



AGENDA OF THE SPECIAL MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 30, 2017
6:00 P.M.

CALL TO ORDER

CITY BUSINESS – REGULAR AGENDA**

- A. Action Item: Authorize Mayor and Administrator to work with retained attorney.
- B. Council Assignments* (p. 2)
- C. Review of Procedures at Public Forum* (pp. 3-~~123~~124)
- D. 2017 Goal Setting
- E. Capital Improvement Projects* (pp. ~~124-157~~125-158)
- F. Dog Park Committee
- G. Parks and Natural Resources Committee* (pp. 74-76)
- H. Tighe Schmitz Park & Walking Paths
- I. County Commission Lobby Ideas
- J. School District Boundaries Survey

ADJOURN

* Denotes items that have supporting documentation provided.

** A quorum of Council Members is expected and formal action will be taken at this meeting.

City Council Assignments

Mary Wingfield	Randy LaFoy	Megan Malvey	Tribby White	Kevin Woolstencroft
Budget Committee	Acting Mayor	Financial Committee	Roads Committee Liaison	Parks Committee Liaison
Intergovernmental Relations	Public Safety	Capital Improvement Plan	Recycling & Garbage	Roads Committee
Volunteer Coordinator	Personnel Committee	Sewer & Water	Building	Assistant Weed Inspector
Roads Committee Liaison	Budget Committee	Stormwater Drainage	Planning Liaison	
Weed Inspector		Liaison to Birchwood Dock Assoc.		
Personnel Committee		Liaison to WBL Transit		

Needed: Dog Park Committee Liaison

Minnesota Mayors Handbook

April 2013

MMA Minnesota
Mayors
Association

*Produced by the League of Minnesota Cities
for the Minnesota Mayors Association*

Chapter 3: Meeting management

Meetings of city council are where the business of the city is conducted and vital decisions for the city's future are made. Meetings are often also the principal place where citizens interact with their governing body and form an impression about their city. As a result, meeting management is one of the most important components of a mayor's duties.

I. Role of the mayor in managing meetings

Minn. Stat. § 412.191, subd. 1.

The mayor of a statutory city is a member of the council, and has the same right to vote and make and second motions at meetings as the other councilmembers. Charter cities may have a different role for the mayor specified in their charter.

In addition to participating in meetings, mayors have two additional roles to play. They preside over the meeting to facilitate discussion and they preserve order.

A. Role of presiding officer

Minn. Stat. § 412.191, subd. 2.
Minn. Stat. § 412.121.

The mayor is the presiding officer of the meeting. In the absence of the mayor, the acting mayor must perform the duties of the mayor. The acting mayor is sometimes also called the mayor pro-tem and is usually appointed by the council.

See Section II – *Bylaws : policies on meetings management.*

See Minnesota Mayors Association Sample City Council Bylaws.

Rules of procedure may vary from city to city, depending on the council's bylaw or policies. Typically, however, the presiding officer at a meeting is the person vested with the authority to:

- Call a meeting to order and propose adjournment.
- Recognize and call upon speakers.
- Call for debate and vote on motions.
- Clarify or request clarifications of motions made by members.
- Rule motions out of order.
- Interpret and enforce any meeting management policies, bylaws, or rules of procedure.
- Call members to order if they disregard rules of procedure or decorum for the meeting.

See Minnesota Mayors Association Sample City Council Bylaws.

As the presiding officer, the mayor has a great deal of control and influence over how a meeting progresses—for example, who is heard and not heard and which topics are brought forward for discussion. However, this power is often not absolute. Most rules of order provide some method for members of the council to question the presiding officer’s decisions and, on some occasions, to overrule them by a vote.

See Minnesota Mayors Association Sample Rules of Order for City Councils.

Because presiding officers have such influence over the meeting, most council bylaws or rules of order emphasize that presiding officers should strive to be fair and impartial. This often means listening more than speaking—even on contentious issues—and allowing councilmembers with opposing viewpoints to each have an opportunity to speak. A fair and impartial presiding officer protects the rights of all members to participate in the meeting.

Minn. Stat. § 412.191, subd. 2.

1. Role in preserving order

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances.

See Minnesota Mayors Association Sample City Council Bylaws.

City bylaws may vary from city to city. Typically, however, the presiding officer at a meeting is the person vested with the authority to preserve order by:

- Following the council’s approved agenda and limiting discussion to current agenda items.
- Ruling on questions of procedure and entertaining appeals to rulings.
- Calling members of the council or public to order if they are being unruly or disruptive.
- Declaring meetings recessed or adjourned if they become too unruly.
- Requesting the removal of unruly or disruptive persons from the meeting room. The mayor may request the assistance of law enforcement if unruly persons refuse to depart the meeting rooms.

See Section III-A and IV-D.

II. Bylaws: policies on meeting management

Minn. Stat. § 412.191, subd. 2.

A statutory city council has the power to regulate its own procedures. Home rule charter cities may have similar provisions in their charters. Councils often regulate their procedures through the formal adoption of bylaws. Councils are not required to adopt bylaws for meeting management, but they are highly recommended for the following reasons:

See Minnesota Mayors Association Sample City Council Bylaws.

- Rules set common values and expectations for interactions among councilmembers.

- Rules can provide structure to a meeting, promoting timeliness and efficiency.
- Rules can help resolve conflicts in a positive way that promotes the best interests of the city, rather than allowing conflicts to grow, potentially disrupting city operations and slowing vital council decisions.

Many cities have adopted Robert's Rules of Order as a component of their bylaws. There is no legal requirement to use Robert's Rules, but it is common practice. Using Robert's Rules of Order has benefits and drawbacks for a city. Some of the benefits of using Robert's Rules are:

- They are familiar to many people who attend council meetings, including councilmembers, citizens, and others.
- They are readily available in many guides in various formats.
- They promote a level of formality, which some believe encourages courteous discourse.

There are, however, disadvantages to adopting Robert's Rules in its entirety to govern procedure at council meetings. Some of the disadvantages of using Robert's Rules are:

- They were not crafted with Minnesota law in mind and sometimes diverge from legal requirements for Minnesota cities.
- They were crafted to govern large bodies of assembly (such as a parliament), and are sometimes unwieldy for smaller bodies.
- While shorter condensed versions of Robert's Rules exists, typical volumes of the rules are 200 pages or longer. This can be difficult for new members to learn. Councilmembers who are unfamiliar with the intricacies of Robert's Rules may feel silenced by their unfamiliarity with technical points or outmaneuvered by councilmembers who are more familiar with the rules.

For these reasons, city councils may prefer to adopt a more simplified policy than Robert's Rules. Several other models exist, or the council can draft its own policy to fit the organization and desired level of formality. Sample council bylaws and rules of order are in the appendices of this handbook.

Whatever policy the council adopts, it should follow it. Although the council can vote to change or suspend its rules, it is probably better to stick with the adopted rules except on rare occasions.

III. Meeting decorum

Meeting decorum may be an aspect of the city council's bylaws or it may be a separate set of expectations and rules that may or may not be formally adopted in written form. Decorum is more easily enforced, however, when expectations are written.

See Minnesota Mayors Association Sample Rules of Order for City Councils.

See Minnesota Mayors Association Sample City Council Bylaws.

A. Typical decorum requirements

Typical rules of decorum require councilmembers to:

- Refrain from private conversation while in the council chamber that interrupts the proceedings of the council.
- Refrain from the use of offensive words, threats of violence, or other objectionable language in or against the council or against any member.
- Limit speech to subject of current debate.
- Abide by time limits for speaking.

More modern policies on decorum may also emphasize:

- Refraining from the use of cell phones or other personal electronic devices during meetings. In addition to being a decorum problem, this may also create problems under the Open Meeting Law.
- Allowing the use of cameras, video, and other recording devices, but requiring them to be used in an unobtrusive manner that does not disrupt or delay the meeting.

Rules of decorum are often also established to govern the conduct of the public when participating in meetings.

B. Enforcing decorum among councilmembers

Council meetings on important community issues may become contentious very quickly. Establishing rules of decorum before a controversy arises can prevent meetings from becoming unproductive due to conflict. On occasion, however, members of the council may not follow the rules. On these occasions, the mayor's role as the meeting's presiding officer is particularly important.

Bylaws may vary from city to city. Generally, however, when councilmembers violate rules of order and decorum, the presiding officer is authorized to:

- Not recognize a breaching councilmember's request to speak, limiting their role in debate until decorum is observed.
- Declare the councilmember's actions out of order.
- Order removal from the council chambers by law enforcement until the councilmember agrees to abide by council rules of decorum.

See Minnesota Mayors Association Sample City Council Bylaws.

In addition, if provided in the council's policy, generally any councilmember (including the mayor), may make a motion to censure a councilmember for conduct that breaches decorum. A censure often takes the form of a resolution adopted by council vote noting the councilmember's conduct and expressing disapproval of such conduct.

Minn. Stat. § 609.72.

State law also prohibits persons, including councilmembers, from disturbing public meetings, through fighting or threatening words and conduct. Councilmembers who engage in this unlawful conduct may be charged with a misdemeanor.

IV. Citizen input and audience participation in council meetings

Audience members do not normally have a right to take an active part in the council's discussion at a meeting. Only the council can make motions and vote at a council meeting. Audience members may not speak unless they have been recognized by the presiding officer.

A. Forums for public comment

Many city councils schedule a portion of each council meeting for public comment. These are often referred to as "open forums." During this part of the meeting, the presiding officer will recognize members of the audience to speak briefly on topics that concern them. These forums are different from formal public hearings required by law on specific issues.

It is a good idea to have a policy in place related to city responses to citizen input at meetings. Often it is a good idea to not respond immediately or to take direct action in response to citizen requests. Instead, the city should adopt a policy that refers most citizen comments or requests to city staff for further research and a written report back to council. This allows the city the opportunity to gather all the facts and make a measured and fair response.

While many councils recognize the value of citizen input, citizen comment can negatively affect meeting efficiency if not managed. For example, if a large number of audience members wish to speak, the meeting may not progress efficiently. Likewise, if one person spends a long time expressing his or her view, others may not get the opportunity to present their views. The following sections discuss ways to address some of these problems.

See Minnesota Mayors Association Sample City Council Bylaws.

See Section IV-C.

1. Limiting time

Some councils have addressed this problem by placing a limit on the amount of time audience members are allowed to speak at a meeting. For example, the council may ask people to limit their remarks to no more than three minutes or allow only a specified amount of time for the whole comment period. Time limits should be adopted in a policy and applied equally and neutrally to all members of the public.

2. Limiting topic

Another option may be to limit the scope of comments to those matters being addressed by the council at the specific meeting. While this may be a way to focus the meeting on the matters being addressed by the council, it might also keep people from making the council aware of any new issues. Cities considering this approach may want to consider other ways for people to bring up other topics. Limits on topic should also be adopted in a policy and applied equally and neutrally to all members of the public.

3. Advance written notice

As a third alternative, cities may choose to adopt policies that require advance notice of a person's desire to address council. The notice usually must be submitted in writing a few days before the actual meeting. The specific topic and the speaker's name are then put on the agenda. Such procedures are helpful in allowing the council to plan an efficient meeting. It also helps to remind the speaker that he or she may only address those issues listed on the notice.

B. Meeting disruptions and unruly citizens

Minn. Stat. § 412.191, subd. 2.

A statutory city council is authorized to preserve order at its meetings. The mayor, as the presiding officer, is also vested with some authority to prevent disturbances. Home rule charter cities may have similar provisions in their charters.

While council meetings must be open to the public, no one has the right to disrupt the council proceedings. When the council decides that a disorderly person should not remain in the meeting hall, the police may be called to execute the orders of the presiding officer or the council.

If the audience becomes so disorderly that it is impossible to carry on a meeting, the mayor has the right and duty to declare the council meeting temporarily recessed or adjourned to some other time (and place, if necessary). The members of the council can also move for adjournment.

If the mayor is not conducting the meeting in an orderly fashion, there is relatively little the other councilmembers can do to control the action of the presiding officer. However, a majority of the council can force adjournment whenever the councilmembers feel it is necessary.

Minn. Stat. § 609.72, subd. 1(2).
State v. Guy, 242 N.W.2d 864 (Neb. 1976).

See Minnesota Mayors Association Sample City Council Bylaws.

See Minn. Stat. § 462.357, subd. 3. Minn. Stat. § 429.031 subd. 1(a). Minn. Stat. § 429.061 subd. 1.

Minn. Stat. § 462.357, subd. 3.

Minn. Stat. § 462.358, subd. 3b.

Minn. Stat. § 462.3595, subd. 2.

Minn. Stat. § 412.851.

Minn. Stat. § 414.033, subd. 2b.

Minn. Stat. § 429.031.

A person who disturbs a lawfully held public meeting may be guilty of disorderly conduct. Any conduct that disturbs or interrupts the orderly progress of council proceedings is a disturbance that may be prevented, or punished if an ordinance violation is involved, without infringing on constitutional rights.

C. Public hearings

A public hearing is a special type of city council meeting (or a portion of a meeting) designed to solicit public input and allow members of the public to express their opinions on a designated topic. Conducting a public hearing can pose different challenges to a mayor than conducting a regular council meeting. Cities may find it helpful to adopt rules of procedure for conducting public hearings and managing citizen comment.

There are two types of hearings: those that are discretionary, and those that are required by a specific statute, ordinance, or charter provision.

1. Discretionary public hearings

Many city councils will hold public hearings even when not legally required to do so. Generally, hearings of this type are for the purpose of allowing the public to comment on a specific issue of interest to the community. Such hearings can be helpful in raising concerns about an issue that the council may not have considered.

2. Required public hearings

On some matters, state statute requires that the council hold a public hearing before taking action.

The following are common matters that require public hearings:

- Adoption or amendment of a zoning ordinance.
- Subdivision applications.
- Granting of a conditional use permit.
- Vacation of any street, alley, public grounds, public way, or any part thereof.
- Annexation by ordinance.
- Public improvements that will be specially assessed.

There are numerous other instances where a public hearing is required by state statute. When a public hearing is a legal requirement, it is important that the specific statute imposing the hearing be read and all conditions related to notice of the hearing be followed carefully. Often there are special notice requirements that are more substantial than the notice that is needed for a simple special meeting. For example, hearings mandated for zoning ordinance amendments have special notice requirements that may obligate the city to mail individual notices to nearby landowners. While a mayor should be generally aware of these requirements, usually city staff will keep abreast of them and work with council to ensure compliance.

3. Conducting public hearings

The focus of a public hearing is different from a regular council meeting. A public hearing is a meeting where members of the public can express their opinions. The mayor presides at the meeting in order to regulate the hearing and make sure that people who want to speak on the issue get the opportunity. The council does not deliberate or discuss matters during the public hearing portion of this type of meeting; instead, it listens to the public. Once the public comment period is finished, the council will often wrap up the meeting or move to the next agenda item.

In order to recess or continue a meeting of this sort, the council should not formally end the public comment part of the hearing.

V. Building an adequate record

Council meetings, including any special public hearings, are where city decisions are made and city business is conducted. Because city business affects citizens in vital and sometimes personal ways, such as the approval or denial of a land use permit, cities are required to keep an adequate record of their proceedings. In addition, an adequate record can be a vital tool in defending the city's decisions should a lawsuit result.

A. Legal requirements for meeting records

Municipal officers must keep all records necessary to provide a full and accurate knowledge of their official activities. Keeping adequate records involves preserving through a records retention policy the documents that are considered by the council. These include such documents as bills, contracts, and correspondence. Another vital component of keeping adequate records involves taking meeting minutes.

Minn. Stat. § 15.17.

Minn. Stat. § 15.17.
 Minn. Stat. § 138.225.
 Minn. Stat. §§ 138.161-21.

To get a copy of the General Records Retention Schedule, see "Records Retention Data" at www.mcfra.org or contact the Research Department of the League of Minnesota Cities (651-281-1220 or 1-800-925-1122).

Minn. Stat. § 412.151, subd. 1.
Whalen v. Minneapolis Special Sch. Dist. No. 1, 309 Minn. 292, 245 N.W.2d 440 (Minn. 1976).

Minn. Stat. § 13D.01, subd. 4.
 Minn. Stat. § 331A.01, subd. 6.
 Minn. Stat. § 15.17, subd. 1.

Minn. Stat. § 412.151, subd. 1.
 Minn. Stat. § 412.191, subd. 3.
 Minn. Stat. § 331A.01, subd. 6.

Minn. Stat. § 331A.01, subd. 6.
 Minn. Stat. § 412.151, subd. 1.
 Minn. Stat. § 412.191, subd. 3.

Minn. Stat. § 331A.01, subd. 6.
 Minn. Stat. § 412.151, subd. 1.

Minn. Stat. § 331A.01, subd. 6.
 Minn. Stat. § 412.191, subd. 3.

Minn. Stat. § 13D.01, subd. 4.
 Minn. Stat. § 331A.01, subd. 6.
 Minn. Stat. § 412.151, subd. 1.
 Minn. Stat. § 412.191, subd. 3.

Swanson v. City of Bloomington, 421 N.W.2d 307 (Minn. 1988).

Dietz v. Dodge County, 487 N.W.2d 237 (Minn. 1992).

1. Records retention

Records that public officers are required to keep, and those that are necessary and appropriate to the proper discharge of the duties of an office, are government records. It is a crime to destroy such records without statutory authority.

The state has adopted a general schedule for the retention and destruction of a variety of city records. This is commonly known as the "Records Retention Schedule." Cities that have adopted the general schedule have continuing authority to destroy listed records after keeping them for the prescribed time. A city must not destroy any government records that are not on the schedule without specific authorization from the State Records Disposition Panel.

2. Meeting minutes

A statutory city clerk must keep a minute book of all city council meetings. Generally the clerk has wide discretion as to how to keep the minutes. A verbatim record of everything that was said is not normally required. However, the law does require that the following be included in the minutes:

- The members of the public body who are present.
- The members who make or second motions.
- Roll call vote on motions.
- Subject matter of proposed resolutions or ordinances.
- Whether the resolutions or ordinances are defeated or adopted.
- The votes of each member, including the mayor.

Home rule charter cities may have additional requirements in the charter.

Although not generally required by statute, several court decisions suggest that including certain information in the minutes can help to defend a city's actions should a lawsuit occur. The following types of data are examples of information that should be included in the minutes:

- **Findings of fact.** Case law requires them for land use decisions and some personnel decisions.
- **The council's conclusions.** Case law requires them for land use decisions and some personnel decisions.

Minn. Stat. § 412.151, subd. 1.

- *The specific reasons behind the council's conclusions.* Examples would include such things as the economical, social, political, or safety factors that were considered when the council made a particular decision.
- *Signature of clerk and mayor.* Because minutes would likely be considered official papers of the city, they should be signed by the clerk. And although the law does not require it, in many cities the mayor also signs the minutes after they are approved by the council.

3. Adequate records and defending city decisions

City councils make two types of decisions—legislative decisions and quasi-judicial decisions. A typical legislative decision a council makes is to adopt an ordinance. Legislative decisions are made when the city exercises its general lawmaking authority in a broad manner that applies city-wide.

In contrast, quasi-judicial decisions involve applying standards found in an ordinance or policy to individuals. A typical quasi-judicial decision a council makes is to grant or deny a landowners request for a zoning conditional use permit. Quasi-judicial decisions are made when the city exercises its authority over individuals to grant or deny their specific applications for privileges under existing city ordinance.

Both legislative and quasi-judicial decisions of the council may result in lawsuits against the city. When a reviewing court examines a city's decisions, it applies different standards of review to legislative decisions and quasi-judicial decisions.

a. Court review of legislative decisions

When reviewing a city's legislative actions, the court looks to see whether the actions were constitutional, rational, and in some way related to protecting the health, safety, and welfare of the public. This is known as the "rational basis standard," and it is a standard that is generally not difficult for cities to meet. The court may not always agree with a city council's decisions, but it will not substitute its judgment for that of the city council—if the council can establish through an adequate record that its actions met the rational basis standard.

b. Court review of quasi-judicial decisions

In quasi-judicial situations, a reviewing court will more closely scrutinize the city's decision to determine whether they city has provided a legally and factually sufficient basis for its decision in an adequate record. This is especially true in the area of land use regulation such as zoning and subdivision.

In quasi-judicial situations, due process and equal protection are the main reasons for the more stringent scrutiny. Due process and equal protection under the law demand that similar applicants must be treated uniformly by the city. A reviewing court will overrule a quasi-judicial city decision if it determines that the decision was arbitrary (failed to treat equally situated applicants equally or failed to follow ordinance requirements).

*Swanson v. City of
Bloomington*, 421 N.W.2d 307
(Minn. 1988).

*Northwestern College v. City of
Arden Hills*, 281 N.W.2d 865
(Minn. 1979).

*Swanson v. City of
Bloomington, 421 N.W.2d 307
(Minn. 1988).*

c. Role of records in building the city's case

The public record is being increasingly reviewed by the courts to determine whether the city's action involved a reasonable means to a legal end. The law provides that cities have considerable discretion in developing plans, setting standards, and deciding applications. The public record, as a whole, must demonstrate that the city acted reasonably in enforcing its plans, standards, and regulations. It does not matter that the city acted reasonably if it is unable to prove its actions through the public record.

In reviewing the public record, courts look primarily to a city council's findings of fact. A city council must apply the facts to the law and find reasons upon which to base its decision. The reasons or rationale are referred to as findings of fact and need to be an adequate factual basis in the public record to support the council's decision. Inadequate findings may result in a reversal of the council's decision.

B. Mayor's role in building an adequate record

As the presiding officer at city meetings, the mayor can be essential to ensuring that an adequate record protects the city's decisions from being overruled by a court. Key ways to build a complete record include:

- Following rules of procedure that require formal motions for all council actions.
- Restating motions clearly for the minute taker prior to opening debate and voting.
- Announcing the vote clearly on city motions.
- Requesting that complex motions and all resolutions, findings of fact, and conclusions of law be reduced to written form.
- Allowing adequate time for public comment and participation at public hearings.

The mayor is not alone, of course, in working to build an adequate record. However, as presiding officer, the mayor can certainly provide necessary leadership to ensure that this important work for the city is accomplished.

Appendix A

Minnesota Mayors Association

City Council Bylaws

- I. **AUTHORITY.** City councils are authorized to adopt rules of procedure and provide for order at their meetings pursuant to Minn. Stat. § 412.191.
- II. **PURPOSE.** The purpose of this policy on city council meetings is to set the groundwork for orderly and respectful communications between and among councilmembers, city staff, and citizens to promote the efficient working of the public's business at city council meetings.
- III. **THE OPEN MEETING LAW.** The Minnesota Open Meeting Law, Minn. Stat. ch. 13D, generally requires that all meetings of public bodies be open to the public.
 - A. This presumption of openness serves three basic purposes:
 - 1. To prohibit actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies, or to detect improper influences.
 - 2. To ensure the public's right to be informed.
 - 3. To afford the public an opportunity to present its views to the public body.
 - B. The city council views providing and encouraging citizen access to city meetings as one of its most important duties. As a result, all council and council committee meetings, including special and adjourned meetings, with the exception of closed meetings, as provided by Minn. Stat. ch. 13D, shall be open to the public.
 - C. In calculating the number of days for providing notice under the Minnesota Open Meeting Law, the first day that the notice is given is not counted, but the last day is counted. If the last day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation and the following day is considered the last day (unless, it happens to be a Saturday, Sunday, or legal holiday).
 - D. In keeping with the intent of the Minnesota Open Meeting Law, city councilmembers shall not use any form of electronic communications technology, such as text messaging or e-mail, to communicate with one another or third parties during a public meeting in a manner that is hidden or shielded from the public view.
 - E. Pursuant to Minn. Stat. § 13D.01, subd. 6, at least one copy of the written materials made available to council at or before the meeting shall also be made available for inspection by the public, excluding any non-public data, attorney-client privileged data, or materials related to agenda items of closed meetings.

IV. **QUORUM.** A simple majority (_____) of the council shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

V. **COUNCIL MEETINGS.**

- A. **Location.** All meetings, including special, recessed, and continued meetings, shall be held in the city council chambers, unless otherwise designated, pursuant to Minn. Stat. § 13D.04, subd. 2.
- B. **Regular meetings.** A schedule of regular meetings shall be kept on file with the city clerk.
- C. **Special meetings.** A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city councilmembers by filing a request for the meeting at least three days before the meeting. Days shall be counted as provided in III-C. Notice to the public of special meetings must be given pursuant to Minn. Stat. § 13D.04, subd. 2.
- D. **Emergency meetings.** An emergency meeting may be called by the mayor or any two city councilmembers. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the public body, require immediate consideration by the public body. Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.
- E. **Closed meetings.** The Minnesota Open Meeting Law allows some meetings to be closed to the public for defined purposes. When a meeting is closed, the presiding officer at the council meeting will state the reason for closing the meeting on the record and cite the state statute that permits closure.
- F. **Recessed or continued meetings.** When a meeting is recessed or continued, the presiding officer shall state the time and place for the next meeting to occur pursuant to Minn. Stat. § 13D.04, subd 4. The time and place shall be noted in the minutes. If the time and place is stated and noted in the minutes, no additional notice of the meeting is required. However, if the time and place is not stated, the notice procedures for special meeting shall be required.
- G. **Organizational meetings.** The council will conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:
 1. Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
 2. Select an official newspaper pursuant to Minn. Stat. § 412.831.
 3. Select an official depository for city funds. This must be done within 30 days of the start of the city's fiscal year pursuant to Minn. Stat. §§ 427.01-.02; 118A.02, subd 1; 427.09.
 4. Review council's bylaws and make any needed changes.
 5. Assign committee duties to members.
 6. Approve official bonds that have been filed with the clerk.

- VI. PRESIDING OFFICER.** The mayor shall preside at all meetings of the city council.
- A. **Role of the presiding officer.** The presiding officer shall preserve order, enforce the City Council Rules of Order and Procedure as adopted in VII, and determine, without debate, all questions of procedure and order, subject to the final decision of the council on appeal as provided in VI-D. The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have spoken. The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order.
 - B. **Adjourning meetings.** If considered necessary, because of grave disorder, the presiding officer may adjourn or continue the meeting to another time or suspend the meeting for a specified time.
 - C. **Designation of a sergeant-at-arms.** The presiding officer may request that local law enforcement designate a member to serve as a sergeant-at-arms at city council meetings. The sergeant-at-arms shall carry out all orders or instructions given by the presiding officer for the purpose of maintaining order and decorum at meetings.
 - D. **Motions and voting.** The presiding officer may make motions, second motions, speak on any questions, and vote on any matter properly before the council.
 - E. **Absences of the presiding officer.** In the absence of the mayor, the acting mayor shall preside. In the absence of both the mayor and the acting mayor, the city clerk/administrator shall call the meeting to order. The first order of business shall be to select a presiding officer for the meeting from the members present. The city clerk/administrator shall preside until the councilmembers present choose a member to act as presiding officer.
 - F. **Appeals of rulings of the presiding officer.** Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
 - 1. **Procedure for appeals.** An appeal is made by motion. No second is need for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
 - 2. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
 - 3. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.
 - G. **Temporary designation of a presiding officer.** The presiding officer may choose to designate a temporary presiding officer before participating in debate on a given matter. In the alternative, the council may by majority vote designate a temporary presiding officer to preside over the debate on a given matter. The presiding officer shall resume presiding as soon as action on the matter is concluded.

- VII. RULES OF ORDER AND PROCEDURE.** The proceedings of the city council shall be conducted in accordance with the Minnesota Mayors Association Rules of Order for City Councils.

