incidental alterations which do not expand the foundation and/or building size, increase the building occupancy or parking demand, or intensify the non-conformity of the structure or use.
6. No provision of this section shall be interpreted as negating the provisions of 302.015 (Undersized Lots).

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 10th day of July, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

ORDINANCE 2018-04-01

CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING VARIANCE PROVISIONS IN CITY CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 304 (Variances and Appeals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 304.040. VARIANCE REQUIREMENTS AND CRITERIA. Petitions for Variances must include all Required Information and demonstrate that Criteria for each Variance are met.

...

2. Criteria for Granting a Variance. ~~Variances may only be granted in Minnesota Statutes, Chapter 462. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.~~

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

SUBD. 1.

A. Variances shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and
- ii. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- i. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- ii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.
- ~~iii. The variance is proved necessary in order to secure for the applicant the right or rights that are enjoyed by other owners in the same area of the district.~~

- iii. The granting of a variance will result in no increase in the amount of water draining from the property.
- iv. Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.
- v. No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.
- vi. Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

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

Adopted by the City of Birchwood Village City Council this 12th day of June, 2018

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Dock Management Contract

Dear Mayor and Council Members,

Section 617.560 of City Code requires the City to execute a contract with the organization managing docks on the City public lake tracts. Attorney Kantrud and I have been working on a draft contract for your review and consideration; unfortunately, this contract wasn't ready in time for the Council packet and was emailed prior to and hardcopies distributed at the meeting. Attorney Kantrud is present and prepared to answer questions.

Request/Recommendation

Council is requested to:

- 1) Review dock management contract; and
- 2) Request the Docks Committee to review and make recommendations to same.

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

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

Dear Mayor and Council Members,

Per Council's direction, City Attorney Kantrud and I have been working on amendments to Ordinance 2018-05-01 Special Events Permitting that was proposed last month. Unfortunately, our amendments were not ready in time for the Council packet but have been emailed to Council Members prior to the meeting and hardcopies distributed at the meeting.

Request/Recommendation

Council is requested to:

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

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Reschedule August 2018 City Council Meeting

Dear Mayor and Council Members,

The regularly scheduled City Council meeting for August 8 lands on the same day as the 2018 Primary Elections. In Feb, the Council tentatively selected Wed Aug 15th as the rescheduled date for the Aug City Council meeting – to confirm during the June meeting.

The dates the Council had to select from are as follows:

- Wednesday August 15 – tentatively selected in Feb – confirm date and publish.
- Thursday August 16
- Tuesday August 21
- Wednesday August 22

Request/Recommendation

Staff requests Council confirm or reselect the new Aug 2018 City Council meeting date. Thanks!

Regards,
Tobin Lay