VIII. DECORUM OF COUNCILMEMBERS.

- A. *Aspirational statement:* All councilmembers shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.
- B. *Aspirational statement:* No councilmember shall engage in conduct which delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.
- C. *Aspirational statement:* City council meetings shall be conducted in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.
- D. To effectuate these aspirational goals, city councilmembers shall conduct themselves at council meetings in a manner consistent with the following:
 - 1. No councilmember shall engage in private conversation or pass private messages while in the chamber in a manner so as to interrupt the proceedings of the council.
 - 2. No councilmember shall leave his or her seat or make any noise of disturbance while a vote is being taken and until the result of the vote is announced.
 - 3. No councilmember shall use profane or obscene words or unparliamentary language or use language that threatens harm or violence toward another person during a council meeting.
 - 4. No councilmember shall speak on any subject other than the subject in debate.
 - 5. No councilmember shall speak without being recognized by the chair; nor shall any councilmember interrupt the speech of another councilmember.
 - 6. No councilmember shall disobey the City Council Rules of Order and Procedure adopted in VII or a decision of the presiding officer on questions of order or practice or upon the interpretation of the rules of council.
 - 7. No councilmember shall engage in disorderly conduct that disturbs or disrupts the orderly conduct of any meeting.

IX. VOTING.

- A. The votes of the city council will be taken by voice vote. The presiding officer shall announce the results of all votes of the council.
- B. A clear statement of the matter being voted upon and the names of those voting for and against the matter shall be recorded in the official minutes.
- C. Councilmembers may ask for a roll call of the vote by the clerk/administrator on any motion or resolution.
- D. The clerk/administrator may ask for a verification roll call if the vote of a councilmember is not clear on the voice vote.
- E. A majority vote of the quorum present shall be sufficient for all matters before the council, unless otherwise provided by state law.
- F. Whenever a matter is put forward for a vote, every councilmember shall vote, unless a bona fide conflict of interest, as defined by state law, exists.

X. MEETING SCHEDULE.

- A. Each meeting of the council shall convene at the time and place appointed. All public hearings shall commence at the advertised time.
- B. Council business shall be conducted in the order of the prepared agenda, unless an alteration is approved by a majority of the council. The prepared agenda may also be altered by the presiding officer to accommodate the advertised time of a public hearing.
- C. The last item on the agenda will be commenced no later than _____ p.m.
- D. If all business has not been completed, the meeting may be continued to another date and time following the notice provisions in V-F.

XI. ORDER OF BUSINESS. The order of business for all council meetings shall be:

- A. Call to order.
- B. Call of roll.
- C. Approval of minutes.
- D. Public forum and correspondence.
- E. Consent agenda.
- F. Public hearings (when scheduled).
- G. Acknowledgement of receipt of board/commission minutes (if any).
- H. Board/commission/committee reports (if any).
- I. Staff reports (if any).
- J. New business.
- K. Unfinished business.
- L. Consideration of bills.
- M. Adjournment.

XII. AGENDA. An agenda will be prepared for all regular council meetings by the city clerk/administrator. Agenda items may be placed by city councilmembers and city staff. Members of the public wishing to place items on the agenda shall be directed to the public comment forum provided at the council meeting. When a special meeting is called, the agenda must be included in the request for the meeting and in the publication of the notice of the meeting pursuant to Minn. Stat. § 13D.04, subd. 2.

- A. All requests to place an item on the agenda must be received by the city clerk/administrator by _____ a.m. _____ days prior to the next council meeting.
- B. All requests to place an item on the agenda must be on the form prescribed by the city. The form should be completed with the goal of clearly describing the subject matter to be considered by council and any action requested or required. Supporting information may be attached to the form as necessary.
- C. All requests to place an item on the agenda by city staff must be reviewed by the city administrator/clerk.
- D. The agenda, along with information materials, will be mailed or delivered to all city councilmembers and the city attorney at least _____ days prior to the next council meeting.

XIII. CONSENT AGENDA. A consent agenda may be used to improve the efficiency of meetings. The consent agenda allows council to consider several items at one time. Only one motion is necessary to approve all items on the consent agenda.

- A. Items that require findings of fact or an explanation of council actions, such as land use matters and the consideration of license requests, should generally not be placed on the consent agenda.
- B. An item on the consent agenda may be removed from consideration by the request of any one councilmember. Items removed from the consent agenda will be placed on the regular agenda for discussion and consideration.

XIV. MINUTES. Minutes constitute a vital record of the city and are the best means of preserving city council intent, findings of fact, and action. Pursuant to Minn. Stat. § 412.151, the city clerk must keep a minute book.

- A. The minutes shall contain at minimum:
 - 1. The city councilmembers who are present.
 - 2. Type of meeting (regular, special, continued, emergency).
 - 3. Date and place the meeting was held.
 - 4. Time the meeting was called to order.
 - 5. Approval of minutes of the previous meeting, with any corrections.
 - 6. The members who make or second motions.
 - 7. Roll call vote on motions.
 - 8. Subject matter of proposed resolutions or ordinances.
 - 9. Whether the resolutions or ordinances are defeated or adopted.
 - 10. The votes of each member, including the mayor.
 - 11. A statement of findings of facts and an explanation of council action, including specific reasons for approval and disapproval, on all land use and licensing matters.
 - 12. Listing of all bills allowed or approved for payment, noting the recipient, purpose, and amount.
 - 13. Approval of hourly rates paid for services provided, mileage rates, meal-reimbursement amounts, and per diem amounts.
 - 14. List of all transfers of funds.

15. Authorizations and directions to invest excess funds, and information on investment redemptions and maturities.
 16. Approval of minutes of the previous meeting, with any corrections.
 17. Identity of parties to whom contracts were awarded.
 18. Abstentions from voting due to a conflict, and the member's name and reason for abstention.
 19. Appointments of representatives to committees or outside organizations.
 20. Name and brief summary of subject matter of citizens appearing before council during public comment period.
- B. The minutes of each meeting shall be typed and signed by the clerk/administrator. Copies of the minutes shall be included in the agenda for the next council meeting.
- C. At the next regular meeting, approval of the previous meeting's minutes shall be considered by council.
1. The meeting minutes do not need to be read aloud.
 2. The presiding officer shall call for any additions or corrections.
 3. If there is no objection to an addition or correction, it will be made without a vote of the council.
 4. If there is an objection, the council shall vote upon the addition or correction by roll call vote.
 5. Council shall take formal action by vote to approve the minutes as distributed or as amended.
- D. Minutes shall be published as required by Minn. Stat. §§ 412.191, 331A.08, subd. 3, 331A.01, subd 10.

XV. PUBLIC COMMENT AT COUNCIL MEETINGS AND AT PUBLIC HEARINGS

- A. **Public participation and comment at council meetings.** City council meetings are the forum for the city council to conduct the city's business. While city council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression. As such, members of the public are not allowed to participate in council discussion and debate without a specific invitation and/or formal recognition by the presiding officer. Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or action that may disrupt the proceedings of council.
- B. **Members of the public shall follow the direction of the presiding officer.** Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues, the presiding officer may ask the member of the public to leave the meeting room.

If the member of the public refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the person through any lawful means. In emergency situations, or where conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the person.

C. **Public comment period.** A limited forum for members of the public to speak with the council is provided on the agenda. Public comments during the public comment period are subject to these limitations:

1. Speakers must be recognized by the presiding officer before speaking and are limited to three minutes for comment.
2. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.
3. The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the meeting to hear all public comments, the comment period may be deferred to the next regular council meeting or at a continued meeting.
4. Speakers must sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet will be available at the start of the city council meeting.
5. Speakers must direct their remarks toward the presiding officer.
6. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public.
7. Speakers are required to follow the direction of the presiding officer.
8. Speakers who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. After warning, if the conduct continues the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means. In emergency situations, or when conduct is an egregious threat to the safety of the public or the council, a warning is not necessary before the sergeant-at-arms is directed to remove the speaker.
9. Council will generally not respond at the same meeting where an issue is initially raised by a member of the public. Generally the matter will be

referred to staff for further research and possible report or action at a future council meeting.

D. A summary of these rules for public comment may be provided in the council meeting room.

XVI. PUBLIC HEARINGS. Public hearings are sometimes required by law to allow the public to offer input on city council decisions. When public hearings are required by law, notice shall be provided as required by state statute. Public hearings shall be commenced at the time advertised in any notice required by law.

A. *General procedure for public hearings.* The order of business for all public hearings conducted by council shall be:

1. Opening comments by presiding officer announcing the purpose of the public hearing.
2. Presiding officer opens the public hearing portion of the meeting.
3. Staff presentation (including clerk/administrator, attorney, engineering reports if any).
4. Developer/other presentation (if any).
5. Public comments.
6. Reading of written comments.
7. Presiding officer formally closes the public hearing portion of the meeting.

B. Speakers who wish to address the city council at a public hearing must follow the same rules in XV. However, the presiding officer may allow additional time for speakers, as required, to comply with applicable state law.

C. Speakers may also provide written comments to the city council before or at the meeting. Written comments shall be read aloud by the presiding officer or his or her designee as provided in XVI-A-6. Anonymous, unsigned communications will not be read.

D. The presiding officer may continue the hearing, if necessary, following the procedures in V-F.

XVII. PROCEDURE FOR RESOLUTION AND ORDINANCE ADOPTION. All resolutions and ordinances shall be in writing. Unless otherwise provided by law, all ordinances shall be adopted by resolution by a majority vote of councilmembers present at the council meeting. Unless otherwise provided by law, ordinances do not require multiple readings, and may be adopted as presented at the first available meeting.

- XVIII. BOARD, COMMISSION, AND COMMITTEE ASSIGNMENTS.** All assignments of councilmembers to serve on city boards, commissions, and committees shall be by a majority vote of councilmembers present at the meeting, unless otherwise provided by law.
- XIX. MAYORAL AND CITY PROCLAMATIONS.** Except as otherwise provided by law, all mayoral and city proclamations recognizing events, persons, and official observances shall be adopted by a majority of councilmembers present at the meeting where such proclamation is presented for adoption.
- XX. SEATING ASSIGNMENTS.** Councilmembers shall occupy the chairs assigned to them by the presiding officer, but two councilmembers may exchange seats by joining in a formal request to the presiding officer.
- XXI. SUSPENSION OR AMENDMENT OF THESE RULES.** Any or all of these rules may be temporarily suspended by a majority vote of the councilmembers present at the meeting, except as otherwise required by Minnesota law. These rules shall not be repealed or amended except by a majority vote of the whole council after notice has been given at a preceding council meeting.

Agenda Request Form

Sample for use with Minnesota Mayors Association *City Council Bylaws*

Agenda Request Form

DATE SUBMITTED:

SUBMITTED BY:

DEPARTMENT:

ISSUE:

ATTACHMENTS:

JUSTIFICATION:

FINANCIAL IMPACT:

ACTION REQUESTED:

REVIEWED BY: ___ City Clerk/Admin. ___ City Attorney ___ Bldg. Insp.
 ___ Finance Director ___ Public Works ___ County
 ___ City Engineer ___ Architect ___ DNR

CITY CLERK/ADMINISTRATOR'S RECOMMENDATION:

LANGUAGE FOR PROPOSED FORMAL MOTION TO BE CONSIDERED BY COUNCIL:

Summary Rules for Public Comment

Sample for Use with Minnesota Mayors Association *City Council Bylaws*

**City Council
Members**

Mayor:

Council:

City Staff:

Clerk/Administrator:

City Attorney:

Public Works Director:

Police Chief:

Fire Chief:

Zoning Administrator:

**Meeting Dates &
Times:**

WELCOME to this meeting of your City Council. Please take a moment to read our guidelines for public participation in council meetings.

Agenda: An agenda packet is available for public inspection at the entrance to the meeting room. Ordinarily the council will address items as they appear on the agenda.

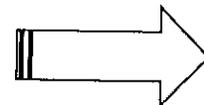
Council procedure: The council has adopted rules of procedure for all meetings. The rules are available for public inspection at the entrance to the meeting room. In order to take official action on items, the council will pass a motion by voice vote. Generally a simple majority vote of the members present is needed to pass most motions.

Public participation in meetings: Comments from the public are restricted to the public forum period.

City Council meetings are the forum for the City Council to conduct the city's business. While City Council meetings are open to the public pursuant to the Minnesota Open Meeting Law, they are not a forum for public expression.

Members of the public are not allowed to participate in council discussion and debate without a specific invitation by the presiding officer.

Members of the public shall not applaud, engage in conversation, or engage in other behavior through words or actions that may disrupt the proceedings of council.



During the public forum period, citizens must:

- Sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address. The sign-up sheet is available at the meeting entrance.
- Be recognized by the presiding officer before speaking. Comments are limited to three minutes.
- Direct their remarks to the presiding officer.
- Follow the direction of the presiding officer.

During forum period, the public is prohibited from:

- ⊘ The use of obscene, profane, or threatening language.
- ⊘ Threatening, loud, or boisterous conduct that disrupts the meeting or the security of the public.

Members of the public who do not follow the direction of the presiding officer will be warned that further disruptive conduct will result in removal from the meeting. If the conduct continues, the presiding officer may ask the speaker to leave. If the speaker refuses to follow the direction of the presiding officer, the presiding officer may direct the sergeant-at-arms to remove the speaker through any lawful means.

The presiding officer may:

- Request the public to appoint a spokesperson when multiple speakers appear to speak on the same topic.
- Place a time limit on or defer the public comment period.
- Alter rules to meet legal requirements for public hearings required by law.

Council agenda/order of business:

1. Call to order.
2. Call of roll.
3. Approval of minutes.
4. Public forum & correspondence.
5. Consent agenda.
6. Public hearings (when scheduled)
7. Board, commission, & committee minutes
8. Board, commission, & committee reports
9. Staff reports
10. New business
11. Unfinished business
12. Consideration of bills
13. Adjournment

Contact information for City Hall: _____

Hours of operation: _____

Appendix B

Minnesota Mayors Association

Rules of Order for City Councils

Preamble.

- a. **Purpose.** The purpose of these rules is to foster debate and discussion in an orderly manner, not to suppress honest discussion with excessive formality. Without rules, confusion and disorderly proceedings would hamper all city action, no matter how well intended. Rules allow city business to be conducted as efficiently as possible, protect minority groups by giving every person a chance to be heard, prevent discussion of multiple topics at once, and allow decisions to be made by majority rule.
- b. **Rights of councilmembers.** All councilmembers are equal and have the same rights to make motions; object to motions in a timely manner; participate in debate; have their votes counted; and speak, when recognized, free of interruption.
- c. **Obligations of councilmembers.** The rights of individual councilmembers cannot be realized unless all councilmembers also recognize their obligations as members of the political body. Councilmembers are obligated to receive the recognition of the chair before speaking, except as otherwise provided by these rules. No one has the right to speak at whim. Councilmembers are obligated to speak directly on the subject being considered and observe time limits for comment. Finally, councilmembers are obligated to address all remarks to the presiding officer, avoid personal attacks, and refrain from using any insulting or demeaning language or indecent or threatening behavior.

Rule 1. Motions.

All formal actions of council must be by motion. A councilmember may make only one motion at a time.

Rule 2. Language for making a motion.

The appropriate language for making a motion shall be substantially similar to “*I move to*

Rule 3. Procedure for consideration of a motion.

A motion does not need to be seconded. Once a motion has been made, the presiding officer shall restate the motion and (if applicable) open the motion up for debate, provided that the mayor determines that the motion is in order and no objections to the motion have been made pursuant to Rule 4. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings. Debate shall follow the procedures in Rule 5. Once debate has concluded, the presiding officer shall restate the motion and call for a vote on the issue. A motion shall be considered passed if it receives a majority vote of those present at the meeting, unless otherwise required by law.

Rule 4. Objections to a motion.

- a. Any member of the council may make an objection to a motion if he or she believes the motion is not in order. A motion is in order if it is made at a proper time in the proper format and does not violate any applicable rules of law, ordinance, or city policy, including city policies on decorum and civility, and is not made for the purpose of unduly delaying the proceedings.
- b. An objection to a motion must be made immediately following the motion and at no other time. The objector does not need to be recognized by the presiding officer in order to voice their objection. The appropriate language for making an objection shall be substantially similar to “I object to the motion as being out of order, and call for a ruling by the presiding officer.”
- c. A motion may be objected to as not being made at a proper time if the motion was made by a person not called upon by the presiding officer to speak, or if it does not follow the agreed upon agenda for the meeting.
- d. The presiding officer shall determine whether the motion is in order.
- e. In determining whether the motion is in order, the presiding officer shall let the objector to the motion speak once explaining his or her position. Next, the presiding officer shall let the maker of the motion speak once to answer the concerns of the objector. Then the presiding officer shall make a formal ruling as to whether the motion was in order.
- f. If the motion is ruled out of order, the motion shall not be considered. If the motion is ruled in order, the presiding officer shall open the motion for debate (if applicable).
- g. The presiding officer’s ruling may be appealed as provided in Rule 7.

Rule 5. Debate.

Generally only one motion may be considered at a time in debate. Once a motion has been made, the presiding officer shall restate the motion and open the motion for debate, if the motion is debatable. The presiding officer shall conduct the debate in accordance with the following:

- a. For initial comments, all comments shall be limited to five minutes. For subsequent comments, all comments shall be limited to two minutes.
- b. The maker of the motion shall be permitted to speak first on the issue.
- c. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
- d. Everyone who wishes to speak on the issue must be permitted to speak once, before councilmembers who have already spoken are permitted to speak again.
- e. Councilmembers shall avoid repeating points already made in the debate or other duplicative conduct that may delay the proceedings. Where a point has already been made, councilmembers may affirm agreement or disagreement.

- f. Generally only one motion may be considered at a time in debate. Debate may only be interrupted by a motion to amend the original motion, a motion to take a brief recess, a motion to withdraw the motion by the motion's maker, a motion to divide a complex question, a motion to defer consideration to a later date, a motion to refer an issue to committee, motion for the previous question, a motion to limit debate, or a motion for a call to order. When debate is interrupted by any of these motions, the interrupting motion shall be resolved prior to resuming debate.

Rule 6. Definitions of motions that may interrupt debate (secondary motions).

As explained in Rule 5, only certain motions may interrupt debate on a motion. These are called secondary motions. When a secondary motion is made, the presiding officer must follow the same procedures in Rule 3 to consider the secondary motion. A secondary motion must be resolved, either by being ruled out of order by the presiding officer or debated and voted upon by the council, before debate on the main motion can resume. Secondary motions may also be made outside of debate, where appropriate. For example, a motion to take a brief recess can be made before, during, or after a debate.

- a. **Motion to amend the original motion.** The maker of the motion does not need to consent to a motion to amend. However, he or she may vote against the amendment or withdraw their motion via a motion to withdraw prior to any amendment being approved. Only two amendments may be made to an original motion to avoid confusion. The amendments should be voted on in reverse order, with the last amendment being voted upon first. To avoid confusion, complex language should be put in writing. A motion may not be amended so substantially as to essentially reject the original motion, though different language may be proposed so as to entirely substitute for the original language.

The appropriate language for making a motion to amend shall be substantially similar to "I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."

- b. **Motion to take a brief recess** is not a motion to adjourn or continue the meeting to another time or place. Instead, it is a motion to take a brief respite no greater than 20 minutes. If a motion to take a brief recess is granted, the presiding officer may set a time for the meeting to resume. In addition, the presiding officer is authorized to call for a brief recess on his or her own initiative, without a vote, to maintain order in the meeting.

The appropriate language for making a motion to recess shall be substantially similar to "I move to take a brief recess for _____ minutes."

- c. **Motion to withdraw a motion** is not subject to debate, and it can only be made by the motion's maker before a motion is amended.

The appropriate language for making a motion to withdraw shall be substantially similar to "I move to withdraw my motion."

- d. **Motion to divide a complex question** may be used for complex items of business. It allows the council to break larger questions into smaller parts, which are considered separately.

The appropriate language for making a motion to divide a complex question shall be substantially similar to "I move to divide the question into _____ parts. Part 1 shall be _____ . Part 2 shall be _____ ."

- e. **Motion to table or defer consideration to a later date** is not subject to debate. It may be used to defer or delay consideration of a matter.

The appropriate language for making a motion to defer consideration shall be substantially similar to "I move to defer consideration of the main motion/this item until _____ ."

- f. **Motion to refer an issue to committee** is not subject to debate. It may be used to refer an issue to a city committee, such as the park board or planning commission, for their report. The motion should contain an expected receipt day for the report.

The appropriate language for making a motion to refer an issue shall be substantially similar to "I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks."

- g. **Motion for call of the previous question** is not subject to debate. It may be used only after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

The appropriate language for making a motion to call the previous question shall be substantially similar to "I move to call the previous question" or "I move for an immediate vote on this issue."

- h. **Motion to limit debate** is not subject to debate. It may be used to establish time limits for debate.

The appropriate language for making a motion to limit debate shall be substantially similar to "I move to limit debate on this issue to _____ minutes per person" or "I move to limit council debate on this issue to no more than _____ minutes total."

- i. **Motion for a call to order** is not subject to debate. It may be used to signal to the presiding officer that the councilmember feels the proceedings have gotten disorderly.

The appropriate language for making a motion for a call to order shall be substantially similar to "I move for a call to order by the presiding officer."

NOTE: Most secondary motions should not literally interrupt debate. They may not be made in the midst of the comments of a speaker duly recognized by the presiding officer, or silence the speaker's speech. To make a secondary motion, the maker must be called upon and recognized by the presiding officer. There

are two exceptions to this rule—a motion for a call of the previous question and a motion for a call to order. These motions may be made at any time—even in a manner that interrupts a speaker. However, these motions should be made only in the rare instance where a meeting has become out of control, strayed from the agenda, or become disorderly.

Rule 7. *Appealing procedural decisions of the presiding officer.*

- a. Any member of the council may appeal to the full council a ruling on order or procedure made by the presiding officer.
- b. **Procedure for appeals.** An appeal is made by motion. No second is needed for the motion. The member making the motion may speak once solely on the question involved, and the presiding officer may speak once solely to explain his or her ruling, but no other councilmember may participate in the discussion.
- c. Once both the maker of the motion and the presiding officer have spoken, the matter must be voted upon by the council as a whole.
- d. The appeal shall be sustained if it is approved by a majority of the members present, exclusive of the presiding officer.

Rule 8. *Other special motions explained.*

- a. **Motion to adjourn** is not subject to debate. It may be used to suggest a conclusion to the meeting. The presiding officer may adjourn a meeting on his or her own initiative, without a vote, if necessary to maintain order.

The appropriate language for making a motion to adjourn shall be substantially similar to "I move to adjourn the meeting."

- b. **Motion to go into closed session** may be used to close the meeting pursuant to the Minnesota Open Meeting Law. When the motion is made, the basis for closing the meeting and the applicable law must be stated into the record. The presiding officer may also close the meeting on his or her own initiative, without a council vote, if closing the meeting is mandatory under the law or if directed by the city attorney.

The appropriate language for making a motion to go into closed session shall be substantially similar to "I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law."

- c. **Motion to leave a closed session** may be used to conclude a closed session and return to an open meeting.

The appropriate language for making a motion to leave a closed session shall be substantially similar to "I move to open the meeting."

- d. **Motion to revive consideration of an issue** may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

The appropriate language for making a motion to revive shall be substantially similar to "I move to revive consideration of _____ previously tabled/deferred/referred to committee."

- e. **Motion to reconsider** may be made only at the *same* meeting where the issue was originally considered and voted upon. It may be made only by a person on the prevailing side of an issue. In the event of a tie vote, those voting against the issue shall be considered the prevailing side.

The appropriate language for making a motion to reconsider shall be substantially similar to "I move to reconsider _____."

- f. **Motion to rescind or repeal** may be made at any meeting following the meeting where the issue was originally considered and voted upon. It may be made by any councilmember, whether or not he or she was on the prevailing side. It may not be made when prevented by law or where substantial reliance on the council's previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).

The appropriate language for making a motion to reconsider shall be substantially similar to "I move to rescind/repeal the council's previous action related to _____ as stated in resolution number _____."

- g. **Motion to prevent reintroduction of an issue for ____ months** is not subject to debate. It may be used to limit discussion of an issue that has been raised and/or moved for reconsideration several previous times.

The appropriate language for making a motion to prevent reintroduction shall be substantially similar to "I move to prevent reintroduction of this issue for _____ months."

- h. **Motion to suspend the rules or to consider a motion informally** should be used sparingly on issues likely to be uncontroversial. Complex motions and resolutions should still be put in writing. This motion may permit informal discussion of an issue (such as a roundtable discussion, brainstorming session, visioning session, etc.) where appropriate.

The appropriate language for making a motion to proceed informally shall be substantially similar to "I move that we suspend the rules and proceed informally in discussing the issue of _____."

Rule 9. Resolutions and ordinances.

Simple motions shall be used only for procedural and meeting matters. Substantive issues, such as the approval or disapproval of contracts, licenses, or permits; the censure of councilmembers; the hiring, termination, or promotion of employees; the appointment of board, commission, and committee members; and the adoption of city policies, rules, and ordinances shall be by resolution. An exception to this general rule may be made in instances where significant documentation of the council's decision exists, rendering an additional resolution repetitive (for example, where a written contract spells out all the terms that

would be listed in the resolution). All resolutions shall be written and numbered in a manner consistent with the city's record keeping policies.

The appropriate language for a motion for the adoption of a resolution shall be substantially similar to "I move to adopt the resolution numbered ____."

Rule 10. Robert's Rules not applicable.

These model rules are designed specifically for Minnesota city councils. Further, these rules were drafted to be an appropriate level of regulation and formality for smaller governing bodies typically seen in Minnesota cities. Robert's Rules of Order is not assumed to apply or to supplement these regulations. Where a situation arises that is not addressed by these rules, the intent of these rules, as expressed in the preamble, should be effectuated by the presiding officer, in consultation with the city attorney.

Summary of Motions

For use with Minnesota Mayors Association *Rules of Order for City Councils*

 Means a motion is not subject to debate.

 Means that motion may be made during active debate on a main motion.

 Means a motion can be made without recognition from the presiding officer or that it can interrupt other speakers.

1. General motion for all council action:

"I move to _____"

2. Motion to amend the original motion. The maker of the motion does not need to consent to a motion to amend. Only two amendments may be made to an original motion to avoid confusion.

 "I move to amend the motion by inserting between . . . and . . ." or "I move to amend the motion by adding after . . ." or "I move to amend the motion by striking out . . ." or "I move to amend the motion by striking out . . . and inserting . . ." or "I move to amend by striking out the motion . . . and substituting the following."

3. Motion to take a brief recess. A motion to take a brief respite no greater than 20 minutes.

 "I move to take a brief recess for _____ minutes."

4. Motion to withdraw a motion. This can only be made by the motion's maker before a motion is amended.

  "I move to withdraw my motion."

5. Motion to divide a complex question. This allows questions to be considered in smaller parts.

 "I move to divide the question into _____ parts. Part 1 shall be _____, Part 2 shall be _____."

6. Motion to table or defer consideration to a later date. This may be used to defer consideration.

  "I move to defer consideration of the main motion/this item until _____."

7. Motion to refer an issue to committee. This may be used to refer an issue to a city committee.

  "I move to refer the main motion/this issue to the _____ committee for its consideration and recommendation. The committee should report back to the council in _____ days/weeks."

8. Motion for call of the previous question. This may only be used after at least 20 minutes of debate on a single motion or when all members of the council have been permitted to speak at least once on the motion. If approved by the majority, a vote must be taken on the motion under debate immediately.

   "I move to call the previous question" or "I move for an immediate vote on this issue."

9. **Motion to limit debate.** This may be used to establish time limits for debate.



"I move to limit debate on this issue to ___ minutes per person" or "I move to limit council debate on this issue to no more than ___ minutes total."

10. **Motion for a call to order.** This is used to signal to the presiding officer that the meeting is disorderly.



"I move for a call to order by the presiding officer."

11. **Motion to adjourn.** This may be used to suggest a conclusion to the meeting.



"I move to adjourn the meeting."

12. **Motion to go into closed session.** This may be used to close the meeting pursuant to the Minnesota Open Meeting Law. The basis for closing the meeting and the applicable law must be stated into the record.

"I move to close the meeting in order to consider _____ pursuant to _____ of the Minnesota Open Meeting Law."

13. **Motion to leave a closed session.** This may be used to conclude a closed session and return to an open meeting.

"I move to open the meeting."

14. **Motion to revive consideration of an issue.** This may be used to request consideration of an issue previously tabled, deferred, or referred to committee at any prior meeting.

"I move to revive consideration of _____ previously tabled/deferred/referred to committee."

15. **Motion to reconsider.** This may be made only at the *same* meeting where the issue was originally considered and voted upon.

"I move to reconsider _____."

16. **Motion to rescind or repeal.** This may be made at any meeting following the meeting where the issue was originally considered and voted upon.

"I move to rescind/repeal the council's previous action related to _____ as stated in resolution number _____."

17. **Motion to prevent reintroduction of an issue for ___ months.** This may be used to limit discussion.



"I move to prevent reintroduction of this issue for ___ months."

18. **Motion to suspend the rules or to consider a motion informally.** This permits informal discussion.

"I move that we suspend the rules and proceed informally in discussing the issue of _____."

Principles for Making Meetings Work

- Council Handout -

For use with Minnesota Mayors Association *Rules of Order for City Councils*

Simple Principles for Making Meetings Work

1. Let the presiding officer manage the meeting.
2. Wait to be recognized by the presiding officer before speaking.
3. Be courteous and civil. Limit debate to the discussion of ideas. Do not make personal attacks.
4. Maintain decorum in the chambers. Do not have side conversations or disrupt the meeting through words or conduct.

Problem Solving Hints

Council Handout

For use with Minnesota Mayors Association *Rules of Order for City Councils*

Problem one: Meetings are taking too long.

Potential solutions:

- a. The presiding officer should follow the agenda and limit discussion and debate to the current agenda item. Councilmembers who speak on topics not related to the current agenda can be called to order by the presiding officer.
- b. The presiding officer should not open discussion and debate on an agenda item until after an actual motion for action has been made. This clarifies the discussion and makes the process more efficient. A line can be added to the council agenda for each item with staff's proposed motion language.
- c. The presiding officer should utilize the time limits established in Rule 5a. When individual councilmembers notice that the time limits are not being observed, they can make a motion to have the presiding officer call for order.
- d. When debate appears to be lengthy but unproductive, councilmembers can make a motion to limit the time for debate. Sometimes setting a deadline for making a decision can be helpful.
- e. When debate has continued for at least 20 minutes or everyone on council has had an opportunity to speak, a councilmember may make a motion to "call the question." If approved, the main motion must be voted upon instantly.

Problem two: The minute taker and/or councilmembers are confused about what has been approved or disapproved.

Potential solutions:

- a. All council action should be stated in a motion and voted upon. Even when the council has agreed by motion to discuss things informally, all decisions should be ratified in a formal motion that is put to a vote.
- b. Complex motions and their amendments can be put in writing. Resolutions should always be numbered, in writing, and adopted by a simple motion, "I move to adopt resolution number ____."
- c. The presiding officer should state the motion being considered prior to opening debate and prior to voting. Once a vote has occurred, the presiding officer should state whether the motion carried or failed.
- d. Only one motion for council action may be considered at a time.

- e. Amendments to motions are limited to two amendments. These amendments should also be stated by the presiding officer prior to opening debate and voting.
- f. In making amendments, the proponent of an amendment should use concise language—preferably the model language identified in the rules, including:

"I move to amend the motion by inserting between and"; or

"I move to amend the motion by adding after"; or

"I move to amend the motion by striking out"; or

"I move to amend the motion by striking out and inserting"; or

"I move to amend by striking out the motion and substituting the following."

Problem three. One particular member of council disrupts the proceedings, and insults and verbally attacks other councilmembers.

Potential solutions:

- a. No person, including a councilmember, has the right to disrupt the council's proceedings through fighting, threatening physical harm, or engaging in offensive, noisy, obscene or abusive conduct. This is a crime pursuant to Minn. Stat. § 609.72. Aggressive, threatening conduct cannot be tolerated. The presiding officer should follow the council's adopted bylaws to issue warnings when such conduct occurs and then order removal of the person by the sergeant-at-arms.
- b. The presiding officer can remind the councilmember that the rules require all remarks to be addressed to the presiding officer alone. If the conduct persists, the presiding officer can rule the person out of order and follow the council's procedures for discipline through censure and/or temporary removal from the meeting.
- c. The presiding officer can remind the councilmember that the rules require time limits on comments. If the conduct persists, the presiding officer can rule the person out of order and follow the council's procedures for discipline through censure and/or temporary removal from the meeting.
- d. Members of the council may request action by the presiding officer to curb another member's conduct through a motion for a call to order. The motion may request a specific response to conduct by the presiding officer. For example, "I make a motion for the presiding officer to call Councilmember _____ to order and to desist from making personal attacks."
- e. Members of the council may make a motion for adjournment or for a brief recess, if a councilmember's actions are so offensive as to disrupt the orderly process of the meeting.

Problem four: Council keeps revisiting the same issue over and over again. It's a waste of time, but one member can't help but bring up their "pet" project at every meeting—even though the council has voted the idea down several times.

Potential solutions:

- a. The presiding officer can rule out of order motions to reconsider or rescind council actions if they are not made at the appropriate time by the appropriate person, or where reliance on the council's previous decision has occurred (for example, in the area of contracts or hiring/termination of employees).
- b. A councilmember may make a motion to limit debate.
- c. A councilmember may make a motion to table or defer the matter.
- d. A councilmember may make a motion to refer the matter to a committee.
- e. A councilmember may make a motion to delay consideration of the matter for a specified amount of time. Six months is recommended.

Problem five: The councilmembers can't agree on anything, or are so deeply divided over one particular controversial issue that it has affected civil discussion on all matters.

Potential solutions:

- a. The presiding officer should insist that all members of council observe council bylaws and procedural rules that speak to decorum. In particular, the presiding officer can remind councilmembers that the rules require all remarks to be addressed to the presiding officer alone. Rules should be enforced in a neutral manner applicable to everyone.
- b. The city council may wish to consider that application of rules of procedure alone may not solve the problem. Where divisions among council are particularly fractious, a skilled facilitator may need to be brought in to help council place their divisions in an appropriate perspective against the broader needs of the city.

Sample Statement of Values

Preamble

The proper operation of democratic government requires that decision-makers be independent, impartial, and accountable to the people they serve. The City of _____ has adopted this Statement of Values to promote and maintain the highest standards of personal and professional conduct in the city's government. All (*select*: elected and appointed officials, city employees, and volunteers) are required to subscribe to this statement, understand how it applies to their specific responsibilities, and practice its (*number*) core values in their work. Because we seek public confidence in the city's services and public trust of its decision-makers, our decisions and our work must meet the most demanding ethical standards and demonstrate the highest levels of achievement in following this statement.

The values

As a representative of the City of _____,

1. I serve the public interest.
2. I fulfill the duties and responsibilities of holding public office.
3. I am ethical.
4. I am professional.
5. I am fiscally responsible.
6. I am conscientious.
7. I communicate effectively.
8. I am collaborative.
9. I am forward thinking.
10. I am _____.

Value examples/expressions

1. **I serve the public interest. In practice, this value means that:**
 - a. I provide courteous, equitable, and prompt service to everyone.
 - b. I am attuned to and care about the needs and issues of citizens, public officials, and city workers.
 - c. I am interested, engaged, and responsive in my interactions with constituents.
 - d. I recognize and support the public's right to know the public's business.
2. **I fulfill the duties and responsibilities of holding public office. In practice, this value means that:**
 - a. I observe the highest standards of integrity in my official acts and undertake my responsibilities for the benefit of the greater public good.
 - b. I faithfully discharge the duties of my office regardless of my personal considerations, recognizing that the public interest is my primary concern.
 - c. I uphold the Constitution of the United States and the Constitution of the state of Minnesota and carry out impartially the laws of the nation, state, and municipality and thus foster respect for all government.

- d. I comply with both the letter and the spirit of the laws and policies affecting operations of the city.
 - e. I recognize my obligation to implement the adopted goals and objectives of the city in good faith, regardless of my personal views.
 - f. I conduct myself in both my official and personal actions in a manner that is above reproach.
 - g. I do not use my position to secure for myself or others special privileges or exemptions that are different from those available to the general public.
 - h. I understand and abide by the respective roles and responsibilities of elected and appointed officials and city staff and will not undermine them in their work.
 - i. I am independent, impartial, and fair in my judgment and actions.
3. **I am ethical. In practice, this value means that:**
- a. I am trustworthy, acting with the utmost integrity and moral courage.
 - b. I am truthful, do what I say I will do, and am reliable.
 - c. I am accountable for my actions and behavior and accept responsibility for my decisions.
 - d. I make impartial decisions, free of influence from unlawful gifts, narrow political interests, and financial and other personal interests that impair my independence of judgment or action.
 - e. I am fair, distributing benefits and burdens according to consistent and equitable criteria.
 - f. I oppose all forms of harassment and unlawful discrimination.
 - g. I extend equal opportunities and due process to all parties in matters under consideration.
 - h. I show respect for confidences and confidential information.
 - i. I avoid giving the appearance of impropriety and of using my position for personal gain.
4. **I am professional. In practice, this value means that:**
- a. I apply my knowledge and expertise to my assigned activities and to the interpersonal relationships that are part of my job in a consistent, confident, competent, and productive manner.
 - b. I approach my job and work-related relationships with a positive attitude, contributing to a supportive, respectful, and non-threatening work environment.
 - c. I keep my professional knowledge and skills current and growing.
 - d. I am respectful of all city staff, officials, volunteers, and others who participate in the city's government.
5. **I am fiscally responsible. In practice, this value means that:**
- a. I make decisions after prudent consideration of their financial impact, taking into account the long-term financial needs of the city, especially its financial stability.
 - b. I demonstrate concern for the proper use of city assets (e.g., personnel, time, property, equipment, funds), follow established procedures, and do not use public resources for personal gain.
 - c. I make decisions that seek to preserve the financial capacity of the city to provide programs and services for city residents.
 - d. I provide full disclosure of any potential financial or other private conflict of interest. I abstain from participating in the discussion and vote on these matters.
 - e. I prevent misuse of public funds by establishing, maintaining, and following strong fiscal and management controls.
 - f. I report any misuse of public funds of which I am aware.
6. **I am conscientious. In practice, this value means that:**
- a. I act in an efficient manner, making decisions and recommendations based upon research and facts, taking into consideration short- and long-term goals.
 - b. I follow through in a responsible way, keeping others informed, and responding in a timely fashion.

- c. I am respectful of established city processes and guidelines.
 - d. I prioritize my duties so that the work of the city may move forward.
 - e. I prepare for all meetings by reviewing any materials provided ahead of time. When I have materials to contribute, I make sure all others involved have ample time to review these materials prior to the meeting.
7. **I communicate effectively. In practice, this value means that:**
- a. I convey the city's care for and commitment to its citizens.
 - b. I communicate in various ways that I am approachable, open-minded, and willing to participate in dialogue.
 - c. I engage in effective two-way communication by listening carefully, asking questions, and responding appropriately, which adds value to conversations.
 - d. I do not interfere with the orderly conduct of meetings by interrupting others or making personal comments not germane to the business at hand.
 - e. I follow up on inquiries in a timely manner.
 - f. I encourage and facilitate citizen involvement in policy decision-making.
 - g. I am respectful in disagreements and contribute constructively to discussions on the issue.
8. **I am collaborative. In practice, this value means that:**
- a. I act in a cooperative manner with groups and other individuals, working together in a spirit of tolerance and understanding to accomplish common goals.
 - b. I share information with others in a timely manner so that, together, we can make informed decisions.
 - c. I work toward consensus building and gain value from diverse opinions.
 - d. I accomplish the goals and responsibilities of my individual position, while respecting my role as a member of a team.
9. **I am forward thinking. In practice, this value means that:**
- a. I promote intelligent, proactive, and thoughtful innovation in order to advance the city's policy agenda and provide city services while considering the broader regional, statewide, national, and international implications of the city's decisions and issues.
 - b. I maintain consistent standards, but am also sensitive to the need for compromise, creative problem solving, and making improvements when appropriate.
 - c. I am open to new ideas and processes, adopting them as they conserve resources and provide efficient and effective service.
 - d. I consider the potential long-term consequences and implications of my actions and inactions.

Appendix D

Sample Code of Conduct

____.01. Purpose.

The City Council of the City of _____ determines that a code of conduct for its members, as well as the members of the various boards and commissions of the City of _____, is essential for the public affairs of the city. By eliminating conflicts of interest and providing standards for conduct in city matters, the City Council hopes to promote the faith and confidence of the citizens of _____ in their government and to encourage its citizens to serve on its council and commissions.

____.02. Standards of conduct.

Subd. 1. No member of the City Council or a city board or commission may knowingly:

- a. Violate the Open Meeting Law.
- b. Participate in a matter that affects the person's financial interests or those of a business with which the person is associated, unless the effect on the person or business is no greater than on other members of the same business classification, profession, or occupation.
- c. Use the person's public position to secure special privileges or exemptions for the person or for others.
- d. Use the person's public position to solicit personal gifts or favors.
- e. Use the person's public position for personal gain.
- f. Except as specifically permitted pursuant to Minn. Stat. 471.895, accept or receive any gift of substance, whether in the form of money, services, loan, travel, entertainment, hospitality, promise, or any other form, under circumstances in which it could be reasonably expected to influence the person, the person's performance of official action, or be intended as a reward for the person's official action.
- g. Disclose to the public, or use for the person's or another person's personal gain, information that was gained by reason of the person's public position if the information was not public data or was discussed at a closed session of the City Council.
- h. Disclose information that was received, discussed, or decided in conference with the city's legal counsel that is protected by the attorney-client privilege unless a majority of the City Council has authorized the disclosure.
- i. *Represent private interests before the City Council or any city committee, board, commission, or agency. (optional)*

Subd. 2. Except as prohibited by the provisions of Minn. Stat. § 471.87, there is no violation of subdivision 1 b. of this section for a matter that comes before the council, board, or commission if the member of the council, board, or commission publicly discloses the circumstances that would violate these standards and refrains from participating in the discussion and vote on the matter. Nothing herein shall be construed to prohibit a contract with a member of the City Council under the circumstances described under Minn. Stat. § 471.88, if proper statutory procedures are followed.

____.03. Complaint, hearing.

Any person may file a written complaint with the city clerk alleging a violation of the standards of conduct in section _____.02. The complaint must contain supporting facts for the allegation. The City Council may hold a hearing after receiving the written complaint or upon the council's own volition. A hearing must be held only if the City Council determines (1) upon advice of the city attorney, designee, or other attorney appointed by the council, that the factual allegations state a sufficient claim of a violation of these standards or rise to the level of a legally recognized conflict of interest, and (2) that the complaint has been lodged in good faith and not for impermissible purposes such as delay. The City Council's determination must be made within 30 days of the filing of the allegation with the city clerk. If the council determines that there is an adequate justification for holding a hearing, the hearing must be held within 30 days of the City Council's determination. At the hearing, the person accused must have the opportunity to be heard. If after the hearing, the council finds that a violation of a standard has occurred or does exist, the council may censure the person, refer the matter for criminal prosecution, request an official not to participate in a decision, or remove an appointed member of an advisory board or commission from office.

Birchwood Village

Policy Manual

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**City of Birchwood Village
EMERGENCY PROCEDURES
(Place in Front of Council Handbook)**

- I. Coordinator-Clerk determines if it is necessary to contact the Mayor.
 - A. Coordinator-Clerk continues to have \$500.00 monetary discretion without consulting the Council.

- II. When Mayor is informed of situation, a determination must be made:
 - A. Situation needs instant action?
 - B. Special meeting must be called of Council quorum?

- III. When Mayor is not available:
 - A. Acting Mayor should be contacted to make same determination of Mayor

- IV. When Mayor or Acting Mayor are not available:
 - A. Councilmembers, in order of seniority, should be contacted to make determinations set forth in II

- V. No action should be taken if amount to be spent appears to be over \$1000.00 without quorum of Council.

- VI. Telephone conferences should be avoided.

CITY OF BIRCHWOOD

EMERGENCY OPERATIONS PLAN

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

FORWARD

The basic purpose of this plan is to provide a guide for emergency operations. The plan is intended to assist key city officials and emergency organizations to carry out their responsibilities for the protection of life and property under a wide range of emergency conditions.

Although an organization may have the foresight to plan for anticipated situations, such planning is of little worth if the planning is not reduced to written form. Personnel familiar with unwritten plans may be unavailable at the very time it becomes necessary to implement them. A written plan will furnish a documentary record which can be referred to as needed. This documentary record will serve to refresh the knowledge of key individuals and can be used to inform persons who become replacements.

TRANSFER OF OFFICE

THIS DOCUMENT SHALL REMAIN THE PROPERTY OF:

Upon termination of office by reason of resignation, election, suspension, or dismissal, the holder of this document will transfer it to his/her successor or to the City of Birchwood emergency management director.

Copy No. <u>1</u>	Assigned to: <u>Mary Wingfield</u>	Telephone: <u>653-9742</u>
2	Jane Harper	426-0136
3	Barb Carson	426-7951
4	David Jann	699-7578
5	Jay Brunner	429-2010
6	City Office	426-3403
7	Fire Chief, WBL	429-8568
8	Police Chief, WBL	429-8551
9	City Manager, WBL	429-8516
10	County Emergency Manager	430-6682
11	Brian Lauzon	429-5612
12	Steve Dean	429-9254
13	Kristie Elfering, Engineer	763-780-0450

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

THIS PAGE DOCUMENTS APPROVAL FOR THE BASIC PLAN AND ANNEXES

Prepared by: Judy Duffy Date: July 12, 1994

(Title) Nanette Mellgren, Clerk

Approved by: City Council Date: July 12, 1994

(Title) City Council

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2, 3, 5, 6	2-10, 2009				

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

I. DIRECTION AND CONTROL

The direction and control of government operations from a central, protected facility with adequate communications and key personnel is essential to the conduct of emergency operations.

In the City of Birchwood, the mayor is responsible for providing overall direction and control of city government resources involved in the response to a disaster. The city emergency management director will serve in a staff capacity to the mayor, and will coordinate emergency operations. The city emergency management director will also serve as a liaison with the Washington County emergency management director.

Direction and control of the city's response to a major disaster will take place from the Birchwood Emergency Operating Center (EOC), which is located at Birchwood City Hall, 207 Birchwood Avenue, Birchwood or WBL Fire Station #2. If damage is more widespread than Birchwood, or if City Hall is damaged, operations will be moved to Fire Station #2 in the City of WBL, located at County Road E and McKnight Road.

II. EMERGENCY RESPONSIBILITY ASSIGNMENTS

- A. A summary of the city's emergency responsibility assignments, by function, is shown on Chart A. Departments and agencies listed are expected to develop whatever standard operating procedures (SOPs) they may need in order to carry out these responsibilities.
- B. Responsibilities have been assigned by a code letter: "P," "S," or "C."
1. "P" indicates primary operational responsibility, which means the official or agency is in charge of, and responsible to make provision for, that function. As a rule, only city government officials can be assigned primary responsibility for carrying out a function.
 2. "S" indicates support responsibility, which means the agency so assigned will, if possible, support and assist the official or agency designated primarily responsible.
 3. "C" indicates coordination responsibility, and is assigned when several agencies have support capability but no specific official or agency has obvious primary responsibility. This will be especially true when non-government agencies are involved.

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

EMERGENCY RESPONSIBILITY ASSIGNMENTS

Code: P = Primary, S- Support, C=Coordination

FUNCTION	RESPONSIBLE AGENCIES	CONTACT
1. Notification and Warning (Outdoor warning sirens)	Washington County Sheriff Dispatch Center (P) Ramsey County Sheriff (P) WBL Police (S) WBL Fire (S)	439-9381 484-3366 429-8511 429-8511
2. Direction and Control (Decision making - Policy setting)	Mayor Wingfield (P) Emer. Management Director (S) Co. Emer Management Director (S) Jane Harper Barb Carson David Jann Jay Brunner	653-9742 653-9742 430-6701 426-0136 426-7951 699-7578 429-2010
3. Emergency Public Information (Media Relations)	Mayor Wingfield (P) Emer Management Director (S) Washington County Emer Manager	653-9742 653-9742 430-6701
4. Search and Rescue	WBL Fire Department (P) Washington Co. Sheriff(S) Capitol City Mutual Aid	429-8511 439-9381
5. Health/Medical (Includes EMS)	WBL Fire Chief (P) Capitol City Mutual Aid	429-8568
6. Evacuation, Traffic Control, and Security (Law Enforcement)	WBL Police (P) Washington County Sheriff (S) Minnesota State Patrol (S)	429-8511 439-9381 452-3246

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

EMERGENCY RESPONSIBILITY ASSIGNMENTS
Code: P = Primary, S- Support, C=Coordination

FUNCTION	RESPONSIBLE AGENCIES	CONTACT
7. Fire Protection	WBL Fire Department (P) Capitol City Mutual (S)	429-8511
8. Damage Assessment (Public Works - City Engineer)	Birchwood Emer. Management Director (P) City Engineer Kristie Elfering (S) (by addendum) County Emer. Management Director (S) County Engineer (S) County Assessor (S)	653-9742 763-780-0450 430-6701 430-4300 430-6182
9. Congregate Care (American Red Cross)	WBL School District Recreation Dept. (P) American Red Cross (S)	773-6077 291-6787
10. Debris Clearance (Public Works Department)	Birchwood Emer. Management Director (P) Washington County (S) Brian Lauzon (S) (by addendum) Steve Dean (S) (by addendum)	653-9742 430-4300 429-5612 426-9254
11. Utilities Restoration Gas Electric Telephone Sewer	Birchwood Emer. Management Director (P) XCEL - gas (S) XCEL - electric (S) Qwest - telephone (S) WBL Police/Non Emergency (S)	653-9742 1-800-895-2999 1-800-895-1999 1-800-954-1211 429-8511
12. Radiological/Hazardous Materials Protection (Fire service and county emergency management)	State of MN Hazardous Materials (P) WBL Fire Department (S)	778-0800 649-5451 429-8568

(NOTE: Only one "P" or "C" can be assigned per function, and a minimum of one "S" should be assigned for each function.)

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

II. OPERATIONS POLICIES

- A. Protection of life and property and alleviation of human distress will be the primary goals of city government emergency operations.
- B. In an emergency affecting more than one political jurisdiction, officials of all jurisdictions involved will coordinate their services to the maximum extent possible.
- C. The city emergency management director will assist in providing resource coordination between government agencies and the private sector.
- D. City government resources will be utilized to the maximum before requesting county, state, or federal assistance.
- E. Each agency, department, or service of city government will provide for the maintenance of records during an emergency. These records should include work hours, equipment hours, supplies and materials consumed, injuries to personnel, and damage to public facilities and equipment.
- F. In the event of a major disaster, the mayor may declare a local emergency. Such a declaration will invoke necessary portions of this plan, and will permit the city to take such actions as may be required to protect lives and property.
- G. The City may, to the extent possible assist residents with the cleanup of private property. These decisions will be made on a case by case basis by the City Council.

IV. SUPPORT

A. County Government Support

Information and assistance in securing county government support can be obtained by contacting the county emergency management director.

B. State and Federal Government Support

1. General

Information and assistance in securing state or federal support should be obtained by contacting the county emergency management director. In addition, the nearest Minnesota Division of Emergency Management (DEM), regional program coordinator will provide additional technical information and assistance, if requested. Lastly, a summary of state and federal disaster assistance programs is contained in Disaster Response and Recovery: Request Procedures Relative to State and Federal Disaster Assistance Programs. This document is on file with the county emergency management director.

2. Emergency Assistance

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

In the event of a major emergency/disaster which exceeds the resources and capabilities of both city and county government, and which necessitates immediate state and/or federal assistance, the Minnesota Duty Officer may be contacted. The Minnesota Duty Officer telephone numbers are 1-800/422-0798 (outside the Minneapolis/St. Paul metro area); 649-5451 (within the Minneapolis/St. Paul metro Area; TDD: 612/297-5353 (Metro), 1-800/627-3529 (Greater Minnesota).

3. National Guard

When a natural disaster or other major emergency is beyond the capability of local government, support from the National Guard may be available. Only the governor, as commander-in-chief of the Minnesota National Guard, has the authority to activate the guard. The purpose of activation is to ensure the preservation of life and property and to support civil law enforcement authorities.

a. Operation Policies

- (1) National Guard Assistance will complement, and not be a substitute for city and/or county participation in emergency operations.
- (2) If made available, National Guard personnel will remain under military command at all times, but will support and assist city and/or county forces in the accomplishment of a specific task or tasks.

b. Request Procedure

In the case of counties, and all cities that are not of the first class, the sheriff is the only local government official authorized to submit the request for National Guard assistance. Such requests are to be submitted to the Minnesota duty officer.

4. Federal Assistance

If the party responsible for a serious hazardous materials accident is unknown, or is not taking appropriate action, and the response is beyond the capability of state and local governments, the federal government may be able to provide assistance. Such assistance can be requested through the Minnesota duty officer.

V. PLAN UPDATING, TRAINING, AND EXERCISES

CITY OF BIRCHWOOD
EMERGENCY OPERATIONS PLAN

- A. For purposes of this plan, the City of Birchwood emergency management director shall serve as the planning coordinator. As such, the director will have overall authority and responsibility for the maintenance of the plan.
- B. This plan will be reviewed and updated as necessary, but at least once annually. The Birchwood emergency management director will be responsible for ensuring that this updating occurs, and that it is in accord with the schedule and procedures established by the Minnesota Division of Emergency Management. In order to carry out this task, the director may request assistance from the county emergency management director.
- C. This plan will be distributed to all city government departments and agencies which have emergency assignments in the event of a major disaster in the City of Birchwood. A plan distribution list will be maintained by the city emergency management director.
- D. The City of Birchwood will comply with Public Law 99-499, (SARA) training and exercise requirements, as published. Information about both scheduled and previously conducted training and exercises is available from the Washington County emergency manager.

Res #	Topic	Date of Adoption	Res #	Topic	Date of Adoption
2011-01	Official Depository	1/11/2011	2012-06	City Precincts & Poll Place	3/13/2012
2011-02	Unpaid Util Bill Correction	1/11/2011	2012-07	Fee Schedule	3/13/2012
2011-03	Donation of Cash	1/11/2011	2012-08	Warning House Legal Spon	3/13/2012
2011-04	see 2011-25		2012-09	Amend 203 Building Code	4/10/2012
2011-05	Time Card Auth - Rink Att's	2/8/2011	2012-10	Amend 205 Contr License	4/10/2012
2011-06	Amending Boat Width 617	4/12/2011	2012-11	Interim Use 301 305 306	4/10/2012
2011-07	Unpaid Util Bill Correction	3/8/2011	2012-13	Donation of Sand	5/8/2012
2011-08	Sewer Backups Water Main	4/12/2011	2012-14	Donation of Labor Mat's	5/8/2012
2011-09	Donation of Pizza and Gift Cert	4/12/2011	2012-15	Fund Balance Codification	5/8/2012
2011-10	Donation of Time and Eqpt	4/12/2011	2012-16	Renumber 611 to 802	5/8/2012
2011-11	Emerald Ash /Chestnut Borer	5/10/2011	2012-17	Renumber 611A to 803	5/8/2012
2011-12	Repair /Mfce of Water Sys	6/14/2011	2012-18	Parks Special Rev Fund 804	5/8/2012
2011-13	Repair /Mfce of Sewer Sys	5/10/2011	2012-19	Renumber 612 to 805	5/8/2012
2011-14	Owl Street	7/12/2011	2012-20	Tort Liability Waive Stat Lim	6/12/2012
2011-15	No Parking Lake Park Aves	7/12/2011	2012-21	Election Judges	6/12/2012
2011-16	see 2011-20		2012-22	Donation of Cash	6/12/2012
2011-17	Preliminary Levy	9/13/2011	2012-23	Peterson Resign Council	7/10/2012
2011-18	Data Practices Resp Auth	9/13/2011	2012-24	Sewer Backups Water Main	8/7/2012
2011-19	Preliminary Budget	9/13/2011	2012-25	Preliminary Levy	9/11/2012
2011-20	Denial CUP 501 Wildwood	10/25/2011	2012-26	Preliminary Budget	9/11/2012
2011-21	Unpaid UB Certification	11/8/2011	2012-27	Docks Neighbor Meeting	9/11/2012
2011-22	Final Levy	12/13/2011	2012-28	Washco All-Hazard Mitigtn	11/13/2012
2011-23	Final Budget	12/13/2011	2012-29	Time Card Auth - Rink Att's	11/13/2012
2011-24	Abate Prev Paid SA	12/13/2011	2012-30	Unpaid UB Certification	11/13/2012
2011-25	Amending Fee Ordinance	12/13/2011	2012-31	Parks Special Rev Fund	12/11/2012
			2012-32	Street Sign Replacement	12/11/2012
Res #	Topic	Date of Adoption	2012-33	Final Levy	12/11/2012
2012-01	Street Sign Mgmt Meth	1/10/2012	2012-34	Final Budget	12/11/2012
2012-02	Donation of Cash	2/14/2012	2012-35	Complaints	12/11/2012
2012-03	Fund Balance Policy Amend	2/14/2012	2012-36	Penalties and Enforcement	12/11/2012
2012-04	Pay Equity	2/14/2012	2012-37	Sampair Resign Council	12/11/2012
2012-05	Amend 701 Fees	2/14/2012	2012-38	Sewer Fund Bond \$\$ Trans	12/11/2012

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City of Birchwood Village

Rules of Procedure

The City Council of the City of Birchwood Village hereby adopts the following Rules of Procedure to guide the actions and conduct of the City Council, staff, and the public in the performance of city business.

ARTICLE 1 GENERAL REQUIREMENTS

1.01. AUTHORITY. The City of Birchwood is authorized to adopt rules of procedure and provide for order at city council meetings pursuant to Minn. Stat. § 412.191.

1.02. PURPOSE. The purpose of these Rules of Procedure is to establish procedures for the conduct of the city council and to provide for orderly and respectful communications between and among council members, city staff, and citizens to promote the efficient working of the public's business at city council meetings.

1.03. STATE LAW. All meetings of the city council shall be conducted in accordance with requirements of state law. The requirements of these Rules of Procedure shall be interpreted and applied consistent with other applicable requirements of state law. In the event state law shall impose requirements that are in addition to the requirements of these procedures or inconsistent with these procedures, the state law shall prevail.

ARTICLE 2 COUNCIL MEETINGS

2.01. COUNCIL MEETINGS. Article 2 establishes requirements for scheduling and noticing city council meetings.

2.02. LOCATION. All meetings, including regular, special, recessed, and continued meetings, shall be held at the city hall, unless otherwise designated pursuant to Minn. Stat. § 13D.04.

2.03. REGULAR MEETINGS. A schedule of regular meetings shall be kept on file with the city clerk.

2.04. SPECIAL MEETINGS. A special meeting is a meeting that is held at a time or location different from that of a regular meeting. A special meeting may be called by the mayor or any two city council members by filing a request for the meeting with the city clerk at least three days before the meeting. The mayor or council members calling for a special meeting shall designate the purpose of the meeting. No special meeting shall be scheduled without first confirming that a quorum will be able to attend.

2.05. EMERGENCY MEETINGS. An emergency meeting is a special meeting called because of circumstances that, in the judgment of the city council, require immediate consideration by the council. An emergency meeting may be called by the mayor or any two city council members. No emergency meeting shall be scheduled without first confirming that a quorum will be able to attend.

2.06. CLOSED MEETINGS; OPEN MEETING LAW. The Minnesota Open Meeting Law, Minnesota Statutes chapter 13D, allows some meetings to be closed to the public for defined purposes. No meeting of the city council shall be closed to the public except in conformance with the requirements of the Open Meeting Law. When a meeting is to be closed, the presiding officer shall state in public on the record before closing the meeting, the reason for closing the meeting and the state statute that permits closure. The presiding officer shall give a summary of the discussion at the closed meeting at the first open meeting following the closed meeting.

2.07. RECESSED OR CONTINUED MEETINGS. When a meeting is recessed or continued, the presiding officer shall state, pursuant to Minn. Stat. § 13D.04, subd. 4, the time and place for the next meeting to occur. The time and place shall be noted in the Minutes.

2.08. ORGANIZATIONAL MEETING. The council shall conduct its organizational meeting concurrent with the first regular council meeting in January of each year to:

- (a) Appoint an acting mayor pursuant to Minn. Stat. § 412.121.
- (b) Select an official newspaper pursuant to Minn. Stat. § 412.831.
- (c) Select an official depository for city funds.
- (d) Establish the schedule for regular city council meetings.
- (e) At the organizational meeting held the January after a general election, acknowledge the pay for the Mayor and Council members.

2.09. WORKSHOPS. The mayor or two council members may call for a workshop. A workshop is a meeting of the council with other governmental bodies or organizations or persons for the purpose of advising the council about matters of interest to the city and the council. A quorum need not be present to hold a workshop. The council shall not take any formal action at a workshop unless proper notice is given in advance that such action may be taken and a quorum is present.

2.10. NOTICE OF MEETINGS.

- (a) *Notice Generally.* The council shall give such notice of all meetings of any kind as shall be required by state law.

(b) *Posted Notice.* The city shall post a notice and an agenda of each meeting on the bulletin board outside city hall at least three days in advance of the meeting, except for emergency meetings.

(c) *Emergency Meetings.* Posted or published notice of an emergency meeting is not required. However, the city will make a good faith effort to notify each news outlet that has filed a written request for notice. Notice must be given by telephone or any other method to notify members of the public body. The notice must include the subject of the meeting.]

(d) *Recessed or Continued Meetings.* If the time and place of a recessed or continued meeting are stated at the meeting that is recessed or continued, no additional notice of the meeting is required. However, if the time and place are not stated, the notice procedures for special meeting shall be required. Additional notice may be given if time and circumstances permit.

(e) *Workshops.* The council shall give at least three days notice of a workshop by posting notice on the bulletin board outside city hall and by whatever other means the council determines are appropriate.

(f) *Days.* In calculating the number of days for providing notice, the first day that the notice is given is not counted, but the day of the meeting is counted. If the meeting day is a Saturday, Sunday, or legal holiday, that day is omitted from the calculation.

(g) *Webpage.* The city shall to the extent reasonable post notice of all meetings and workshops on the city webpage.

(h) *E-mail.* The city shall provide notice via e-mail of all meetings and workshops to individuals who have requested such notice and provided an e-mail address to the city.

ARTICLE 3 AGENDAS

3.01. AGENDA. The city clerk shall prepare an agenda for all city council meetings and workshops in accordance with the requirements of Article 3.

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

3.03. PUBLIC ITEMS. Any person may request that an item be placed on a council agenda. All requests to place an item on an agenda shall describe the subject matter to be

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

3.04. CONSENT AGENDA. The clerk may include a consent agenda for items that can be approved by the council without discussion and with only one motion and vote. Any item on the consent agenda may be removed from consideration by the request of any one council member. Any item removed from the consent agenda shall be placed on the regular agenda for discussion and consideration at a time determined by the presiding officer.

3.05. MINUTES. The agenda shall include an item for consideration of the Minutes from the previous meeting or meetings if such Minutes are available.

3.06. PUBLIC FORUM. Each regular meeting shall include a time for the public to address the council on any matter. This item shall be placed early in the agenda to accommodate the public. The public forum item may be used to announce upcoming community events.

3.07. ACTION ITEMS. Other than for routine matters like approval of Minutes and adoption of the agenda, the clerk shall include with each item on the agenda a description of the action the council will consider taking.

3.08. DOCKET NUMBERS. The clerk may assign a docket number to each major item on a meeting agenda. The docket number, once assigned, shall continue with the matter for future reference and action.

3.09. AVAILABILITY OF AGENDA. The agenda for any meeting, except an emergency meeting, shall be prepared at least five days in advance of the meeting. The agenda shall be posted on the city bulletin board at city hall and posted on the city webpage.

3.10. DELIVERY TO COUNCIL. For all regular meetings the agenda for each meeting, along with any supporting materials for the various items on the agenda, shall be delivered to each council member at least five days in advance of the meeting. For emergency meetings and special meetings, the clerk shall deliver the required materials as far in advance of the meeting as time permits. Delivery may be by mail or e-mail or by actual delivery to the council member. The council may allow additional written materials to be submitted after this date or at the meeting but the council can also determine to postpone consideration of the matter to allow additional time to consider late-filed information.

ARTICLE 4 CONDUCT OF MEETINGS

4.01. CONDUCT OF MEETINGS. All meetings of the council shall be conducted in accordance with the requirements and procedures set forth in Article 4.

4.02. QUORUM. No meeting of the city council shall occur without the presence of a quorum. A simple majority of the council – three members – shall constitute a quorum for the valid transaction of any scheduled business to come before the council.

4.03. MEETING CANCELLATION. The clerk shall cancel any scheduled meeting of the city council when it is determined that a quorum will not be present for the meeting. In such event, the clerk shall post notice of the cancellation on the bulletin board outside city hall and provide notice to all council members by e-mail or telephone and to all individuals who have requested to be notified by e-mail of all council meetings. Any subsequent meeting scheduled after cancellation of a meeting shall occur only after compliance with applicable notice requirements.

4.04. PRESIDING OFFICER. The mayor shall preside at all meetings of the city council, unless the mayor is absent, in which case the deputy mayor shall preside. In the absence of both the mayor and the deputy mayor, the city clerk shall call the meeting to order and the remaining three council members shall decide who shall preside. The presiding officer shall have the following duties and authority:

(a) *Preserve Order.* The presiding officer shall preserve order and decorum, enforce the requirements of chapter 104, and determine all questions of procedure and order, subject to the final decision of the council on appeal as provided in paragraph (e).

(b) *Council Discussion.* The presiding officer shall determine which member has the right to speak and may move matters to a vote once the officer has determined that all members have had an opportunity to speak.

(c) *Motions and Voting.* The presiding officer may determine whether a motion or proposed amendment is in order and may call members to order. The presiding officer may make motions, second motions, speak on any question, and vote on any matter properly before the council.

(d) *Adjourn Meetings.* If considered necessary to preserve order, the presiding officer may adjourn or continue a meeting to another time or suspend a meeting for a specified time.

(e) *Appeal of Ruling.* In the event a council member disagrees with the ruling of the presiding officer on a procedural matter, the council member may make a motion to appeal the decision to the full council. The member making the motion may speak once on the motion and the presiding officer may explain the ruling, and other council members may speak once on the motion. Once both the maker of the motion and the presiding officer have been heard, the matter shall be voted on by the council.

4.05. ADOPTION OF AGENDA. The council shall follow the agenda that has been prepared for the meeting, but the council may add, delete, and/or re-order the agenda at the start of the meeting prior to adopting the agenda. When the council determines that a matter not on the agenda should be considered at the meeting in order to avoid delay, the matter may be added to the agenda. The presiding officer may switch the order of items on the agenda in order to accommodate schedules or other requests.

4.06. DECORUM OF COUNCIL MEMBERS. The following rules of decorum shall apply to all council meetings.

(a) All council members shall assist the presiding officer in preserving order and decorum and in providing for the efficient operation of the meeting.

(b) No councilmember shall engage in conduct that delays or interrupts the proceedings or which hinders honest, respectful discussion and debate.

(c) All council members shall conduct themselves in a courteous manner that recognizes the validity of differing points of view and promotes the ideal of democratic discussion and debate free of insult, slander, and personal attacks and threats.

4.07. PUBLIC PARTICIPATION. Members of the public are generally not allowed to participate in council discussion and deliberation. Members of the public shall not engage in conversation or other behavior that may disrupt proceedings of the council. Members of the public shall refrain from applauding unless invited to do so by the presiding officer. The presiding officer may recognize a member of the public and allow the person to speak to an agenda item under terms established by the presiding officer. A member of the public who is permitted to speak may be asked questions by the council members. Speakers shall comply with the requirements of section 4.08(b).

4.08. PUBLIC FORUM. A limited forum for members of the public to speak with the council will be provided on the agenda for regular meetings. Public comments during the public forum are subject to these limitations:

(a) Speakers may be requested to sign up prior to speaking and provide a name, address, and brief summary of the subject matter they wish to address.

(b) Speakers must be recognized by the presiding officer before speaking and may be limited to three minutes for comment. Speakers must direct their remarks toward the presiding officer. Speakers shall not use obscene, profane or threatening language, nor conduct themselves in a threatening, loud, or boisterous manner that disrupts the conduct of the meeting or the security of the public. When multiple speakers appear to speak on the same topic, comments should not be repetitive. The presiding officer may request speakers to appoint a spokesperson.

(c) The presiding officer may place a time limit on the public comment period if necessary to allow for the conduct of city business. If there is not sufficient time at the

meeting to hear all public comments, the comment period may be deferred to another meeting.

(d) Council will generally not respond at the same meeting to an issue initially raised by a member of the public. The council may request that additional information be gathered and identify persons who will be asked to undertake that task.

ARTICLE 5 COUNCIL ACTION

5.01. COUNCIL ACTION. The city council shall take action on items in accordance with the provisions of Article 5.

5.02. PROPER MEETING. The council shall not take any official action as a council except at a properly called and noticed meeting of the council.

5.03. DELIBERATION. Each council member shall be permitted to participate in council deliberation of an item on the agenda. Deliberation may occur before and after a motion has been made. No council member shall speak until recognized by the presiding officer.

5.04. MOTIONS. A motion is a request by a council member for formal action by the city council. Motions shall be made and considered in accordance with the following provisions:

(a) *Making Motions.* Any city council member including the presiding officer shall be entitled to make and second motions. All motions must be seconded before being discussed. Only one motion at a time shall be considered and debated by the city council.

(b) *Objections.* Any member of the council may object to a motion if the member believes the motion is not in order. A motion is in order if:

- (i) it is germane to the item under consideration, and
- (ii) made at a proper time in the proper format, and
- (iii) does not violate any rule of law, and
- (iv) is not made for the purpose of delaying the proceedings.

An objection must be made immediately following the motion before debate begins and at no other time. Before ruling, the presiding officer shall allow the objector and then the mover to explain their positions on why the motion is or is not in order. The presiding officer shall determine whether the motion is in order, subject to appeal of the ruling. If the presiding officer rules that the motion is out of order, the motion shall not be considered.

(c) *Debate on a Motion.* Only one motion may be considered at a time in debate. A council member must be recognized by the presiding officer before speaking to the motion. The presiding officer may limit the amount of time any one council member may speak to the motion.

(d) *Amendment of Motion.* Any council member may move to amend a motion at any time before a vote is taken. The amendment requires a second. If the amendment is acceptable to the mover and seconder of the original motion, the amendment shall be considered a friendly amendment and no vote of the council is required to replace the original motion with the amended motion.

(e) *Motion to Withdraw a Motion.* A motion to withdraw a motion can be made by the maker of the motion before it is seconded and the motion will be withdrawn. After a second is received, the seconder must agree to the withdrawal.

(f) *Motion to Limit Debate.* Any council member may move to limit debate on a motion under consideration. The motion must be seconded. The mover shall identify the length of time debate should occur. The motion itself is not subject to debate.

(g) *Motion to Table.* Any council member may move to table a motion at any time. The motion must be seconded. The motion is not subject to debate. The motion need not identify a length of time to table the motion but a date or time may be specified. A motion that has been tabled may be taken off the table by action of the council but the matter must be properly on the agenda in order to be taken off the table and acted upon.

(h) *Motion to Call the Question.* Any council member may move to call the question. The motion must be seconded. The motion is not subject to debate. If the motion passes, debate shall cease and the council shall vote on the motion before it.

5.05. RESOLUTIONS. The council shall determine those matters that are of such significance that action on the matter shall be taken by resolution rather than by motion. Such action may include approval of contracts, licenses, and permits, the adoption or amendment of city policies, rules, and ordinances, receipt of grants, donations, and other funds, and adoption of budgets. All resolutions shall be written and numbered in a manner consistent with the city's record keeping practices. All resolutions shall be acted upon in accordance with the provisions of these procedures. In the case of land use resolutions, the resolution should contain the findings of fact leading to the proposed decision of the Council.

5.06. VOTING. All votes of the city council shall be conducted in accordance with the following:

(a) No action shall be taken by the city council except upon a majority vote of the council, unless state law requires more than a majority on a particular matter. If only three members of the council are present and constitute the quorum, a matter may pass on a vote of two to one, unless state law provides otherwise or unless the matter is the

adoption or amendment of an ordinance, which shall require three votes regardless of the size of the quorum. If a matter shall end in a two to two tie vote, no action shall be taken but the matter may be placed on the agenda for a future agenda, unless state law provides otherwise. In the event a matter incurring a tie vote is placed on a future meeting agenda, any member may change his or her vote from one meeting to the next.

(b) Any council member or the clerk may ask the presiding officer to restate the motion that is being voted upon prior to the actual vote.

(c) The votes of the city council shall be taken by voice vote. Any member may call for a roll call vote on any motion or resolution. On a roll call vote, the clerk shall call on council members in random order so the same council member is not called upon first with every roll call vote.

(d) At the conclusion of every vote the presiding officer shall announce the results of the vote.

(e) Any member who abstains from voting because of a conflict of interest or other reason shall state on the record the reason for abstaining.

(f) A clear statement of the action voted upon and the votes of each member shall be stated in the Minutes of the meeting.

5.07. RECONSIDERATION. Any matter acted upon by the council may be reconsidered at a subsequent meeting or at any time until the deadline for an appeal has expired or as otherwise provided by state law. Only a council member who voted in the majority on the original action can make a motion for reconsideration. The matter must be on the agenda for the meeting and can be acted upon according to the provisions of these rules.

ARTICLE 6 RECORDKEEPING

6.01. MINUTES. The clerk shall prepare and maintain Minutes of each council meeting. Minutes of workshops shall not be required. The Minutes of each meeting shall be posted on the city webpage after approval by the council.

6.02. CONTENT OF MINUTES. The Minutes shall contain at a minimum the following:

- (a) The city council members who are present at the meeting.
- (b) The type of meeting (regular, special, continued, emergency).
- (c) Date and place the meeting was held.
- (d) Time the meeting was called to order.

(e) Approval of Minutes approved at the meeting.

(f) A description of all action of the council, including the name of the member making any motion and the member seconding the motion and the vote of each council member on the motion.

(g) Ordinances, contracts, and other documents approved by the council shall not be included in the Minutes but shall be maintained on file in the city hall by the clerk. Resolutions shall be included in the Minutes, although the documents that are the subject of the resolution shall not be included.

(h) The Minutes shall not constitute a transcript of the proceedings and shall not contain lengthy descriptions of council discussion of agenda items.

6.03. CODE BOOK. The Clerk shall maintain a Code Book containing the city ordinances that are in effect.

6.04. RECORDING OF MEETINGS. The clerk shall maintain a video or audio recording of each city council meeting for which such a recording is available.

6.05. WEBPAGE. The city clerk shall post on the city webpage such information as the clerk deems appropriate or as is required by chapter 104 or the city council. The city clerk shall maintain an up-to-date code book on the city webpage.

6.06. DATA RETENTION. The council hereby adopts the Minnesota City General Records Retention Schedule (revised 2008) on file with the Minnesota Historical Society, State Archives Department. The city shall not destroy or discard any information required to be maintained by law except in conformance with this Schedule.

ARTICLE 7 ORDINANCES

7.01. PROPOSED ORDINANCE. Any council member may bring to the attention of the council a proposed ordinance or a proposed amendment to an existing ordinance if the matter is properly on the agenda. The proposed ordinance or amendment shall be presented to the council in writing.

7.02. PROCEDURE FOR ADOPTION. No new ordinance or amendment to an existing ordinance shall be adopted except in accordance with the following procedures:

(a) *Proposal.* The council shall first pass a motion to propose the adoption of a new ordinance or ordinance amendment. The language of the ordinance or ordinance amendment shall be in writing at the time of the action. No ordinance or amendment may be passed by the council at the meeting at which it is introduced.

(b) *Notice.* The council shall give notice of the proposed adoption of the ordinance or amendment in the same manner as notice of a regular meeting is given. The

notice shall include a summary of the ordinance language and indicate where a complete copy of the proposed ordinance may be reviewed. The notice shall inform the public that they will be permitted to submit oral comments at the public hearing and advise the public of how and when it may submit written comments on the proposed ordinance.

(c) *Public Hearing.* The council shall hold a public hearing as part of a council meeting on the proposed ordinance or amendment. The hearing shall be held in accordance with the requirements of Article 8.

(d) *Adoption.* The city council may take action on the ordinance or amendment any time after completion of the public hearing.

(e) *Majority Decision.* No ordinance or ordinance amendment shall be adopted by the council except upon the vote of a majority of the council members, regardless of how many constitute a quorum at the meeting at which the matter is decided.

7.03. Publication. After adoption of a new ordinance or ordinance amendment, the city shall publish notice of the adoption and the ordinance itself in the official newspaper of the city. The city may elect to publish a summary of the ordinance if the ordinance is lengthy provided four council members vote to do so and approve the summary.

7.04. EFFECTIVE DATE. Unless the city council provides differently in the adoption of the ordinance or amendment, the new language shall be effective after publication in the official newspaper. The clerk shall record the new ordinance in the code book within twenty days after publication.

7.05. CODE BOOK. Upon completion of the procedures to adopt an ordinance or an amendment, the clerk shall record the new ordinance in the code book.

ARTICLE 8 PUBLIC HEARINGS

8.01. HEARING REQUIRED. A public hearing shall be held whenever required by city ordinance, state law, or order of the city council.

8.02. PUBLIC NOTICE. Whenever a public hearing will be held, the city shall give notice of the hearing in the same manner as for the council meeting at which the hearing will be held. The city shall give such other notice as may be required by city ordinance or state law. The matter that is the subject of the hearing shall be included on the agenda for the meeting.

8.03. CONDUCT OF HEARINGS. Each public hearing shall be conducted in accordance with the following:

(a) The presiding officer shall open the hearing and announce the purpose of the public hearing.

(b) The presiding officer may call upon staff or other council members to make any opening statements if appropriate.

(c) The presiding officer shall recognize members of the public who would like to address the council and enter comments into the record. Persons making oral statements may be asked questions by members of the council. The presiding officer may ask commenters to limit the amount of time they speak or to select a spokesperson to represent a group of people if time becomes an issue.

(d) The presiding officer shall accept written comments into the record.

(e) The presiding officer shall identify any written comments that were received from persons not wishing to speak at the hearing and enter those into the record. The presiding officer may elect to have the written comments read into the record if appropriate. The presiding officer may refuse to accept unsigned, anonymous written comments.

(f) After every person who wishes to speak has had an opportunity to do so, the presiding officer shall close the public meeting.

(g) The presiding officer shall announce whether a period of time for the public to submit written comments will be established. If a comment period is established, the council shall not take final action on the matter that is the subject of the hearing until after close of the comment period.

8.04. CONTINUATION OF HEARING. The presiding officer may elect to continue a public hearing if necessary to accommodate all members of the public who wish to speak.

8.05. COUNCIL ACTION. Any time after completion of the public hearing, including the day of the hearing, or any time after the close of a public comment period if one is established, the council may take action on the matter.

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, it shall give the committee a name, establish its purpose, determine the number of members and their terms, and determine whether any compensation will be provided to members who serve on the committee. The council shall also determine 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.

9.02. POLICIES. The council may adopt policies regulating matters within the jurisdiction of the council. All policies shall be in writing. The council may adopt a new policy or amend an existing policy at any time, provided the matter is properly on a council meeting agenda. The clerk shall maintain a handbook containing all policies adopted by the council and place all policies adopted by the council on the city webpage.

**** ADOPTED March 8, 2011****

**CITY OF BIRCHWOOD VILLAGE
PARKS AND NATURAL RESOURCES COMMITTEE
BYLAWS**

I. NAME OF THE COMMITTEE

The name of the committee shall be the Parks and Natural Resources Committee.

II. PURPOSE OF THE COMMITTEE

The purpose of the Parks and Natural Resources Committee shall be to maintain and enhance all the public areas within the City of Birchwood, including Tighe-Schmitz Park; Bloomquist Field; Wildwood Park; Nordling Park; Kurt Feistner Preserve; Ash, Grotto, and Birch walkways; Ash, Elm, Kay, Dellwood, and Birch Beaches; and other public spaces within the City.

III. COMMITTEE MEMBERSHIP

- A. Members.** The committee shall consist of up to 7 members appointed by the City Council.
- B. Terms.** The terms of each member shall be for three years. A person may be reappointed to the committee by the Council and serve more than one term. Terms shall run from July to July. Any new member appointed in months other than July shall end his/her term three years after his/her appointed month.
- C. Resignation.** Any member of the committee may resign before his or her term expires by providing written notice of such intent to the City Council. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.
- D. Removal.** The City Council may remove any member from the committee prior to expiration of the member's term upon the request of a majority of the committee members.
- E. Vacancy.** In the event of a vacancy through resignation or removal, the City Council shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full three year term upon expiration of the filled term.
- F. Council Liaison.** The Council shall appoint one Council member to be the liaison to the committee. The Council liaison shall not be a voting member of the committee but may participate in committee functions and may vote on all matters before the Council involving the committee.

- G. List of Members.** The City Clerk shall maintain a list of the members of the committee and the date of each member's term and shall post the same information on the City webpage.

IV. COMMITTEE OFFICERS

- A. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from July to July. The Chair may serve up to three consecutive terms.
- B. Secretary/Treasurer.** The committee shall also elect a Secretary/Treasurer. The term shall run from July to July. The Secretary/Treasurer may serve up to three consecutive terms. The committee may determine to separate the office of Secretary/Treasurer and decide to elect two people to serve these roles, one as Secretary and one as Treasurer. Whether the office is combined or not may be changed from year to year.
- C. Majority Vote.** All officers shall be elected by a simple majority vote.
- D. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.
- E. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

V. COMMITTEE MEETINGS

- A. Meetings.** The committee shall meet to address matters assigned by the City Council. The committee shall report back to the Council with its recommendations in a timely manner.
- B. Open Meeting and Notice.** All meetings of the Parks and Natural Resources Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the City's webpage and by posting a notice on the bulletin board outside city hall, along with a draft agenda.
- C. Quorum Not Necessary.** The committee can meet regardless of how many members are in attendance at the meeting. A quorum is not necessary for the committee to hold a meeting.

D. Minutes. The committee shall keep minutes of all its meetings. The Secretary or other person shall be responsible for keeping the minutes of each meeting. The Chair shall forward the minutes of all meetings to the City Clerk and the Council when they become available. The Clerk shall post the minutes on the city webpage. Upon approval of the minutes, the Chair shall forward the approved minutes to the Clerk and the Council and the approved minutes shall be posted on the city webpage.

VI. COMMITTEE ACTION

A. Majority Required. A majority vote of all the committee members shall be required for the committee to take final action, regardless of how many members are present at the meeting at which the action is proposed.

B. Authority. The committee shall have no authority to make final decisions that permanently affect any of the public spaces within the city, such as cutting trees, buying or selling land, removing structures, installing rain gardens, or making other decisions that clearly require Council authorization. When in doubt, the committee shall bring the matter to the attention of the Council.

VII. COMMITTEE CONTINUATION

The committee shall continue in existence until terminated by action of the Council.

VIII. AMENDMENT OF BYLAWS

These bylaws may be amended at any time by action of the City Council. The committee may recommend changes to the Council.

****ADOPTED July 12, 2011****

****AMENDED November 13, 2012****

****AMENDED August 13, 2013****

****AMENDED February 10, 2015****

PERSONNEL LIAISON(S) GUIDLINES

I. PURPOSE OF THE LIAISON(S)

The purpose of the Personnel Liaison(s) shall be to work with city staff on administrative and personnel matters, including performance reviews, time sheets, employment agreement issues, and other human resource matters and other matters as assigned by the City Council.

II. LIAISON'(S) RESPONSIBILITIES

The Liaison(s) shall undertake the following responsibilities:

- Develop for City Council consideration personnel policies addressing hiring practices, grievance and discipline processes, benefits, work hours, and other personnel matters; review existing policies periodically.
- Provide staff with guidance establishing work priorities and implementing City Council decisions.
- Conduct performance reviews and recommend compensation adjustments to the City Council.
- Recruit and screen candidates and recommend new hires to the City Council whenever a staff vacancy shall occur.
- Draft employment agreements; review as part of performance reviews.
- Perform such other personnel matters as assigned by the City Council.

****APPROVED April 12, 2011****

****AMENDED February 14, 2012****

****AMENDED April 30, 2013****

PERSONNEL COMMITTEE

BYLAWS

I. NAME OF THE COMMITTEE

The name of the committee is Personnel Committee.

II. PURPOSE OF THE COMMITTEE

The purpose of the Personnel Committee shall be to work with city staff on administrative and personnel matters, including performance reviews, time sheets, employment agreement issues, and other human resource matters and other matters as assigned by the City Council.

III. COMMITTEE MEMBERSHIP

A. **Members.** The committee shall consist of two members – the mayor and a City Council member elected by the entire Council.

B. **Terms.** The mayor shall serve a two-year term beginning with the first meeting of the Council in January following an election year. The other Council member shall serve a one year term beginning with the first meeting in January. A Council member may serve more than one term.

C. **Resignation.** The City Council member may resign from the committee by notifying the mayor or the deputy mayor in writing of the intent to resign. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.

D. **Vacancy.** In the event the mayor shall resign or a vacancy in the office of mayor is created, the deputy mayor shall serve in lieu of the mayor. If the deputy mayor is already on the committee, or another member shall resign or vacancy created, the City Council, including the member resigning from the Committee, shall elect another City Council member to fill a vacancy. In the event of a 2-2 vote among four council members, the mayor shall select the Council member to serve, or if the vacancy is created in the mayoral position, the deputy mayor shall select the new member. The new member shall serve the remainder of the term.

IV. COMMITTEE MEETINGS

Since only two members of the Council comprise the Personnel Committee, the committee may meet in closed session without notice of such meetings.

V. COMMITTEE RESPONSIBILITIES

The Committee shall undertake the following responsibilities:

- Develop for City Council consideration personnel policies addressing hiring practices, grievance and discipline processes, benefits, work hours, and other personnel matters; review existing policies periodically.
- Provide staff with guidance establishing work priorities and implementing City Council decisions.
- Conduct performance reviews and recommend compensation adjustments to the City Council.
- Recruit and screen candidates and recommend new hires to the City Council whenever a staff vacancy shall occur.
- Draft employment agreements; review as part of performance reviews.
- Perform such other personnel matters as assigned by the City Council.

VI. COMMITTEE AUTHORITY

The committee shall have no authority to bind the city but shall bring all decisions to the City Council for decision. The committee may recommend certain action to the Council.

VII. COMMITTEE CONTINUATION

The committee shall continue in existence until terminated by action of the Council.

VIII. COMPENSATION

Members of the Personnel Committee shall receive no compensation for their service on the committee.

IX. AMENDMENT OF BYLAWS

These bylaws may be amended at any time by action of the City Council.

****APPROVED April 12, 2011****

****AMENDED February 14, 2012****

ROADS AND STREETS COMMITTEE

BYLAWS

I. NAME OF THE COMMITTEE

The name of the committee shall be the Roads and Streets Committee.

II. PURPOSE OF THE COMMITTEE

The purpose of the Roads and Streets Committee is to advise the City Council on the status of all roads and streets within the city limits of Birchwood, including maintenance, upgrading, and repair of such roads and streets and the funding of all such work.

III. COMMITTEE MEMBERSHIP

A. **Members.** The committee shall consist of up to seven members appointed by the City Council.

****Amended by Council action January 8, 2013****

B. **Terms.** The terms of each member shall be for three years. A person may be reappointed to the committee by the Council and serve more than one term. Terms shall run from July to July. Any new member appointed in months other than July shall end his/her term three years after her/his appointed month.

C. **Resignation.** Any member of the committee may resign before his or her term expires by providing written notice of such intent to the City Council. The resignation shall be effective upon receipt of the written notification, unless the member identifies a later date.

D. **Removal.** The City Council may remove any member from the committee prior to expiration of the member's term upon the request of a majority of the committee members.

E. **Vacancy.** In the event of a vacancy through resignation or removal, the City Council shall appoint a person to serve the remainder of the term of the person who resigned or was removed. The person appointed to fill a vacancy may be appointed to a full three year term upon expiration of the filled term.

F. **Council Liaison.** The member of the City Council who is appointed the liaison to the Roads and Streets Committee shall be the liaison to the committee. The Council liaison shall not be a voting member of the

committee but may participate in committee functions and may vote on all matters before the Council involving the committee.

****Amended by Council action January 8, 2013****

G. List of Members. The City Clerk shall maintain a list of the members of the committee and the date of each member's term and shall post the same information on the City webpage.

IV. COMMITTEE OFFICERS

- A. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from July to July. The Chair may serve up to three consecutive terms.
- B. Secretary/Treasurer.** The committee shall also elect a Secretary/Treasurer. The term shall run from July to July. The Secretary/Treasurer may serve up to three consecutive terms. The committee may determine to separate the office of Secretary/Treasurer and decide to elect two people to serve these roles, one as Secretary and one as Treasurer. Whether the office is combined or not may be changed from year to year.
- C. Majority Vote.** All officers shall be elected by a simple majority vote.
- D. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.
- E. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

V. COMMITTEE MEETINGS

- A. Scheduling.** The Chair of the committee shall call for meetings of the committee as deemed necessary. The committee shall meet at least once every three months. The Chair shall call for a meeting upon the request of three committee members.
- B. Open Meeting and Notice.** All meetings of the Roads and Streets Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the

City's webpage and by posting a notice on the bulletin board outside city hall, along with a draft agenda.

C. Quorum Not Necessary. The committee can meet regardless of how many members are in attendance at the meeting. A quorum is not necessary for the committee to hold a meeting.

D. Minutes. The committee shall keep Minutes of all its meetings. The Secretary or other person shall be responsible for keeping the Minutes of each meeting. Upon approval of the Minutes by the committee, the Chair shall forward the approved Minutes to the Clerk and the Council and the approved Minutes shall be posted on the city webpage.

VI. COMMITTEE ACTION

A. Recommendations to the City Council. The committee shall make recommendations to the City Council on the maintenance, upgrade, repair, and other work on any of the roads and streets within the city limits of Birchwood. The committee shall also make recommendations regarding the funding of any of the work on the roads and streets in Birchwood recommended by the committee. The committee may file both a majority report and a minority report with the Council on any recommendation.

B. Authority. The committee shall have no authority to make final decisions with regard to any work on the roads and streets in Birchwood. All final decisions shall be made by the Council.

C. Expenses and Budget. The committee shall not incur any expenses without the approval of the City Council. The committee may request the City Council to budget funds for the work of the committee. The committee shall submit any budget requests to the Council by October 1 of the year previous to the year for which funding is requested.

D. Report to the Council. Upon the request of the City Council, the Chair or another member shall report to the Council on the activities of the committee.

VII. COMMITTEE CONTINUATION

The committee shall continue in existence until terminated by action of the Council.

VIII. COMPENSATION

Members of the Roads and Streets Committee shall receive no compensation for their service on the committee.

IX. AMENDMENT OF BYLAWS

These bylaws may be amended at any time by action of the City Council. The committee may recommend changes to the Council.

****APPROVED June 12, 2012****
****AMENDED January 8, 2013****

**EXPLANATION OF DRAFT BYLAWS
FOR THE ROADS AND STREETS COMMITTEE**

A number of residents along Hall/Cedar Avenue have asked the City Council to create a committee of residents who could deal with the matter of maintaining the streets and roads within the city limits of Birchwood. This committee could consider what should be done with Hall/Cedar Avenue and how should any repairs or improvements to that street be paid for. At the same time, this committee could also consider the maintenance of other streets and roads in the city.

It is the practice of the City Council to have bylaws for each committee that the Council creates. Bylaws exist for the Personnel Committee and the Parks and Natural Resources Committee. These draft bylaws for the Roads and Streets Committee are based on the bylaws utilized for these other two committees and follow a similar format.

Below is an explanation of the terms of the draft bylaws.

I. NAME OF THE COMMITTEE

The name of the committee is simply the Roads and Streets Committee. The Council is free to call the committee whatever it deems most appropriate. The committee is being created to consider all the roads and streets in Birchwood, not just Hall/Cedar Avenue, so a broad name to recognize that role is preferable.

II. PURPOSE OF THE COMMITTEE

This provision is a broad statement of the purpose of the committee. Its purpose is to consider the status of all roads and streets in Birchwood, not just Hall/Cedar Avenue, and advise the Council and make recommendations to the Council on work that should be undertaken to ensure that Birchwood's roads and streets are properly maintained and in good condition. As addressed in more detail in Paragraph VI, the committee has no authority to actually authorize any maintenance or repair of any road or street in the community, but can only make recommendations to the Council.

III. COMMITTEE MEMBERSHIP

A. Members. The Council can authorize any size committee it likes. Seven members seems like a reasonable number. The committee should be large enough to get a good cross-section of the community represented but not so large as to become unwieldy. The Parks and Natural Resources Committee, for comparison, has nine members. The Planning Commission has five members.

The proposed bylaw language provides that no more than three members of the committee can live along the same street or border the same street or own property on the same street. The purpose of this limitation is to provide a broad

representation of the community, who can consider all the roads and streets in Birchwood, and not create a committee that will focus exclusively on Hall/Cedar Avenue, or any one other particular concern.

B. Terms. The terms are for three years, the same as the Parks Committee. Any particular individual can be reappointed after expiration of a three year term.

C. Resignation. This provision simply recognizes that a member of the committee can choose to resign at any time. The language is the same as the language for the Parks Committee.

D. Removal. Again, this language tracks the Parks Committee language.

E. Vacancy. Parks Committee language.

F. Council Liaison. As with the Parks Committee, it is helpful to have one councilmember assigned as a liaison to the committee. The liaison here is the councilmember who has been appointed as the Public Works Director. That person presently is Mark Peterson. The full Council decides each year in January which councilmembers assume which duties.

G. List of Members. Parks Committee language.

IV. COMMITTEE OFFICERS

The language here tracks the same language as that in the Parks Committee bylaws. The only difference is that the sentence – "Preparation of the budget document for review by the committee is the responsibility of the treasurer" – found in paragraph B for the Parks Committee has not been repeated here because it is uncertain whether the Roads and Streets Committee will have a budget.

V. COMMITTEE MEETINGS

Paragraph V also tracks the language in the Parks Committee bylaws. The meetings of the Roads and Streets Committee must be open to the public and notice of the meetings must be given a few days in advance, with notice of the agenda as well. The only change is that the sentence in paragraph C of the Parks Committee bylaws – "Preparation of the budget document for review by the committee is the responsibility of the treasurer." – has been deleted because the Roads and Streets Committee cannot actually decide to take specific action, it can only make recommendations to the Council. Also, paragraph VI.A. provides that members could decide to file minority reports with the Council.

VI. COMMITTEE ACTION

- A. Recommendations to the City Council.** This provision states that the committee can make recommendations to the City Council regarding maintenance, upgrade, repair, or any other work on any of the city streets and roads. Importantly, the committee can also make recommendations on how maintenance or other work should be paid for, whether by assessment or by property taxes, or a combination or other method. Of course, the City Council could at any time also request the committee to look into a specific matter relating to one of the city's streets or roads.
- B. Authority.** This provision emphasizes that the committee has no authority to make decisions with regard to any work on any roads or streets in the community. It is the City Council that decides whether to undertake certain maintenance or repair and how to pay for the costs of that work.
- C. Expenses and Budget.** Since the committee has no budget, at least at the moment of creation in June 2012, it cannot incur any expenses. The committee can come to the Council and request that the Council fund certain expenses that the committee would like to incur. Such expenses could be for such things as survey work or other engineering evaluations. Also, the language does recognize that the committee could submit a request to the Council for a sum of money from the next year's budget to fund certain anticipated expenses of the committee. The committee would have to submit a specific request to the Council, laying out the amount and the costs and the reasons for the expense. The request should be submitted by October 1 to allow the Council time to factor the request into the development of the next year's budget and tax levy.

This language does not apply to the costs of actual maintenance or repair of any city streets or roads, but only to the expenses of the committee itself in carrying out its tasks. Recommendations regarding funding of street and road repair should be submitted to the Council as soon as possible to allow the Council to plan for the funding of the anticipated work.

- D. Report to the Council.** This language is identical to language in the Parks Committee bylaws. It simply provides that the committee should report to the Council upon request of the Council. The committee is probably in a better position to determine when a report to the Council is appropriate, and in most cases will probably be the entity to initiate a report.

X. COMMITTEE CONTINUATION

This language is the same as that in the Parks Committee bylaws. The purpose is to state that this committee is intended to be a permanent committee, not an ad hoc committee with a limited life.

XI. COMPENSATION

As with the Parks Committee, members of the Roads and Streets Committee will receive no compensation from the city.

XII. AMENDMENT OF BYLAWS

The City Council has complete authority to change these bylaws at any time and in fact, could even decide to abolish the committee. The committee itself could always bring proposed bylaw amendments to the Council at any time as well.

POLICY ON COMPENSATION OF CITY EMPLOYEES

Subject to the provisions of the Pay Equity Act (M.S. 471.991 to 471.999), employees of the City shall be compensated for their work on behalf of the City according to a wage or salary established by the City Council. Compensation for seasonal and temporary employees will be set by the City Council at the time of hire, or on an annual basis.

Unless approved by the Council, an employee shall not receive any amount from the City in addition to the pay authorized for the position to which the person was hired. Expense reimbursements or travel expenses in addition to regular pay may be authorized by the City Council in accordance with city policy on travel expenses.

There shall be two pay periods for each month. The first pay period is from the first day of the month through the fifteenth of the month. The second pay period is from the sixteenth day of the month through the last day of the month. Each pay period will commence at 12:00 a.m. on the first day and end of 11:59 p.m. on the last day. As provided for in Minnesota law, all employees are permitted and encouraged to participate in direct deposit.

Paychecks will not be given to anyone other than the person for whom they were prepared, unless the person to whom a paycheck is made out to authorizes the City to give the check to another person. Checks will be given to the spouse, or another appropriate immediate family member, in the case of a deceased employee.

Employees are responsible for notifying the City Clerk of any change in status including changes in address, phone number, names of beneficiaries, marital status, or banking information, that may affect the method of payment.

Adopted this 10th day of July 2012

DISCIPLINARY POLICY

Policy Intent

The City of Birchwood Village recognizes the benefit of a standard means of dealing with disciplinary issues that arise, but also acknowledges that circumstances may exist which require deviation from the standard approach. As such, the City has adopted the following policy to guide any disciplinary issue that develops, but the City preserves the right to deviate from the guidance set forth herein when circumstances warrant other action including the right to terminate the employment of any at-will employee.

Policy Provisions

Disciplinary action and corrective measures are taken at the discretion of the City Council whenever a disciplinary matter is brought to its attention. Any disciplinary action taken shall be documented and placed in the employee's personnel file.

The possible measures for disciplinary action include verbal coaching, verbal warning, one or more formal written warnings, performance evaluations including substandard performance, demotion, suspension, probation, and dismissal. The selection of the action will be made upon full examination of the facts and circumstances and the seriousness of the behavior alleged. By reference, this policy includes those rules, provisions, policies, and guidelines outlined in the City's policies and procedures and applicable ordinances.

In the event the behavior or violation alleged involves possible criminal activity, the Washington County Sheriff's Department should be notified. Under such circumstances, the Mayor should be immediately notified.

Disciplinary Actions

Level 1 Actions

Level 1 Actions include the following:

- Unauthorized or excessive absence, tardiness.
- Failure to abide by the City policy.
- Failure to notify supervisor promptly of completion of assigned work.
- Failure to meet minimum established standards.
- Failure to meet assigned duties and/or responsibilities.
- Obscene, abusive, harassing, or disruptive language or behavior.
- Failure to perform assigned job responsibilities.
- Failure to follow prescribed work procedures.
- Neglect of City property.
- Excessive personal use of the telephone and/or email.

- Misuse of City property.

The City Council may take any of the following actions if justified in a disciplinary matter regarding a Level 1 Action:

- Instruction or Verbal Coaching
- Verbal warning
- Formal written warning
- Suspension or probation
- Discharge

Level 2 Actions

Level 2 Actions are more serious than Level 1 Actions and include the following:

- Absences without approved leave.
- Refusal to comply with instructions of the City Council.
- Conduct endangering the safety of the employee, co-workers or members of the public.
- Violating major safety rules.
- Working when ability is impaired by the use of alcohol, illegal and/or prescription drugs.
- Unauthorized use of City materials and/or supplies.

The City Council may take any of the following actions if justified in a disciplinary matter regarding a Level 2 Action:

- Written warning
- Suspension or probation
- Discharge

Level 3 Actions

Level 3 Actions are behaviors that are serious enough to justify either a suspension or termination of employment. Behaviors for which immediate suspension or termination can be justified include the following:

- Sexual harassment.
- Insubordination or the refusal to comply with the specific instructions of the City Council in the context of an assigned job duty.
- Falsification of personnel records, time records, or any other organization documents and records.
- Fighting during work time or on work premises.
- Use of or possession of, alcohol or illegal drugs during work time or on work property.
- Damaging, defacing, or misusing City property or the property of co-workers.

- Theft, misappropriation, embezzlement, unauthorized possession or removal of organization property or the property of employees or members of the public.
- Indecent conduct which occurs on City property or at a work site.
- Unauthorized or illegal possession of explosives, firearms, or other dangerous weapons on work premises, including work sites, unless a necessary function of the job.
- Conviction of a criminal offense, including a misdemeanor, gross misdemeanor, or felony level offense.
- Unauthorized use of confidential information.
- Continued unsatisfactory work performance.
- Violation of the City's conflict of interest/ethical standards policies.
- Other behaviors that seriously threaten the safety and well-being of the City, City employees, or the public at large.
- Intentional or deliberate injury to another person.

The City shall comply with the Open Meeting Law and the Data Practices Act in consideration of any disciplinary action.

Adopted this 10th day of July 2012

GRIEVANCE PROCEDURE

It is the policy of the City to minimize the occurrence of grievances and to deal promptly with those that do occur in a fair and equitable manner. Employees shall use the following process to seek redress of grievances, unless some other policy of the City establishes a different procedure for a specific type of grievance.

Any dispute between an employee and the City or between employees relative to the application, meaning, or interpretation of any personnel issue or policy or workplace incident shall be addressed in the following manner:

Step 1: The employee must present the grievance in writing to the Personnel Committee, stating the nature of the grievance, the facts on which it is based, the provision or provisions of the personnel policies allegedly violated, if applicable, and the remedy requested. The Personnel Committee may refuse to consider a grievance that relates to an act or incident that occurred more than six months prior to the submission of the grievance. The Personnel Committee shall respond to the employee in writing within fifteen (15) calendar days and may request additional information. The Personnel Committee shall make its recommendation in writing within thirty (30) days after submission of the grievance or receipt of additional information if more information is requested.

Step 2: If the grievance is not resolved to the employee's satisfaction in accordance with Step 1, the employee may ask the City Council to consider the grievance by filing a notice with the Personnel Committee to that effect within ten (10) days of receipt of the Personnel Committee's written recommendation. The City Council may refuse to consider an appeal that is filed after the ten day limit. The employee shall explain his or her reasons for disagreeing with the Personnel Committee's recommendation. The City Clerk shall provide the Council with the original written grievance, the recommendation of the Personnel Committee, and the employee's written notice and explanation. The City Council shall address the matter and respond in writing to the employee within sixty (60) days of the filing of the notice. The decision of the City Council is final.

If the Personnel Committee or the City Council does not answer a grievance or an appeal within the specified time limits, the employee may elect to treat the grievance as denied at that step and immediately appeal the grievance to the next step. The time limit in each step may be extended by mutual agreement of the Personnel Committee or the City Council and the employee without prejudice to either party.

The following actions are not grievable:

1. Performance evaluations;
2. Pay increases or lack thereof; and
3. Merit pay awards.
4. Conditions of employment agreed to in an employment agreement.

The City may discipline any employee who retaliates against any participant in an investigation, proceeding or hearing relating to the grievance. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

The City shall comply with the Open Meeting Law and the Data Practices Act in consideration of any grievance.

Adopted this 10th day of July 2012

INTERNET ACCESS AND EMAIL POLICY

I. General Policy. The City of Birchwood Village provides Internet access and electronic mail (email) capabilities to the City Clerk and City Treasurer at city expense to further city business. The purpose of this Policy is to describe the proper use of these public resources and technology.

II. Privacy. The City Council preserves the right to monitor and log all network, Internet activity and email use and content accessed via city equipment or systems and to access, review, read, disclose, and use all records of use and all content in any way it deems necessary. This monitoring may include, but is not limited to, accessing computers, hard drives, attached/connected devices, external media, flash drives, disks, and adjacent work areas. No person should expect that any message or its contents, or any record of use, whether for city business, personal use, or even a prohibited use, will be private, even when a personal password is used.

III. Personal Use of Email and Internet Access. City employees may use city technology, including email and Internet access, for personal use on a limited basis provided such use does not interfere with normal work. Incidental and occasional personal use of email and Internet access is permitted provided that the incremental cost is negligible, no city business activity is preempted by personal use, and no city policies or laws are violated. An employee may access a personal email account via city equipment subject to the conditions set forth in this policy.

IV. Social Media. No employee shall create a social media profile on behalf of the City or as a representative of the City or with the City name or logo without approval from the City Council. Any nonprofessional social media profile created by an employee on personal equipment, or personal e-mail addresses, shall not identify the person as an employee of the City of Birchwood Village. Nonprofessional social media includes but is not limited to Facebook, Twitter, blogs, chat rooms, YouTube, wikis, and other types of social bookmarking. Employees creating personal profiles on professional social media, such as LinkedIn, may indicate on the profile that they are an employee of the City of Birchwood Village.

V. Other Prohibited Uses. In addition to other restrictions set forth herein, no employee shall use the Internet or email on City time, or use City equipment, to conduct a personal commercial business, political activity, or fundraising. No employee shall illegally copy, install, transfer, or download a pirated or copyrighted software program or other data. No employee shall knowingly download any software that compromises the integrity of the city system. An employee shall notify the City Council if the city system may have been jeopardized by the infiltration of a virus or other computer hacking program. No employee shall allow any unauthorized person to have access to the city system.

VI. Data Practices. City employees shall be cognizant that data stored on the city system is subject to the Data Practices Act requirements of public disclosure.

VII. Violation. Violation of the requirements of this Policy may subject the employee to disciplinary action.

BIRCHWOOD PERSONAL MOTOR VEHICLE USE POLICY

I. Policy. It is the policy of the City of Birchwood Village that only the City Clerk and the City Treasurer may use a personal motor vehicle to conduct city business. Seasonal employees and other part-time employees may not use their motor vehicles for conducting city business, without the approval of the City Clerk or City Treasurer.

II. Properly Licensed. Any employee driving a personal motor vehicle to conduct city business must have a valid driver's license at all times the vehicle is in such use. The City may, in its discretion, request the employee to provide documentation that the employee has valid driving privileges. Any employee who loses his or her driver's license or receives restrictions on the license shall immediately notify the City Clerk and the Mayor of such action or status. Such employee shall not drive a motor vehicle for city business in violation of any such restrictions.

III. Insurance. Any employee driving his or her own motor vehicle for city business must at all such times have the vehicle insured for both liability and property damage. The City may, in its discretion, request the employee to provide documentation of insurance at any time.

IV. Tickets and Accidents. Employees driving their personal vehicles for city business shall notify the City Clerk and Mayor of any moving violations they receive while on business for the City. The City will not pay the costs of any parking tickets or traffic violations that employees incur, whether they occur while on city business or not. Any employee involved in an accident while on city business, whether major or minor, whether or not any injuries or property damage occurs, that occur while on city business shall be reported immediately to the local police department or other appropriate law enforcement agency. Employees in an accident while on city business shall also inform the City Clerk and the Mayor as soon as possible of the accident. The employee shall participate in any investigation performed by law enforcement, the City, the City's representative, or the insurance company.

V. Disciplinary Action. The improper, careless, negligent, destructive, or unsafe use or operation of a motor vehicle while on city business or the accumulation of excessive or avoidable traffic or parking violations while on city business can result in disciplinary action, up to and including termination of employment.

CITY OF BIRCHWOOD VILLAGE

FINANCIAL INTERNAL CONTROL PROCEDURES

The City of Birchwood Village sets forth financial internal control procedures in order to establish financial process, separation of duties, ensure continuity, and define city council oversight for city financial transactions without unduly inhibiting the ability of the city's staff to efficiently and effectively carry out its fiduciary responsibilities.

In developing the internal control procedures, the city has tried to incorporate the separation of duties basic principle that whenever possible, one individual should not handle a financial transaction from beginning to end.

The objective of the city's Internal Control Procedures document is to provide a guideline for the city's staff to ensure that a system of checks and balances are in place. However, due to the part-time status of limited staff it is recognized that circumstances may present that the following processes be adjusted when need arises. Modifications will be presented to council or staff as a need presents:

REVENUES AND EXPENSES

1. Payments to the city are receipted, recorded, secured, and deposited in an accurate and timely manner.
2. Disbursements by the city meet the following criteria:
 1. Appropriate – The disbursement is directly related to legitimate City business.
 2. Legitimate – The disbursement is allowed or required by policy, law, contractual agreement, and/or professional standards.
 3. Reasonable – The amount being paid for a product or service is justifiable and where required has met the requirement for competitive bidding.
 4. Funded – Sufficient funding exists to pay for the disbursement.
 5. Accurately recorded – The disbursement amount is consistent with an invoice presented for payment of service or product provided to the city, and is appropriately coded in accordance with the city's budget and State Auditor guidelines.
 6. Supportable – The amount being paid or the amount of an adjustment is consistent with supporting documentation, standard, situation, or practice.
 7. Timely payment – The date of disbursement is within statutory requirements to avoid late fees being assessed.
 8. Authorized - The disbursement is statutory and/or approved by the City Council.
 9. Budgeted – The disbursement amount has been accounted for in the City budget, or is within the terms of an approved contract.

RECEIPTS

1. Staff will use a numbered, duplicate money receipt or accounting program to document receipt of all payments made to the city.
2. The receipt should indicate method of payment (cash or check, including the check number)-with copy provided to the payee, if desired.
3. If the payment is by check, staff will stamp the check with the city's bank endorsement stamp indicating "For Deposit Only". Receipt copy(s)-will be kept in the receipt book or shown as an accounting program entry. (Exception those checks being forwarded to the city handling the utility billing process for the City of Birchwood).
4. The staff will secure the receipt book along with all payments received daily. Both will be secured in the city's safe.
5. The Clerk and Treasurer will investigate and resolve any discrepancies between receipted and deposited amounts.
6. The Treasurer will
 - i. Code receipts according to statutory requirements or the city's budget guidelines for entry into the city's accounting system,
 - ii. Print a copy of the **CTAS Receipts List** report for the deposit period covered by the receipts and file for documentation and audit review.
7. The Clerk is to review the **CTAS Receipts List** report to ensure the total receipts on the report matches the total of the funds received and to be deposited.
8. If the totals do not match, the Clerk and Treasurer will investigate and resolve any discrepancies.
9. If the totals match, the Clerk will prepare a deposit ticket for the bank deposit, and a staff member will process the deposit (take the deposit to the bank or deposit electronically).
10. Staff will deposit all received payments into the appropriate city bank account weekly or when payments totals \$500 or more.
11. Each month, the Treasurer will provide a copy of the **CTAS Receipts List** covering-receipts for the period/month to the City Council as an element of the Treasurer's Report.

DISBURSEMENTS

1. Disbursements of city funds will be made using sequentially numbered, dual signed checks.
2. Checks for claims paid shall have printed or stamped on the reverse side (per statutory requirement), above the space for endorsement "The undersigned payee, in endorsing this check declares that the same is receive in payment of a just and correct claim against the City, and that no part of it has heretofore been paid".

3. The City Council will authorize all disbursements of city funds, via check or electronic funds transfer (EFT) including those required by law (i.e. PERA, federal and state taxes, state surcharges, financial fees, bank charges, payroll, etc)
4. The Clerk will determine or verify, code, and enter validated claims into the Clerk's set of books (spreadsheet) then pass the unpaid claims to the Treasurer for entry into CTAS.
5. Each month, the Treasurer will print **CTAS Claims List for Approval** reports and provide it to the City Council for approval. All supporting documentation will be on file and available for review.
6. The Clerk will compare the **Claims List for Approval** reports and the supporting documentation to the Clerk's list of claims to ensure each claim is appropriate and total claims are in balance for the month.
7. If the City Council approves the claims as presented, the date of approval will be noticed on the **Claims List For Approval** report(s) by the Mayor or Deputy Mayor.
8. **CLAIMS DISPUTES BETWEEN CLERK AND TREASURER SHOULD BE RESOLVED** by review of city records (contracts, minutes, etc) or conferring with the councilmember who is assigned the particular duties (i.e office equipment, park items).
9. If a claim is not approved by the City Council, the Clerk will strike through the all disapproved claims on the **Claims List for Approval** and present the corrected report to the Mayor or Deputy Mayor for signature. In addition, the Clerk will document in the minutes actions directed by the city council to address each the disapproved claim.
10. The Clerk will give the Treasurer a copy of the *approved Claims List for Approval* report.
11. The Treasurer will use disapproved claims noted on the approved **Claims List for Approval** to VOID or DELETE unapproved claims in the CTAS program.
12. The Treasurer will provide disbursement checks to be signed at the city council meeting. Along with a copy of the **CTAS Disbursement Register** report.
13. The disbursement register will provide the following information for each check or EFT:

Date of the check or EFT,

Check or EFT number

Amount of check or EFT

Description of expense(s)

Fund and Account numbers to be charged.

14. The Treasurer will provide a copy of the **CTAS Disbursement Register** report with the Treasurer's Report.

15. Staff and City Council should compare the **Claims List for Approval** report(s) against the **Disbursement Register**. If there appears to be an error the Clerk and Treasurer will work to rectify the discrepancy.
16. Each check must contain two signatures and be signed by the Mayor or Deputy Mayor AND Clerk or Treasurer. Under no circumstances will signature stamps be used in lieu of signatures.
17. The city staff will promptly mail all signed checks.
18. The Clerk or Treasurer will attach a CTAS Claim Report to paid invoices along with a portion of the city's check stub or EFT confirmation and place in the city's paid claims files.
19. The Clerk will receive and open all bank statements, review the check copies provided to ensure only approved disbursements have been made. Any discrepancies will be documented, reviewed with the Treasurer and if needed, presented to the City Council for review.
20. The bank statements and/or reconciliations will be reviewed by a designated council member twice a year. Any discrepancies will be resolved by staff with councilmember review. If needed the issue will be documented and presented to the City Council for action.
21. In accordance with M.S. 471.425, subd. 2, claims of the City shall be paid within 35 days from the date of receipt, unless disputed or as otherwise stipulated by the terms of a contract. Claims not paid within this time frame may be subject to penalty and interest charges assessed by the vendor, as provided for in M. S. 471.425, subd. 4.

Payroll

1. The Personnel Committee will develop and the City Council will approve personnel policies that set out the accounting for vacations, holidays, sick leave and other benefits.
2. Each pay period employees will provide a timesheet for wage payment. Timesheets will have approval signatures of the designated Councilmember (ex. Park staff timesheets signed by Park Committee Liaison) The Treasurer will process the CTAS payroll checks from timesheets presented. The CTAS **Net Pay Account Distribution** report will be printed, after checks are printed, a portion of the paycheck stub attached to it and filed along with the supporting documentation (time sheets for employees).
3. The Treasurer or Clerk will review the **Net Pay Account Distribution** report and the supporting documentation to ensure all payroll payments are made to valid employees, any pay increases were authorized, and the hours worked appear to be correct.
4. All payroll entries for checks or EFTs processed will be shown on the **Disbursement Register** report without name, showing the payroll period and the net pay. By statute net pay is not public and thus does not show a name.
5. The Treasurer or Clerk may investigate any payroll entries believed to not meet established criteria or appear to be inaccurate. After review if the Treasurer or

- Clerk believes a payroll entry fails to meet the established criteria or is in error, staff will contact the approving councilmember to review and resolve.
6. The Mayor or Deputy Mayor will initial all disapproved items and sign the **Net Pay Account Distribution** report.
 7. The Clerk may use the approved **Net Pay Account Distribution** to input approved payroll items into the Clerk's set of books.
 8. CTAS is to be used to print all payroll checks. Live payroll checks require two signatures and EFT (via direct deposit) instruments will be marked NON-NEGOTIABLE and remain unsigned.
 9. Paychecks will be provided to employees on the designated pay date.
 10. The Treasurer will prepare all payroll related tax withholding and PERA deposits and reports. PERA and Payroll-related taxes, including employer share, shall be withheld and paid to the appropriate government agency on a timely basis.
 11. The Treasurer will prepare and mail year-end W-2's to employees, 1099's to vendors as needed and respond to inquiries regarding the same.
 12. Timesheets are required to document all employee hours, including overtime, and leave time. Salaried employees shall be paid the gross amount determined by the City Council.
 13. The Treasurer will keep employee records for each employee in CTAS that detail wage rates, benefits, taxes withheld, PERA and any changes in employment status.

Petty Cash Fund

The petty cash fund is available to reimburse city staff for small city business related purchases for items such as stamps, office supplies, etc., using the following guidelines.

1. *The Clerk is the custodian of the petty cash fund.*
2. *The Treasurer will reconcile the petty cash fund on a monthly basis or as deemed necessary.*
3. *The custodian will make the appropriate disbursement entries to record the petty cash disbursements and will arrange for replenishment of the Petty Cash.*
4. *The petty cash fund will not exceed the amount of \$100.00.*
5. *The custodian will keep the petty cash fund and all petty cash disbursement supporting documentation in a petty cash fund locked box.*
6. *The custodian will secure the locked box in the city's safe at the close of each business day.*
7. *The custodian will keep the keys for the locked box in the city safe.*
8. *Under no circumstances will the keys for the locked box be taken outside of the clerk's office.*
9. *Supporting disbursement documentation (original receipts) must be kept in the petty cash lock box until the petty cash fund is replenished.*
10. *The custodian will code the petty cash disbursement receipts and enter them into his/her copy of the CTAS.*
11. *Under no circumstances will any staff member or City Council Member use the petty cash fund to borrow money, cash checks, make change or for any other personal use.*
12. *Unannounced counts of petty cash and change can be made at any time by the Treasurer or any City Council Member. The sum of petty cash on hand and the petty cash disbursement receipts must equal the starting balance of the petty cash fund. If it does not, the custodian is responsible for making up the difference.*

13. *To replenish the petty cash fund, the custodian must enter a claim in the CTAS. The claim will specify the custodian as the payee, be coded to be paid from the General Fund, and be described as Petty Cash Replenishment.*

Invoices

1. The City Clerk will generate and distribute invoices or notice of payment due for city permits, fees, goods and/or services such as dock slip fees, lift storage fees, garage rental fees, city hall rental fees, water meter purchase, etc.
2. CTAS does not generate invoices; as a result, the Clerk will use city computer programs to generate invoices.

****APPROVED October 12, 2010****

****AMENDED January 25, 2011****

**FUND BALANCE POLICY
CITY OF BIRCHWOOD VILLAGE
Adopted May 11, 2011**

Policy

The city shall maintain adequate financial reserves to meet cash flow needs; to fund short-term capital improvements and special one-time projects; to meet emergencies; and to mitigate the effects of unexpected fluctuations in revenues or expenditure needs. The city shall maintain the unreserved general fund balance between 40 and 50 percent of the budgeted operating expenditures or six months of operating revenue whichever is greater and as measured on December 31st of each year.

Definitions

Fund balance means the difference between assets and liabilities in a governmental fund. There are five types of governmental funds: general fund, special revenue funds, debt service funds, capital projects funds, and enterprise funds.

Unreserved fund balance means all designated and undesignated financial resources in all general, special revenue, and capital project funds. These financial resources would be available to authorize for future expenditures.

Unreserved, undesignated fund balance means financial resources for which no legally binding commitment has been made and for which the city has not planned to expend for a specific purpose.

Unreserved, designated fund balance includes financial resources for which there is no legally binding commitment but for which the city council has designated how they will be used in the future. Designations reflect the government's self-imposed limitations on the use of otherwise available expendable financial resources.

Reserve fund balance means that portion of the financial resources in the governmental funds that is not available for appropriation and can be spent only for the purpose for which they are reserved. (e. g. funds for which there is a legally binding commitment as to how the funds shall be used.)

Guidelines

1. The City will maintain the unreserved general fund balance at an appropriate level by:
 - a. Designating an amount of financial resources that are to be available for times of an emergency. An emergency may occur when budget deficits arise from significant revenue losses or expenditure increases; when there is a temporary revenue shortfall or when the city incurs an unpredicted expenditure.
 - b. Developing a specific plan for increasing or decreasing the level of unreserved general fund balance to bring it into compliance with the policy when the unreserved general fund balance doesn't match the policy.
 - c. Designating a portion of any year-end budget surplus for major projects such as street improvements or water treatment system upgrades. The city shall hold these financial resources in a designated account for the specified purpose.

- d. Designating a portion of any year-end budget surplus to increase the General Fund fund balance.
2. The unreserved general fund balance may be above the range when saving for a major project or purchase or in anticipation of taking on an expensive capital project.
3. For any planned use of the unreserved general fund balance below the minimum level, the city shall adopt a plan to restore the fund balance to the targeted level.
4. The policy should be reviewed every 3 years or more often if conditions change.

**City of Birchwood Village
Incidental Purchasing & Spending Policy**

PURPOSE: The purpose of this policy is to establish regulations pertaining to the incidental expenditure of City funds by staff, elected officials, and members of City boards and commissions.

SECTION 1. DEFINITION OF "INCIDENTAL". For the purpose of this policy, an "incidental" purchase contains the following elements:

- a. A dollar amount under \$500.00 per incident.
- b. The expenditure needs to be made in a timely manner and cannot wait for Council approval.
- c. The expenditure is not considered to be for an emergency purpose e. g. water main break.
- d. There are sufficient funds in the budgeted fund account for the expenditure.

SECTION 2. AUTHORIZED AGENT. The City Clerk is designated as the authorized agent for expenditures made under this policy. All proposed purchases under this policy are to be presented to the City Clerk for review of the request consistent with the elements listed in Section 1 of this Policy. No member of the City Council, nor any member of any City board and commission, is authorized to approve an incidental expense under this Policy. In the absence of the City Clerk, the City Treasurer is designated as the authorized agent for expenditures made under this Policy.

SECTION 3. APPROVAL. If the authorized agent finds that the proposed purchase is consistent with the elements listed in Section 1 of this Policy, he/she will authorize the expenditure up to a dollar amount of \$500.00 per incident.

SECTION 4. DENIAL. If the authorized agent finds that the proposed purchase is not consistent with the elements listed in Section 1 of this Policy, he/she is required to deny approval of the expenditure.

SECTION 5. APPEAL OF DENIAL. Denials of incidental expenditures are appealable to the Mayor (or Deputy Mayor in the absence of the Mayor), who has the sole authority to reverse the decision of the City Clerk.

SECTION 6. COUNCIL APPROVAL OF INCIDENTAL EXPENSES. At the next regular meeting of the City Council where disbursements are approved, the Disbursement List will notate the incidental spending requests approved by the City Clerk. Said notation need not be segregated into a separate list.

SECTION 7. ABUSE OF DISCRETION. If the City Council finds that the City Clerk has abused the discretion vested in the position under this Policy, it has the right to amend the Policy consistent with abating the abuse, up to and including appointing another individual as authorized agent.

SECTION 8. EFFECTIVE DATE. This Policy shall become effective upon ratification by the City Council.

****APPROVED February 8, 2011****

**City of Birchwood Village
Jury Duty Pay Policy**

Employees who serve on jury duty may keep their per diem amount and choose not to receive pay for the time they served OR they may received their regular pay for the time they served and reimburse the City for an amount equal to any per diem amount they received; employees may keep their mileage reimbursement. When choosing the second option, the reimbursement shall be received by the City within 30 calendar days of receiving the per diem payment.

****ADOPTED October 9, 2012****

City of Birchwood Village Out of State Travel Policy

Purpose: The City of Birchwood Village recognizes that it's Mayor, Council Members, and staff may at times receive value from traveling outside Minnesota for workshops, conferences, events and other assignments. This policy set forth the conditions under which out-of-state travel will be reimbursed by the City.

General guidelines:

1. The event, workshop, conference or assignment must be approved in advance by the City Council at an open meeting and must include an estimate of the cost of the travel. In evaluating the out-of-state travel request, the Council will consider the following:

- Whether the individual will be receiving training on issues relevant to the City or to his or her role as Mayor, Council Member, or staff member;
- Whether the individual will be meeting and networking with colleagues from around the country to exchange ideas on topics of relevance to the City or on the individual's official role.
- Whether the individual will be viewing a City facility or function that is similar in nature to one that is currently operating at, or under consideration by the City where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full Council.
- Whether the individual has been specifically assigned by the Council to visit another City for the purpose of establishing a goodwill relationship such as a "sister-city" relationship.
- Whether the individual has been specifically assigned by the Council to testify on behalf of the City at the United States Congress or to otherwise meet with federal officials on behalf of the City.
- Whether the City has sufficient funding available in the budget to pay the cost of the trip.

2. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.

3. The City may make payments in advance for airfare, lodging and registration if specifically approved by the Council. Otherwise all payments will be made as reimbursements to the individual.

4. The City will reimburse for transportation, lodging, meals, registration, and incidental

costs.

5. Mileage will be reimbursed at the IRS rate. If two or more individuals travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct City business.

6. Lodging and meal costs are limited to those which are reasonable and necessary. The individual must use the most cost-efficient mode of travel available taking into consideration reasonable time constraints. Airfare will be reimbursed at the coach rate.

7. Receipts are required for lodging, airfare, and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form must be submitted to the City Clerk for payment.

8. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family member, rental of luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis.

9. Limitations may be imposed on paying for expenses for an individual who has announced his/her intention to resign, not to seek reelection, or who has been defeated in an election.

10. The Council may request an oral or written report from the individual on the results of the trip.

11. The individual must turn over materials received to the City.

12. All frequent miles accrued must be turned over to the City.

13. The City Council may make exceptions to the policy depending upon circumstances unique to the trip and/or individual.

****Adopted July 12, 2011****

The CITY OF BIRCHWOOD VILLAGE, WASHINGTON COUNTY, MINNESOTA
PETTY CASH FUND POLICY

OVERVIEW. The City of Birchwood has adopted Financial Internal Control Procedures. These Procedures call for the creation of a petty cash fund. This Policy establishes procedures for the administration of the petty cash fund.

PURPOSE. The purpose of the petty cash fund is to allow the staff to pay for the purchase of small, inexpensive items when the regular routine of requesting City Council approval of the disbursement would not be practical or would unnecessarily delay the purchase of the item.

RESPONSIBILITY. The City Clerk is responsible for administration and management of the petty cash fund. In the absence of the City Clerk, the City Treasurer shall have such responsibility. Only the Clerk or the Treasurer may disburse cash from the petty cash fund.

AMOUNT OF THE PETTY CASH FUND. The amount of the petty cash fund shall be one hundred dollars (\$100). The City Council may change the amount of cash in the petty cash fund at any time.

MAXIMUM AMOUNT OF INDIVIDUAL DISBURSEMENT. The City Clerk or City Treasurer may disburse funds from the petty cash fund up to the amount available in the fund.

RECEIPTS REQUIRED. Because of the size and nature of the petty cash fund, the City does not require a voucher system for petty cash disbursements. Instead, the Clerk shall maintain actual cash receipts as accounting records to substantiate the cash balance on hand. At any given point in time, the cash on hand plus the cash receipts should equal the amount of the petty cash fund.

PETTY CASH FUND REPLENISHMENT REQUESTS. The City Clerk may request that the City Council replenish the petty cash fund at any time. The Clerk shall provide such documentation as the Council may require to support the request. Once the replenishment is authorized, the Clerk shall remove the supporting documentation from the petty cash fund box and file the documents in the appropriate file. These documents shall be maintained for a period of one year.

OVERSIGHT OF PETTY CASH FUND. The City Council shall monitor the use of the petty cash fund. The Mayor may, at any time and unannounced, ask to review the petty cash fund to reconcile the balance in the account. The Mayor shall report any discrepancies to the Clerk, who shall determine the cause of the discrepancy.

****ADOPTED February 8, 2011****

CITY OF BIRCHWOOD

TRAVEL POLICY FOR ELECTED OFFICIALS

I. General Statement of Policy

The City of Birchwood shall not reimburse any elected official for travel expenses to any event, workshop, conference, or assignment unless the travel has been approved in advance of incurring the expense. This policy sets forth the conditions under which travel expenses will be reimbursed by the City. This policy is being promulgated pursuant to Minnesota Statutes section 471.661. This policy shall apply to both in-state and out-of-state travel.

II. Procedures for Obtaining Approval of Official Travel

1. The Mayor or any other council member who seeks authorization to incur travel expenses shall request the Clerk to place the matter on the agenda for a regular or special council meeting.
2. The person requesting the travel shall provide the Council with an explanation of the reasons for the travel and an estimate of the cost.
3. The Council shall consider the matter in the form of a motion. A majority vote of a quorum is required to authorize the travel and reimbursement of expenses. The person requesting the travel may vote on the matter.
4. The Mayor may authorize another council member to attend an event and incur expenses when there is insufficient time to bring the matter to the full council and the Mayor determines it is in the best interest of the City to attend the event. The Council shall be advised of the decision at the next regular council meeting.

III. Guidelines for Approval of Official Travel on Behalf of the City

1. No travel on behalf of the City shall be authorized by the Council unless the Council determines it is in the best interests of the City to send the Mayor or other council member to the event.
2. The Council shall consider the following factors in deciding whether to authorize the travel and reimbursement of expenses:
 - a. Whether the elected official will be receiving training on issues relevant to the City or to his or her role as the Mayor or as a council member;
 - b. Whether the elected official will be meeting and networking with other elected officials to exchange ideas on topics of relevance to the City or

on the official roles of local elected officials.

- c. Whether the elected officials will be viewing a city facility or function that is similar in nature to one that is currently operating at, or under consideration by the City, where the purpose for the trip is to study the facility or function to bring back ideas for the consideration of the full council.
 - d. Whether the City has sufficient funding available in the budget to pay the cost of the trip.
3. No reimbursements will be made for attendance at events sponsored by or affiliated with political parties.
 4. The Council shall not authorize more than one council member to attend an event unless it is a training event that will benefit all members who attend.

IV. Reimbursement of Expenses for Official City Travel

1. The City may make payments in advance for airfare, lodging and registration if specifically approved by the council. Otherwise all payments will be made as reimbursements to the elected official.
2. The City will reimburse for transportation, lodging, meals, registration, and incidental costs in accordance with the following:
 - a. Airfare will be reimbursed at the coach rate, but no air travel is authorized to any location within the State of Minnesota without specific authorization from the Council.
 - b. Mileage will be reimbursed at the IRS rate. If two or more council members travel together by car, only the driver will receive reimbursement. The City will reimburse for the cost of renting an automobile if necessary to conduct city business.
 - c. Lodging costs and meal expenses are limited to a reasonable amount, taking into account the location of the travel.
 - d. Receipts are required for lodging, airfare, and meals and should accompany an expense report form. It is not necessary to have receipts for cabs and tips. The expense report form shall be submitted to the City Clerk for payment.
 - e. The City will not reimburse for alcoholic beverages, personal telephone calls, costs associated with the attendance of a family members, rental of

luxury vehicles, meal expenses included in the cost of registration, or recreational expenses such as golf or tennis.

V. Unreimbursed Travel

Nothing in this policy shall preclude the Mayor or a council member from traveling to a workshop, conference, or other event at his or her own expense.

VI. Review of Policy

The Council shall review the Travel Policy to determine whether any amendments are appropriate once each calendar year. Any amendments to the Policy shall be by majority vote of a quorum of the council.

Adopted this 12th day of July, 2011

TREE DISPOSAL POLICY

Adopted May 8, 2001
Amended October 8, 2013

Downed and Dead Trees:

Determine who owns the downed or damaged tree – City or privately owned?

1. Tree blown down over the street or an easement will be removed from the street or easement by the City.
2. If the tree is a private tree, the disposal is the responsibility of the owner.
 - Any City-owned tree will be taken care of by the City
 - If the tree is on the border (between city/resident property) the cost is split 50/50.

Living Trees:

A property owner may petition the city council in writing to remove a living tree in a city right of way if:

1. All property owners within 150 feet of the tree removal shall agree in writing.
2. A site map showing the tree at issue and the relative location of the nearby property owners shall be provided by the applicant.
3. The cost of removal is borne 100% by the petitioner(s)
4. The removal shall be done by a licensed and bonded contractor and that contractor shall hold the city harmless from any damage caused or accident incurred. An appropriate documentation shall be provided to the city clerk.

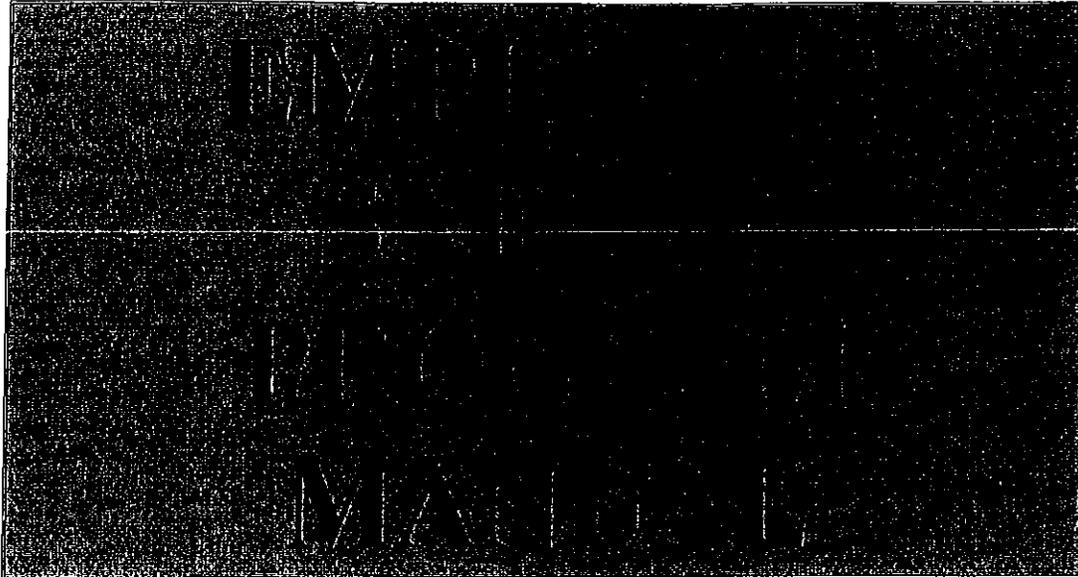
The city council is the final arbiter of whether a tree shall be removed under this policy.

City of Birchwood Village
GENERAL SAFETY RULES
Approved October 12, 1993

1. In case of sickness or injury, no matter how slight, report at once to your supervisor for First Aid. Never attempt to treat your own or another worker's injury or try to remove foreign particles from the eye.
2. Safety devices are for your protection. Never operate your machine unless all guards provided are in place.
3. Guards must never be removed except when necessary to make adjustments or repairs and they should be replaced immediately upon completion of work. If a guard is not in its proper position, report this at once to your supervisor.
4. RUNNING on the premises is NOT PERMITTED.
5. Horseplay, throwing objects, scuffling, and fooling around are very dangerous and will not be tolerated.
6. Never distract the attention of another employee, as you might cause injury.
7. Drugs and liquor will not be permitted on the premises at any time.
8. Jewelry, rings, bracelets, watch chains, key chains, etc. shall not be worn, for these objects might catch in machines, causing serious accidents such as the loss of fingers or hands.
9. Gloves must not be worn when operating machinery unless their use has been approved by your supervisor.
10. Loose ties or torn clothing must not be worn around machinery. It is suggested that sleeves be cut off at the elbow.
11. Before using any ladder, make sure it has good safety feet and is free from cracks, broken rungs, or other defects. When there is a danger of slipping, have another worker hold the ladder.
12. Never use makeshift or defective scaffolding, rigging, or stages.
13. When operating any power equipment, such as a chain saw, you must wear ear and eye protective devices.
14. Do not attempt to lift or push objects that may be too heavy for you. ASK FOR HELP when you need it. Learn to lift the right way to avoid strains: bend your knees, keep your body erect; then push up with your legs. This is the easiest and safest way.
15. Shut down your machine before cleaning, adjusting, or repairing. Lock and tag the machine.
16. Never oil machines while they are in motion except when points of oiling are so located or guarded that you are not subject to contact with moving parts.
17. Never use your finger for removing chips from machines. Use a brush or a hook.
18. Never use defective chisels, sledge hammers, punches, wrenches, or other tools. Flying chips from tools with mushroomed or split heads cause many injuries. Exchange or see that the defective tools are repaired.
19. If you are provided with eye protection, you are expected to wear it.
20. Never operate any machine unless you have permission from your supervisor.
21. Caps should be worn around moving machinery by any employee with long hair.
22. If you are working where there are heavy fumes or dust, you are expected to wear the respirators provided for your protection. In some cases, a lifeline and an observer may be required.
23. Keep the area around you clean. Put all oily water, rubbish, and papers in the containers provided for those purposes.
24. Learn the location of all the fire exits and alarm boxes in your department.
25. Pile material, trucks, skids, racks, crates, boxes, ladders, and other equipment so that they do not block aisles, exits, fire fighting equipment, alarm boxes, electric lighting, power panels, etc. FIRE DOORS MUST BE KEPT CLEAR.
26. Learn the location and proper use of fire fighting equipment in your department. Under no circumstances use a pail of water where extinguishers are provided.
 - a. For electrical fires, use only extinguishers approved for Class C fires (carbon dioxide or dry chemical). NEVER USE ANYTHING ELSE as danger of electrocutions exists.
 - b. For common fires, such as with rubbish, paper, wood, rags, etc. use water, foam, or soda-acid extinguishers.

- c. For fires in flammable liquids, use foam type extinguishers or other special extinguishers provided for that purpose.
27. Slippery floors cause falls. Always keep the floor clean.
 28. If you see someone working carelessly and liable to be hurt, warn and advise them to work carefully.
 29. Protect your feet and head by keeping your shoes and hard hat (especially the soles of the shoes and the liner of the hard hat) in good shape. Wear safety-toe-capped shoes to prevent serious toe injuries.
 30. Unless you are an electrician, never tamper with electrical circuits or switches.
 31. Always obey all warning signs.
 32. Read the Safety Bulletins as posted, for they will help; you do your part in the accident prevention drive.
 33. Never take short cuts through dangerous places.
 34. If you don't know the safe way, stop and find out.

DISCIPLINARY ACTION WILL BE TAKEN IF VIOLATIONS OF THESE SAFETY RULES OR UNSAFE ACTS ARE NOTED.



**CITY OF
BIRCHWOOD VILLAGE**

ADOPTED December 12, 2006

EMPLOYEE SAFETY PROGRAM CITY OF BIRCHWOOD VILLAGE

I. VISION STATEMENT

It is the intention of the City of Birchwood Village to provide each of its employees with a safe and healthy place of employment that is free from hazards that are capable of causing injury or illness.

II. COMPLIANCE POLICY

Workplace safety requires a team effort and is a shared responsibility between the City and its employees. All City employees shall be required to perform assigned work in a safe and proper manner consistent with established safety and health policies, procedures, and work practices. Serious or recurrent violations of established safety and health policies, procedures, and work practices may result in disciplinary action by the City up to and including termination.

III. EMPLOYEE SAFETY PROGRAM

The policies, goals, and responsibilities set forth in this document shall constitute the Employee Safety Program of the City of Birchwood.

IV. DUTIES OF THE CITY

The City shall:

- 1) Adopt and maintain an Employee Safety Program.
- 2) Provide all employees with a copy of this Employee Safety Program Manual.
- 3) Maintain all City structures and buildings and equipment in a safe working order consistent with applicable codes and regulations.
- 4) Provide such safety training to an employee as the City determines is appropriate.
- 5) Eliminate any workplace hazard as soon as possible upon discovery of the hazard. A workplace hazard is any condition, act, or event that has the potential to cause injury or illness.

- 6) Maintain records of all workplace accidents and injuries and of all inspections and repairs.
- 7) Review the City's Employee Safety Program at least annually and make any changes that are deemed appropriate.

V. DUTIES OF EMPLOYEES

Every employee of the City of Birchwood shall:

- 1) Be knowledgeable of safety and health related regulations, policies, and procedures.
- 2) Be knowledgeable of workplace safety hazards and health hazards and hazard control procedures and practices.
- 3) Perform assigned work in accordance with established policies, procedures, and safe work practices.
- 4) Identify and properly eliminate or control all potential hazards when performing assigned work.
- 5) Properly wear, inspect, and maintain assigned personal protective equipment.
- 6) Not use tools and equipment that have been damaged or are defective.
- 7) Report unsafe conditions and acts to the City Clerk as soon as possible after discovery.
- 8) Advise the City Clerk of all training needs and safety suggestions.
- 9) Participate in work place training sessions, inspections and hazard assessment.

VI. RIGHTS OF EMPLOYEES

Each employee shall have the right and authority to:

- 1) Review safety and health related information pertinent to the employee's job.
- 2) Request safety training for a particular job or assignment.
- 3) Review the employee's training, medical, and exposure records.
- 4) Report unsafe acts or conditions without being subjected to harassment or reprisal.
- 5) Refuse (in good faith) to perform assigned work, when the work exposes the employee to imminent danger, without being subject to discipline or retaliation.

- 6) Refuse (in good faith) to perform assigned work, which the employee is not authorized or properly training to perform, without being subject to discipline or retaliation.
- 7) Refuse (in good faith) to perform assigned work, which the employee is physically incapable of performing, without being subject to discipline or retaliation.

VII. ACCIDENT REPORT AND INVESTIGATION

A. Policy

Accidents and injuries can reoccur unless root causes are identified and corrected. It is the policy of the City of Birchwood to investigate all accidents and injuries (including close calls) to identify the root cause of the matter and to implement appropriate corrective measures.

B. Reporting and Investigating of Accidents

1) Employees shall report all injuries, occupational illnesses, and accidents (including close calls) as soon as possible but no later than 24 hours after the occurrence to a supervisor or to the City Clerk or to a City Councilperson. The form attached hereto as Attachment B should be completed by the employee.

2) The City shall promptly investigate all accidents, illnesses, and injuries (including close calls) to identify the cause of the accident, illness, or injury and to determine appropriate corrective action. The City shall prepare a written report of the matter including appropriate corrective action.

3) A copy of the written report shall be provided to all affected employees and to the City Council.

VIII. EMPLOYEE ACKNOWLEDGEMENT

Each employee who is an employee of the City at the time of the adoption of this Employee Safety Program, shall sign an acknowledgement in the form attached hereto acknowledging receipt of a copy of this Employee Safety Program Manual. Each new employee hired after adoption of the Program shall sign the acknowledgement form before commencing employment.

ATTACHMENT A
NEW EMPLOYEE SIGNATURE PAGE

DATE OF HIRE _____

NAME _____

POSITION _____

WORK AREA _____

BIRCHWOOD SAFETY MANUAL RECEIVED:

Signature Date

TRAINING PROVIDED:

Signature Date

WHEN COMPLETED, PLEASE RETURN THIS FORM TO CITY HALL, 207
Birchwood Avenue, White Bear Lake, MN 55110. Thank you.

**ATTACHMENT B
EMPLOYEE ACCIDENT REPORT**

DATE OF ACCIDENT _____

NAME _____

POSITION _____

WORK AREA _____

DESCRIPTION TO INCIDENT:

ACTION TAKEN:

EMPLOYEE SIGNATURE: _____

SUPERVISOR SIGNATURE: _____

PLEASE SUBMIT THIS FORM IMMEDIATELY AFTER THE INCIDENT TO
CITY HALL, 207 Birchwood Avenue, White Bear Lake, MN 55110. Thank
you.

CONFLICT OF INTEREST POLICY

SECTION 1. PURPOSE

Birchwood is a nonprofit, tax-exempt Municipal Corporation. Maintenance of its tax-exempt status is important both for its continued financial stability and for public support. Therefore, the IRS as well as state regulatory and tax officials view the operations of the City as a public trust, which is subject to scrutiny by and accountable to such governmental authorities as well as to members of the public.

Consequently, there exists between the City and its Council, officers, committee members, volunteers, and management employees and the public a fiduciary duty, which carries with it a broad and unbending duty of loyalty and fidelity. The Council, officers, and management employees have the responsibility of administering the affairs of the City honestly and prudently, and of exercising their best care, skill, and judgment for the sole benefit of the City and its citizens. Those persons shall exercise the utmost good faith in all transactions involved in their duties, and they shall not use their positions with the City or knowledge gained therefrom for their personal benefit. The interests of the organization must be the first priority in all decisions and actions.

SECTION 2. PERSONS CONCERNED

This statement is directed not only to the Council, officers, and committee members, but to all employees and volunteers who can influence the actions of the City. For example, this would include all who make purchasing decisions, all persons who might be described as "management personnel," and anyone who has proprietary information concerning the City.

SECTION 3. AREAS IN WHICH CONFLICT MAY ARISE

Conflicts of interest may arise in the relations of directors, officers, committee members and management employees with any of the following third parties:

1. Persons and firms supplying goods and services to City.
2. Persons and firms from whom City leases property and equipment.
3. Persons and firms requesting permits or variances from the City.
4. Persons and firms with whom City is dealing or planning to deal in connection with the gift, purchase or sale of real estate, securities, or other property.
5. Agencies, organizations, and associations which affect the operations of City.
6. Family members, friends, and other employees.

SECTION 4. NATURE OF CONFLICTING INTEREST

A conflicting interest may be defined as an interest, direct or indirect, with any persons or firms mentioned in Section 3. Such an interest might arise through:

1. Owning stock or holding debt or other proprietary interests in any third party dealing with the City.
2. Holding office, serving on a Board, participating in management, or being otherwise employed (or formerly employed) with any third party dealing with the City.
3. Receiving remuneration for services with respect to individual transactions involving the City.
4. Obtaining contracts or financial benefit as a result of their position with the City or as a direct result of persons or firms previously having business with the City.
5. Using the City's time, personnel, equipment, supplies, or good will for other than City-approved activities, programs, and purposes.
6. Receiving personal gifts or loans from third parties dealing or contracting with the City. Receipt of any gift is disapproved except gifts of a value less than \$5, which could not be refused without discourtesy. No personal gift of money should ever be accepted.

SECTION 5. INTERPRETATION OF THIS STATEMENT OF POLICY

The areas of conflicting interest listed in Section 3, and the relations in those areas which may give rise to conflict, as listed in Section 4, are not exhaustive. Conflicts might arise in other areas or through other relations. It is assumed that the directors, officers, committee members, volunteers and management employees will recognize such areas and relation by analogy.

The fact that one of the interests described in Section 4 exists does not necessarily mean that a conflict exists, or that the conflict, if it exists, is material enough to be of practical importance, or if material, that upon full disclosure of all relevant facts and circumstances it is necessarily adverse to the interests of the City.

However, it is the policy of the City that the existence of any of the interests described in Section 4 shall be disclosed before any transaction is consummated. It shall be the continuing responsibility of the council, commission members, officers, committee members, volunteers and management employees to scrutinize their transactions and outside business interests and relationships for potential conflicts and to immediately make such disclosures.

SECTION 6. DISCLOSURE POLICY AND PROCEDURE

Transactions with parties with whom a conflicting interest exists may be undertaken only if all of the following are observed:

1. The conflicting interest is fully disclosed;
2. The person with the conflict of interest is excluded from the discussion and approval of such transaction;
3. A competitive bid or comparable valuation exists; and the Council has determined that the transaction is in the best interest of the organization

SECTION 7. FAILURE TO CONFORM

Failure to abide by any of the provisions of this Conflict of Interest policy will result in forfeiture of the office, committee appointment, or city employment held; or prohibition from providing future volunteer services to the city.

**CITY OF
BIRCHWOOD VILLAGE
COMPREHENSIVE PLAN
2030**

**2010 COMPREHENSIVE PLAN
FOR
CITY OF BIRCHWOOD VILLAGE
STATE OF MINNESOTA**

This Comprehensive Plan was prepared in conformance with the requirements of the Metropolitan Land Planning Act (MS Chapter 473) and consistent with the policies of the Metropolitan Council's Regional Blueprint.

The Metropolitan Council found that the Comprehensive Plan meets all the Metropolitan Land Planning Act requirements for 2008 plan updates and is consistent with the Regional Blueprint; is in conformity with the regional system plans for aviation, recreation open space, transportation, and water resources management; and is compatible with plans of adjacent jurisdictions.

The Metropolitan Council also found the Comprehensive Plan in compliance with the Metropolitan Council System Statement for the City of Birchwood Village.

Adopted by the City of Birchwood Village Council on July 13 , 2010.

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Note: The Plan will contain multiple references to the roadway that forms the western border of the City. This roadway is most often referred to as East County Line Road, or County 120.

A COMPREHENSIVE PLAN FOR BIRCHWOOD VILLAGE

I. INTRODUCTION

A. Location and Historical Setting

The City of Birchwood Village is a small community of single family homes situated on the south shore of White Bear Lake (Figure 1). It is approximately 214 acres in size and at the end of 2000 had an estimated population of 968.

By Municipal Code, there are no retail or commercial activities in the community. Convenient access to these activities is available in the neighboring communities of White Bear Lake, Mahtomedi, Willernie and White Bear Township.

First incorporated as a Village in the year 1921, a subsequent act of the State Legislature converted the "Village" to a "City of the Fourth Class." Residents felt, however, that the term "Village" was so much a part of the community that it was amended to "Birchwood Village, a City of the Fourth Class." In this comprehensive plan, the names Birchwood Village, Birchwood, and the Village all have the same meaning and are used interchangeably.

Birchwood first developed as a community of summer recreation cottages built by residents of the Saint Paul area in early 1900's. Initial subdivisions were along the lakeshore, and this area is now characterized by a potpourri of old homes that have been extensively remodeled, and new homes where the original structure has been demolished. The newer subdivisions away from the lake have larger lots and are more homogeneous in appearance but have retained the flavor of the Village by preserving the natural features of the area.

The community was at one time served by the Twin City Lines streetcar which passed through the Village on its way from Saint Paul to White Bear Lake and Mahtomedi. The significant difference in lot sizes between the older and newer areas of the community, reflect the influence of changes in transportation modes.

There are no historic resources and properties within the community of Birchwood. The City will create a policy of preservation should any resources or properties be named historic.

B. Governmental Structure

Birchwood Village is a City of the Fourth Class, with a City Council form of government. Elected at large, the City Council consists of the Mayor and four council members. Each has ongoing responsibilities between meetings.

The City has two part-time employees, the city clerk and a treasurer. The elected officials, appointed officials and other residents provide many volunteer hours to the City to perform needed services.

Some municipal services such as sewer maintenance, police and fire protection, and building inspections/planning are contracted primarily from the City of White Bear Lake.

A Planning Commission advises the City Council on land use matters, variances and changes in ordinances. Currently, residents seeking a variance present their application and plans to the White Bear Planning Department. Their review is forwarded to the Planning Commission for review and recommendation to the City Council. The Council often asks the Planning Commission to review proposed ordinances and make recommendations to the Council.

The following policy guidelines establish what the community desires to achieve.

Goals:

1. Maintain residential nature of the community.
2. Preserve natural woodlands and wetlands characteristics.
3. Maintain and improve municipal services to insure the health, safety and general well being of Birchwood residents.
4. Maintain the autonomy of Birchwood Village as governmental entity.

5. Preserve existing traditions such as the July 4th parade, plant exchange, and village-wide garage sale.
6. Reduce energy usage by 1% per year.
7. Regularly track and maintain all city property, structures and assets.
8. Increase voluntarism in Birchwood.
9. Increase communication of community happenings and projects.
10. Prepare for emergencies.

It is apparent from the goals that evolved for the last three Comp Plans and this plan that the residents like what they have and have little or no desire for a change. This comprehensive plan endeavors to preserve the governmental, and environmental, traditions and characteristics of the City of Birchwood Village.

C. Demographic Characteristics

The number of households in the City has increased only 10% in the past 28 years from 326 in 1980 to 357 in 2000. The new construction in the City has been teardown homes replaced by new construction. During this same period, the population has decreased 9% from 1059 in 1980 to 968 in 2000. The Metropolitan Council forecasts an increase of 13 households by the year 2020 to 370, but a continued decrease in population. The decrease in the population is based upon the assumption that, according to recent demographic trends, the average persons-per-household will gradually decrease in developed communities composed predominantly of single-family housing. Since Birchwood has few remaining vacant lots available for building purposes, the projected increase in households for the years 2010 and 2020 are probably inaccurate. The City anticipates no additional households through 2020.

The Metropolitan Council projects a slow decrease in the population of Birchwood to 950 in 2010 and stabilizing at 930 through 2030. The Metropolitan Council also sees the number of households stabilizing at 370 through 2030.

The City of Birchwood Village will face problems in the next decade adjusting to a slowly aging population. Some issues we face might include: an increased need for public services; residents leaving during the winter months which will leave vacant homes; fewer volunteers to help out; a decreased use of the parks because there will be fewer children; and a greater need to make facilities handicapped accessible. An additional issue might be the number of residents living on fixed incomes; this will cause problems (for residents) when the City needs to finance infrastructure repairs, upgrades or replacements.

Another demographic trend is the increased income disparity between members of Birchwood. As the homes on White Bear Lake become more and more expensive, only the wealthy will be able to afford to live on the lake. The increased value will squeeze out many of the traditional summer cottages and residents with lower incomes. Also, as (all) property becomes more and more valuable, and our residents age, their disposable income will stabilize or decrease, but their property taxes will increase. This will become one more factor which might squeeze our long-time older residents out of their homes.

D. Employment

The City prohibits commercial and industrial development. The City employs two part-time employees and several seasonal, part-time park and recreation employees. Residents may have a business in their home under certain restrictive conditions.

II. LAND USE PLAN

A. Policy Guidelines

The following policy guidelines establish what the community desires to achieve.

1. Maintain the existing character of the community through the orderly growth of remaining buildable land.
2. Prohibit the development of commercial, industrial and high density residential uses.

3. Prohibit development on wetlands and other natural features that perform important protective functions in their natural state.
4. Eliminate all evidences of environmental blight, including but not limited to blighted housing and water pollution through strict enforcement of the municipal code.
5. Maintain a high quality and affordable residential environment.
6. Ensure that all new housing conforms to the accepted standards of planning, design and construction, including standards that respect natural hydrology and unique physical features.
7. Require that the protection of wetlands and lakeshore be an integral part of land development.
8. Avoid the removal of healthy trees. Where removal is unavoidable, replanting shall be required one for one.
9. Prevent alteration which would inhibit the role of wetlands, lakeshore or open space in the hydrologic system or an ecological system.

The primary intent of the land use policy guidelines is to foster, improve and preserve the existing character of the community. The zoning ordinance encourages maintaining present use in developed areas. Since the community is situated on White Bear Lake, Halls Marsh and Lost Lake, the zoning ordinance includes the necessary regulation to manage shoreline and wetlands. New development or rehabilitation is encouraged to preserve as many natural features as possible.

B. Natural Resources

Birchwood is basically rolling and hilly. Slopes gradually increase in percent of grade as the land rises away from White Bear Lake. At the highest elevation the lake flows out at the north end toward Bald Eagle Lake. The terrain elevation rises to a height of over 1,010 feet at the west and south boundaries of Birchwood where it then levels out to a plateau. As the terrain rises there are slopes of 15% - 24%. Most areas have slopes that are no more than 12% - 15%. A 12% slope is considered erodible if the natural vegetation and ground cover is removed.

Tighe-Schmitz Park is an extremely low area. Before it was filled in, it was described as a bog, wetland and swamp. It was filled in during the 1950's. When there are large amounts of rain, this park serves as a holding area for excess water. Part of the park is being used as a permanent rain garden. This garden needs yearly nurturing.

The City has also constructed a rain garden on the Birch Easement. This rain garden compliments the natural outflow of water into the lake. This rain garden needs yearly nurturing.

The native soils are predominantly various types of sand. Close to the lake, the Kingsly fine sandy loam predominates. It is considered to have a slight degree of limitation for building. Some erosion hazard is evident on steeper slopes. The outcrop of rock that goes through here is called the Birchwood Outcrop.

The south-central portion of the City contains Pemroy loamy fine sand. This soil type presents a severe erosion hazard when found on slopes greater than 12%, which are found in that area. This soil also tends to be rather impermeable.

Detailed information on surface soil types is available from the Washington County Soil and Water Conservation District. Some ledge rock is encountered at scattered locations throughout the City of Birchwood Village.

Aquatic vegetation is found in the marsh areas. Land that was once open farmland in the southwest area now has a variety of trees as part of the landscaping.

Birchwood is extensively wooded and it appears most of the trees are of the Oak - Maple and Oak groups. Concern is expressed for the Oak - Elm groups of trees in that there appears to be no effective solution to Oak Wilt and Dutch Elm Disease which have infected area trees. Concern is also expressed for the loss of trees and tree limbs due to either inclement weather or aging of the city tree stock. Another major issue is the invasive species, buckthorn. Because this species is so invasive, the Washington County Sentence to Service crews spend several weekends every year cutting buckthorn. While Sentence to Service is free, the City must spend money disposing of the wood.

Another invasive species is purple loosestrife. This plant has replaced many native species (and animals) in Halls Marsh. There is no easy answer to eradicating this plant. The City is working with several volunteers and organizations to remove this plant.

White Bear Lake itself is probably the community's most valuable natural resource, providing recreational activities both summer and winter, and acting as an effective moderator of ambient temperatures. The sloping terrain toward the lake provides many homes with sweeping vistas of open space. The City and the citizens of Birchwood should be cognizant of this resource when applying chemicals.

C. Development Concept

The City of Birchwood is designated as a "developed community" geographic planning area in the *2030 Regional Development Framework*. The development concept of Birchwood Village is entirely residential. Relevant official controls for land planning are summarized in the Implementation Chapter. No retail or commercial business activities are permitted, save a few professionals who office out of their private homes in a manner that generates minimal vehicular traffic. Birchwood ordinances permit duplex dwellings. There are several existing parcels that contain more than one dwelling. Seven parcels have two dwelling units. This residential zoning is the same as the zoning of adjacent communities.

Figure II illustrates the extent to which Birchwood is currently developed. The city has 421 tax parcels. Remaining large parcels could be subdivided into about an additional 18 buildable parcels. In terms of land development potential, Birchwood is over 95% developed.

D. Housing Plan

The City is not part of the state's subsidized allocation plan. If we need help preserving the housing we have we would work with other government entities.

Housing Principles

The City of Birchwood Village supports:

1. A balanced housing supply, with housing available for people at all income levels.
2. The accommodation of all racial and ethnic groups in purchase, sale, rental, and location of housing within the community.
3. A variety of housing types for people in all stages of the life cycle.
4. A community of well-maintained housing and neighborhoods.

Housing Goals

General housing goals include the continued maintenance of all dwelling units in a habitable and presentable condition. This is currently achieved on an ongoing basis within the framework of the municipal code.

The City of Birchwood Village proposes to:

1. Maintain its current level of housing affordability - as best it can, given potential market forces on a completely developed city adjoining White Bear Lake.
2. Maintain its single family detached housing density.

There are few housing rehabilitation opportunities in the City, and subsidized rehabilitation activity is unlikely. A reason for this is the willingness of property owners to invest private money in making housing improvements.

Housing Supply - Current Housing Stock

The City of Birchwood Village is a small community located on the south shores of White Bear Lake within Washington County and has a population of 968 people. The City's housing consists mainly of single family homes, with no vacant land remaining for further development. Any new housing construction will result through possible division of existing lots or through replacement of existing structures.

In general, the housing stock is good, but because most of the units are older, maintenance and rehabilitation is of great concern. Thirty-seven percent of Birchwood's housing was built before 1939, and 53% between 1940 and 1979. Of these, 82% of Birchwood's housing units are owner occupied and 18% are renter occupied, with a vacancy rate of 4%. Seventy percent of the housing units in Birchwood are valued between \$ 100,000 and \$250,000 not including the land.

In Birchwood, housing stock is affordable and meets the life cycle housing definition. These homes can be purchased and improved within a reasonable budget for moderate to upper income families. Most families residing within the City fall into the moderate income range.

Housing Implementation Program

To implement its housing goals, the City of Birchwood will investigate the following housing assistance, housing development, and housing rehabilitation/redevelopment programs.

Housing Assistance Programs

- *Metro HRA rental assistance program.
- *Mortgage assistance and below-market-rate home mortgage loans.
- *First-time home buyer programs.

Housing Maintenance, Rehabilitation and Redevelopment Programs

- *Home ownership rehabilitation, home improvement, and energy-efficient local programs.
- *Housing rehabilitation programs funded locally.
- *Twin Cities Habitat for Humanity
- *Section 202 (federal) for development of elderly housing.
- *Family Housing Fund
- *Community Clean-Up Days

Due to the physical limitations resulting from no remaining land available for residential development in the City, Birchwood could also consider a collaborative effort with surrounding communities for a "cluster" plan supported by the LCA.

Local Official Controls and Approvals

The local zoning and subdivision ordinances in Birchwood do not presently conflict with the City's goals to provide affordable housing to low income families or the elderly. As conflicts become known through the approval process, local codes would be reviewed and revised as needed by the City Council at that point in time.

Tables 1-10 illustrate statistics relating to Birchwood's housing and residents.

E. Surface Water Management

The City is responsible for developing standards that prevent or mitigate pollutants as a result of development, new construction, remodeling or re-development. All new development, new construction, remodeling or re-development must conform to the National Urban Runoff Standards (NURP) standards, NPDES-SWPPP and the Minnesota Pollution Control Agency's best management practices for erosion and sedimentation control.

Water Resource Management Agreements

The City is wholly within the Rice Creek Watershed District which require permits for development, re-development and land disturbing activities that occur. The Rice Creek Watershed District has recently adopted new rules which require permittees to address storm water management, including volume and rate control, water quality, erosion and sediment control, wetlands, and floodplain. The Rice Creek Watershed District is also the designated Local Unit of government for purposes of the State of Minnesota Wetland Conservation Act.

Surface Water Jurisdiction within the City of Birchwood

Jurisdictional Entity	Jurisdictional Authority
US Army Corp of Engineers	All jurisdictional wetlands
MN DNR	DNR protected waters & wetlands Regulate to ordinary high water elevation or top of stream bank
MPCA	Water quality protection through 401 certification and NPDES
Rice Creek Watershed District	All wetlands & land disturbing activities that affect surface waters
City of Birchwood	Activities that affect wetlands & surface water per City Land Use Code

Policies

It is the policy of the City to...

1. Designate wetland alteration and mitigation requirements consistent with the Wetlands Conservation Act to Rice Creek Watershed District;
2. Implement the Rice Creek Watershed District’s Watershed Management Plan (The City Local Surface Water Management Plan was approved by the Rice Creek Watershed District on June 27, 2001. The Rice Creek Watershed will not have its 3rd generation water plan completed until sometime in 2009. Birchwood’s updated plan was approved 5/13/08.
3. Enforce the Minnesota Pollution Control Agency’s urban best management practices; titled Protecting Water Quality in Urban Areas to reduce non-point source pollutant loadings in storm water runoff.
4. Require that storm water ponds meet the design standards of the National Urban Runoff Program; and
5. Enforce shore land management regulations of the Minnesota Department of Natural Resources.
6. Implement NPDES-SWPPP best management practices.
7. The City of Birchwood reviews all building and land disturbance permits under one acre. Rice Creek Watershed District reviews permits required for land development plans greater than 1 acre or having shoreland disturbance. Before the City gives its final approval the resident must obtain the required permits from the watershed district.

The above referenced standards and requirements are currently addressed in the City of Birchwood Village Land Use Code. The General Standards include the following:

1. When possible, existing natural drainage ways, wetlands and vegetated soil surfaces must be used to convey, store, filter, and retain storm water runoff before discharge to public waters.
2. Development must be planned and conducted in a manner that will minimize the extent of the disturbed areas, runoff, velocities, erosion potential, and reduce and delay runoff volumes.
3. When development density, topographic features, and soil and vegetation conditions are not sufficient to adequately handle storm water runoff using natural features and vegetation, various types of constructed facilities such as diversions, settling basins, skimming devices, dikes, waterways, and ponds may be used.

Specific standards for land use development require:

- *Impervious surface to be limited to 25 percent of the lot area
- *No increase in the rate of storm water runoff from the parcel
- *Gutters and downspouts to have drain leaders routed to pervious areas

- *No clear cutting of trees
- *Natural vegetative buffer at shore land and wetland

Specific standards for infrastructure development require:

- *New storm water outfalls to public waters or wetlands to provide for filtering or settling of suspended solids before discharge,
- *Storm water detention facilities to be designed according to the most current technology, as recommended by the Pollution Control Agency

The City requires a grading and filling permit to minimize and control storm water runoff, prevent erosion and trap sediment during construction. Provisions in the City code address size of disturbed area, length of exposure, use of temporary ground cover, use of runoff control devices such as silt fences, location of storage piles, and placement of fill material.

With the completion of the Rice Creek Watershed District Third Generation Watershed Management Plan, expected to take place in 2009, the City will then be required to update its comprehensive plan and/or local surface water management plan to ensure consistency with the updated watershed management plan. The City will prepare and adopt specific amendments to its storm water plan and land use controls within two years of Rice Creek Watershed District adoption of its Third Generation Plan. The updated plan will be sent to Rice Creek Watershed District and Metropolitan Council for review.

Planned Actions to Address Storm Water Management Concerns

In order to capture rainwater, pollutants and silt, sumps are being added to the City. These sumps will trap some or all of the silt, etc., before the rainwater goes into the lake.

F. Street Sweeping

Currently the City has the streets swept in the spring and fall. A complete sweeping of the City's streets costs about \$4,800 per year. The City also sweeps selected streets in mid summer and after major storms. The City focus for additional sweeping is to clean streets that feed storm water runoff into the lake.

III. PUBLIC FACILITIES

A. Transportation

Inventory

Street System

The City of Birchwood Village has 4.2 miles of bituminous surfaced streets and 0.03 miles of gravel streets and are all classified as local. The only unimproved gravel street is Grotto Street, east of Wildwood Avenue. There are no streets within the City that are under State or County jurisdiction. East County Line Road, which is along the west border of Birchwood, is jointly owned by Washington County and Ramsey County. There are several areas where dedicated street right-of-way is unimproved; Birch Street, Ash Street, Grotto Street, Park Avenue and Highwood Street (Figure III).

The City's street infrastructure is the largest portion of the public works system requiring ongoing and routine maintenance. The City's streets consist of two to three inches of bituminous surfacing over four to five inches of aggregate base. Bituminous overlays of the streets have been completed in the past. As a result the bituminous surface may be thicker than three inches on some roadways. The City has relatively low traffic volumes, with individual homes generating six to eight vehicle trips per day. Since there are no commercial businesses located within the City, which could generate higher traffic volumes, it is expected that the volumes experienced shall remain steady.

Local streets maintained by the City are bituminous surfaced and are designed for a five ton axle loading. Street widths vary from 11 to 24 feet. Although some temporary on-street parking is accommodated, Municipal Code prohibits parking on the surfaced portion of the street from 2:00 A.M. to 8:00 A.M. to assure that all resident vehicles are provided with off-street parking facilities.

A three-year program that would seal coat all of the City's bituminous roadways was initiated in 2007. The City is responsible for paying all costs incurred to complete the seal coating of the roadways. The following tables indicate which streets have either already been seal coated or are planned to be seal coated in the next two years. The construction costs for each project year are also included.

2007 – Seal Coat Completed

Street	From	To	Actual Construction Costs
Birchwood Ave.	East County Line Rd.	Cedar St.	\$ 4,700.00
Birchwood Ln.	East County Line Rd.	Wildwood Ave.	\$ 1,200.00
Wildwood Ave.	East County Line Rd.	Hall Ave.	\$ 14,795.00
		Total	\$ 20,695.00

2008 – Seal Coat Completed

Street	From	To	Estimated Construction Costs
Oakridge Drive	Cedar Street	End	\$ 5,400.00
Oakview Court	Oakridge Drive	End	\$ 750.00
Oakhill Court	Oakridge Drive	End	\$ 1,700.00
Five Oaks Lane	Oakridge Drive	Birchwood Ave.	\$ 1,100.00
Birchwood Ave.	Cedar Street	End	\$ 2,400.00
Birchwood Ct.	Birchwood Ave.	End	\$ 2,500.00
		Total	\$ 13,850.00

2009 – Seal Coat to be Completed

Street	From	To	Estimated Construction Costs
Lake Avenue	Wildwood Avenue	End	\$ 5,200.00
Cedar Street	Hall Avenue	Cedar Street	\$ 800.00
Hall Court	Hall Avenue	End	\$ 750.00
White Pine Lane	Hall Avenue	End	\$ 2,850.00
Jay Street	Hall Avenue	End	\$ 2,200.00
Birchwood Ave.	End	End	\$ 3,100.00
Iris Street	Lake Avenue	Wildwood Ave.	\$ 1,300.00
		Total	\$ 16,200.00

Some bituminous roadways located in the City were excluded from the three-year seal coating program. Two of these roadways are Cedar Street (East County Line Road to Hall Avenue) and Hall Avenue. These were not included because they were recently seal coated in 2005. The other two roadways not included are Grotto Street and Birch Street. The bituminous surfaces on these two roadways have deteriorated to a point where basic maintenance is no longer sufficient. In order to ensure that the residents of Birchwood Village have a safe and adequate transportation plan, both of these roadways should be reconstructed within the next 5 years. Any roadway to be reconstructed shall have 100% of the reconstruction cost assessed to the abutting property on the basis of front footage. This policy is in accordance with the Birchwood Code Book Section 612.090 paragraph 2.

Cedar Street/Hall Avenue are a segment of streets that are in moderate condition as of the fall of 2007. The roadway does experience a higher volume of traffic than the other roads within the City due to the fact that it serves as a collector roadway. The roadway does have areas of advanced alligator cracking and rutting in the wheel paths. This roadway should be reviewed on a periodic basis to determine when reconstruction will become necessary.

In addition to the seal coating projects, it will be necessary to start the process of crack sealing the streets. It is recommended that the streets be crack sealed every three years. Some additional as-needed repairs may emerge along the bituminous roadways. These necessary repairs could be a result of severe weather conditions and utility repairs.

Sidewalks

There are no sidewalks within the City. Limited discussion has been heard regarding sidewalk improvements along East County Line Road. The roadside drainage includes a series of ditches and culverts, which would make construction of trail or sidewalk improvements difficult. It may be possible, however, to construct storm sewer to accommodate storm water runoff. Any improvements would need significant coordination with the Washington and Ramsey County.

A crushed granite trail was constructed in Tighe Schmitz Park in 2007. This trail winds through the entire park providing Birchwood a safe and unique pedestrian route for residents of all ages. Pedestrians also utilize a narrow bituminous surface between upper and lower Birch Street as a path. The City maintains Ash and Grotto walkways as wood chip paths.

Mass Transit

Several forms of mass transit service are currently available to the residents of Birchwood:

- Metropolitan Transit Commission regularly scheduled weekday service to the St. Paul CBD
- White Bear Lake Area Transportation Service (Lake Area Bus)
- The City is within the Metropolitan Transit Taxing District and lies within Transit Market Area III.
- Route 270 is operated by Metro Transit and Route 219 is operated by Metropolitan Transit Services.

Access to both of the MTC services is gained on County Road 120 on the west side of the City and at the Park and Ride Lot at Maplewood Mall. The City Hall Park & Ride for access to MTC services is no longer part of the system.

The White Bear Lake Area Transportation Service provides local door to door "dial-a-ride" service on weekdays in and between Birchwood, White Bear Township, City of White Bear Lake, Mahtomedi, Willernie, and Vadnais Heights.

The City is committed to continued support of the available transit options.

Airports

For commercial service, the nearest airport is Minneapolis-St. Paul International located some 16 miles to the southwest. This facility is accessible via Interstate 35E through downtown St. Paul or I694/I494 through the eastern suburbs.

The nearest airport of metropolitan significance is Lake Elmo Field, a general aviation facility operated by the Metropolitan Airports Commission. It is located some 8 miles to the southeast. Access to this facility is primarily via County Highways.

A number of private light planes operate off the surface of White Bear Lake on floats during the summer months and on skis during the winter months. The lake is adequate in size for light activity in this regard, and the MnDOT Aeronautics designated it appropriate for seaplane operations. The City concurs in this designation considering the present seaplane activity. However, large scale operations would not meet with City approval.

There are no existing height barriers for seaplane operation within the City. Municipal Code restricts the height of structures per Code 302.045 without a variance. Any variance which would result in a structure having a height of more than 200 feet AGL would be considered an aviation hazard needing concurrence of MnDOT.

Transportation Policy Plan

The City of Village of Birchwood Village is fully developed. There are no undeveloped parcels inside the city limits that are large enough for a multi-lot development.

There are no options to connect any of the existing streets to the streets of neighboring communities. The existing streets are adequate in handling all future transportation needs that the City may encounter.

The policy toward County 120 is to encourage improvements which would provide safer conditions for pedestrians and bicycle traffic and to slow or halt storm water runoff into White Bear Lake.

B. Sanitary Sewer

Inventory

The City is served by a network of sanitary sewer mains and individual home services, as shown in Figure IV. The original mains are predominately 9-inch clay pipe and were installed in 1964. The system is served by three lift stations, which are located at the Dellwood Easement (north of Tighe-Schmitz Park), the north end of Wildwood Park, and at the west end of Birchwood Lane near East County Line Road. All effluent entering the City's system is passed into the Metropolitan Council Environmental Services sewer and ultimately is treated at the Pigs Eye Treatment Plant in St. Paul. The Metropolitan Council has the following estimations for the wastewater flow from Birchwood Village.

Year	2010	2020	2030
Sewered Population	950	930	930
Sewered Households	360	370	370
Sewered Employment	0	0	0
Average Annual Wastewater Flow (MGD)	.08	.08	.08
Allowable Peak Hourly Flow (MGD)	.32	.32	.32

It is anticipated that the total volume of wastewater flow will not change significantly prior to 2030 given the fact that the City is nearly built out.

The City of Birchwood Village has several measures in place to prevent infiltration and inflow into the sanitary sewer mains. Ordinance 202.100 states that it shall be unlawful for anyone to direct storm water, surface water, ground water, or water from air conditioning systems into the sanitary sewer. The City Council will look at an amendment to that ordinance stating that the City prohibits the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system. In addition, televising of the mains allows the City to pinpoint areas of high infiltration and take corrective action.

Birchwood had its entire sanitary sewer system televised during the summer of 2003. Approximately half of the system was found to have significant deterioration and/or had high amounts of infiltration. In order to prevent further deterioration of the lines to the point where open trench replacement would be necessary, rehabilitation of approximately one-half of the mains by lining the sewer was done. This work was completed in the winter of 2005. In 2006, the sanitary sewer along Birchwood Lane was also rehabilitated by the cured in place pipe process. These mains are now 8-inch plastic pipe.

Any sewer lines that have not been lined to date will be televised late in 2007. Any line that is found to have further deteriorated to a point near the end of its useful life will be rehabilitated in 2008. The estimated construction cost to line all remaining sewer lines is \$403,000.00. Once the sanitary sewer line has been rehabilitated, it is expected that its useful life shall be 50 years. When referenced in regards to the sanitary sewer main, the term useful life shall be

defined as the sanitary sewer mains that direct the effluent from resident homes in an effective and efficient manner to the Metropolitan Council sanitary sewer line.

There are several areas where gravity sanitary sewer is located outside of street right-of-way. These areas are located behind 127-173 Birchwood Avenue, behind 146-152 Wildwood Avenue, behind 101-117 Wildwood Avenue and along White Bear Lake between 339 Wildwood Avenue and the Dellwood Easement. Access to these locations with conventional maintenance equipment is extremely difficult, if not impossible. The City has discussed the need for additional easements that would be necessary to gain access. The fact that these sewers are located in wooded or inaccessible areas leads to significant concerns regarding root problems. Several of the segments have been rehabilitated as noted on Figure IV. All of these mains have been reviewed as part of the televising that was completed and will continue to be monitored.

In order to protect the lift stations from damage, the City also replaced 40 sanitary manhole covers that had small openings caused by sewer gas deterioration. This will prevent foreign objects from entering the sanitary sewer system while also minimizing any storm water runoff, which does not need to be treated, from entering the system.

All three lift stations within Birchwood are relatively new. The Birchwood Lane Lift Station was reconstructed in 1997. In addition, the piping from the lift station to the wet well was replaced in October 2006. The Wildwood Lift Station was reconstructed in 2001. The reconstruction of the lift station consisted of removing and installing new pumps and piping inside the existing concrete structure. The Dellwood Lift Station was completely replaced in 2004. This work included removing and constructing a new concrete structure, and installing new pumps and piping inside the structure. The pumps in these three stations should be adequate for 20 years past their installation date and the structures should be adequate for 50 years past their installation date. Ongoing maintenance of the three lift stations will still be necessary.

C. Municipal Water Distribution

Inventory

The City has a network of watermains and individual house services that serve residents. Figure V shows the watermain system. The watermain system for most of the City consists of 6-inch cast iron pipe, installed in 1964. Repairs and maintenance on the system are completed under the direction of the City Engineer and White Bear Public Works staff.

In 2005, the City completed an extension of the watermain from Oakridge Drive to East County Line Road. The extension consisted of directional boring an 8" HDPE pipe in between these two roadways. This extension looped the watermain on Oakridge Drive, which improved the water quality and fire flow for the residents along this road.

The City of Birchwood Village had all gate valve locations surveyed in 2006. This survey will allow the Village to quickly find the location of a gate valve whenever a section of watermain would need to be isolated, such as a during a watermain break. This will be very useful in the winter when the gate valves could potentially be buried in snow and ice.

Birchwood does not have any wells that feed the system; rather, water is purchased from White Bear Lake. This connection for water supply is located in the southwest corner of the City, beneath East County Line Road. In March 2008, the check valve within the metering vault was replaced at this location.

The City does have an additional water supply connection from White Bear Township in place. This connection would be used in an emergency, such as a watermain break or if the connection to the City of White Bear Lake's water supply was interrupted. The Township connection was constructed in 1982 and is located along East County Line Road near Birchwood Avenue. A written agreement between the two communities is in place for this connection. This emergency connection has been utilized in a very limited manner since 1982. No modifications or improvements to this connection are necessary at this time.

Overall, the watermain system is functioning adequately and no major improvements are expected in the next ten years. However, there are two hydrants slowly leaking, and are scheduled to be replaced in the spring of 2008. The two hydrants are located at the end of Birch Street south of the intersection with Birchwood Avenue and on Lake Avenue.

The policy is to continue providing a safe and dependable supply of municipal water for the residential users. The City's Water Emergency and Conservation Plan (1995 and updated April 2008) contains the policies and procedures for the City of Birchwood Village to follow when the water supply is interrupted or in short supply. A copy of the Plan is available at City Hall.

D. Storm Sewer

Inventory

Birchwood Village lies on the shores of White Bear Lake and is part of the Rice Creek Watershed District.

In 1965, in conjunction with the construction of newly curbed streets, runoff was concentrated to the point where storm sewer culverts became necessary at a few locations to prevent erosion, or to conduct runoff through park areas where the presence of open ditches was considered undesirable.

No additional need for storm sewers was determined until the early 1970's when residential development in new areas began to precipitate concerns about increasing runoff rates. In 1974, in conjunction with the platting of Birchwood Ridge #2, a 20 -foot wide public easement was provided to enable future construction of a storm sewer along White Pine Lane and Grotto Street to the lake. In early 1980's, the Priebe Lake Outfall project was constructed in this area by the Rice Creek Watershed District. Priebe Lake lies within the City of White Bear Lake, but the outfall passes through Birchwood Village to Hall's Marsh.

In recent years, the City has constructed multiple smaller projects to address storm water issues. The first, completed in 2002, consisted of installing a baffle on an outlet from the two catch basins on Oakridge Drive. This baffle is designed to slow down the stormwater velocity coming out of the outlet, which drains into a swale running along property lines of homes in the City of White Bear Lake. A permanent erosion control blanket was installed along this swale in 2005.

In 2006, the City installed a concrete cable swale along Birch Easement. This swale is designed to remove sediment from the stormwater runoff while it is traveling through the swale, which in turn reduces the amount of sediment entering White Bear Lake. The construction of this concrete swale also created a walking trail along the easement, since it eliminated the need for the existing bituminous swale to convey the stormwater.

In 2007, three existing catch basins were removed along Wildwood Avenue and the Elm Beach Easement and replaced with new catch basins that have 4-foot sumps incorporated in them. These 4-foot sumps will trap sediment in the catch basin, which will diminish the amount of sediment entering White Bear Lake. Birchwood has outlined a maintenance schedule to clean structures with sumps every fall and spring.

The City of Birchwood Village continues to plan for the removal and replacement of existing catch basins with structures that include sumps to promote sediment reduction. There are approximately 12 catch basins/inlets that could be reconstructed at an approximate construction cost of \$5,500 each. To ensure that the project is of adequate size, the City will complete a minimum of three catch basin reconstructions with each project.

Birchwood installed a rainwater garden along Birch Easement in 2004. This garden experienced heavy sediment from the roadway, which limited the effectiveness of the garden. The installation of the catch basins with sumps will aid in alleviating the amount of sediment entering the garden. The rainwater garden was replanted in 2008 and will be monitored.

A large amount of storm water runoff enters directly into White Bear Lake at the intersection of East County Line Road and County Road F. This runoff is heavily loaded with nutrients and sediment. The City recently partnered with

Ramsey County to install a structure at this location to retard and treat storm water running off County 120 into White Bear Lake.

The City has two public roadways, Iris Street and Lake Avenue, which are adjacent to Halls Marsh. The roads run alongside the marsh for approximately half of the perimeter and the storm water runoff is directed to the marsh through the existing drainage patterns. There is also a culvert from Tighe-Schmitz Park that directly discharges into Halls Marsh. As part of a future street project, treatment of the storm water runoff is desired in order to promote a reduction in the sediment and nutrient loaded water from entering Halls Marsh. Possible government entities that may be involved with reducing the storm water runoff could be: Mahtomedi, Birchwood Village, Rice Creek Watershed District, and the White Bear Lake Conservation District.

Storm Sewer Policy

The policy regarding storm sewers is very much related to the ability to preserve the natural permeable ground cover. If excessive areas of impermeable surfaces can be discouraged, the need for storm sewers will be minimized.

Where storm sewers are found to be necessary, ponding areas will be constructed wherever feasible to reduce the runoff rate and improve the quality of runoff going to the lake.

Where feasible, nutrients in the runoff will be leached out using natural methods such as passing it through a wetlands or grassy area before the runoff enters White Bear Lake. This is similar in manner to the Priebe Lake Outfall, which uses Hall's Marsh for the purpose.

Birchwood also implemented a storm sewer monitoring program. This calls for the catch basins with sumps, rainwater garden, concrete cable swale, and other storm sewer measures to be monitored for high levels of sediment and cleaned once various levels are achieved.

All new storm sewers will be designed and maintained in accordance with the requirements of the Rice Creek Watershed.

E. Utilities

Electric power, natural gas, cable TV, and telephone utilities are available to all residents of Birchwood Village.

Electric power (120/240 single phase) is provided by Xcel Energy for residential use and also for street lighting. There are no commercial or industrial users. Three-phase power is provided for the operation of the sanitary sewer lift stations.

Overhead service is characteristic of all areas developed prior to 1965. Since 1965 all new subdivisions have underground residential service.

Natural gas is also distributed by Xcel Energy. A 10" high pressure main passes through the City on Wildwood Avenue. Gas laterals are generally 2" diameter steel pipe, although some recent installations have been 2" plastic pipe.

F. Signs

Birchwood Village had eighty percent of the regulatory and warning signs replaced in summer of 2000. Currently there are no signs located within City limits that are in need of immediate replacement. The condition of the signs will be monitored and signs will be replaced, on an as needed basis. There are no locations where any additional signage appears to be necessary.

The City is currently reviewing the parking needs at Tighe-Schmitz Park. The signage along the park will be reviewed and modified as necessary once the parking improvements are completed.

The City discourages the proliferation of signs and encourages a gradual reduction over time. If a new sign is put up, the City is encouraged to remove an existing sign. Also, any signs that are damaged by accidents or vandalism should be replaced as soon as they are reported to the City.

G. Fire and Police Protection

Current Situation

Presently Birchwood contracts with the City of White Bear Lake for its police, fire and ambulance services. This arrangement allows Birchwood to provide good protection at a modest cost.

Policy

The City policy is to continue to provide these services on a contractual basis. These contracts reduce the costs of administrating protection while enabling the contracted community to make more efficient use of their equipment and personnel.

IV. PARKS AND OPEN SPACE

A. Inventory

There is a total of 13.8 acres of park and public open space land within the boundaries of Birchwood Village (See Figure VI). The City's park system contains four dedicated municipal parks (Tighe-Schmidt, Bloomquist Field, Wildwood Avenue Boulevard and Nordling Park); six lake easements providing access to White Bear Lake, and several undeveloped areas of open space. All City residents are within one-half mile of one or more of the parks. There are no regional parks or trails in the City.

Municipal Parks

Bloomquist Field (1.50 Acres) is located at the intersection of Cedar Street and Birchwood Avenue. A double tennis court is located in this facility, as well as picnic tables and benches. New playground equipment was installed in 1998. The City anticipates replacing the entire tennis court surface by 2011.

Wildwood Avenue Boulevard (0.60 Acres) is located at approximately the midpoint of Wildwood Avenue. It is a wide open grassy area between the driving lanes of Wildwood Avenue. The City uses the park for its Fourth of July celebration. Two of the lake easements for the City abut this area.

Tighe-Schmitz Park (2.50 Acres) is located on the northeastern edge of the City. Located in this park are the large sports areas - hockey rink, open skating rink, baseball field, football and soccer practice areas. The multi-purpose hockey rink (completed in 1997) provides for year-round use including in-line skating and basketball in the off-season. Adjacent to the skating rinks is a warming house and volleyball court. Children's play equipment (installed in 1996), and a picnic shelter complete the area at this time. Adjacent to the picnic area, a rain garden was installed. In 2007, a walking path was installed on the edge of the park.

Nordling Park (1.3 Acres) is a wooded area which has some walking paths and serves as a temporary ponding area.

Lake Easements (1.2 Acres): six lake easements provide access to White Bear Lake for swimming, boating, fishing, and winter activities. These sites are evenly spaced along Wildwood and Lake Avenues. (See map - Kay, Dellwood, Elm, Birch, Ash and Kurt Feistner Memorial Preserve. These are City owned and governed. Associations exist for City residents who pay a fee for erection and maintenance of docks.

Unimproved Open Space

Lakewood Rearrangement, Out Lot A (0.2 Acres) This 50 foot wide strip of land is undeveloped but has potential as a tot-lot.

Hall's Marsh (6.6 Acres) This open space is a dedicated nature preserve. The Village is hoping to make this open space more accessible to the residents.

Birchwood City Hall, located adjacent to Bloomfield Field, serves as a gathering and meeting place for various Birchwood organizations as well as for official business meetings. The Village is using the land directly north of the Village Hall as a storm water runoff ponding area.

Unimproved Streets

There are several unimproved street right-of-ways which offer potential pedestrian trails through the City (Birch, Ash, Grotto, Highwood). In the past, some preliminary discussions have taken place exploring the possibility of future expansion of the trail system.

Nearby Communities

Parks and recreational facilities in nearby communities are accessible to Birchwood residents. For example, libraries are located in both Mahtomedi and White Bear Lake. Adjacent resources include Wildwood Park and Wedgewood Park both just off County Road E in Mahtomedi just to the south and east of Birchwood. About an equal distance to the west is the fairly well-developed playground at the former Bellaire School. This school includes playground equipment, and softball field. The City of White Bear also has play equipment at the corner of County F and Bellaire. White Bear Township's Bellaire Beach and picnic area is located on White Bear Lake one-half mile west of Birchwood.

All children and adults within Birchwood can participate in all activities of the White Bear Lake, and Mahtomedi Community Education Programs.

B. Policy Plan

Goal:

Maintain and improve the public facilities which exist to ensure the health, safety and general well being of individuals within the community. Integrate and align Birchwood equipment and resources with other local communities and youth organizations.

Objectives:

1. Ensure availability of proper facilities to service all age groups. In development of its facilities Birchwood should strive to maintain a balance of suitable recreational activities for all age groups within the municipality.
2. Strive to improve a system of walkways within the City to minimize the reliance on vehicular modes of transportation, shifting the emphasis to pedestrian traffic to and from the City's parks.
3. Upgrade the lake easements, as necessary, to meet the needs and desires of residents.

C. Future Plans

Future planning should include consideration of the expansion of pedestrian pathways to the City's parks. It is desirable to minimize the reliance of vehicular traffic due to the narrowness of the City's streets.

There are several existing trails in Birchwood Village. The need for a safe route around the lake for pedestrians, bikers, joggers, etc. is obvious. Previously, the communities around White Bear Lake discussed establishing an around the lake bike trail, however, these discussions ended without the establishment of a trail. If and when these talks begin again, Birchwood will participate and support.

One of the City's priorities is the preservation of the natural charm of its existing neighborhoods and the privacy of its citizens. With respect to new trails, the City's priority shall be on maintaining its existing trails, not the construction of new trails over existing unimproved right-of-ways. Written notice shall be provided all abutting property owners prior to any hearing considering the development of a new trail. One of several key factors to be considered in any decision to construct new trails is whether the property owners of the property abutting the specific street right of way where the proposed trail is located, are in favor of such trail.

In any proposed construction or maintenance, the emphasis will be on retaining the natural setting of the trails and adjacent areas.

V. OFFICIAL CONTROLS FOR LAND PLANNING AND BUILDINGS

Section 203 of the building regulations adopts the Minnesota State Building Code for the purposes of regulating construction. The City of Birchwood Village ordinances govern the removal, demolition, equipment, use, height, area, and maintenance of buildings and structures. Building permits are required except for repair, maintenance, or minor alterations when the value of work and materials for such alterations does not exceed \$500.

Section 301, zoning code, excludes land uses other than:

- (1) A single dwelling having no more than two "dwelling units" and occupied by no more than two families.
- (2) Public municipal building; public parks; public playground; public recreation structure.
- (3) Agricultural uses and open space.
- (4) Accessory use to any of the above (1) through (3).
- (5) Approved special uses by Conditional Use permit.

The minimum lot area per "dwelling unit" is 12,000 square feet, except 15,000 square feet for lots abutting lakes, ponds, or wetlands.

The minimum floor area per "dwelling unit" is 900 square feet, excluding basement area.

The minimum lot width at the front building line is 80 feet for one-family dwellings, and 135 feet for two-family dwellings.

The undersized lots of record held in single ownership as of 1/1/75 (60% of that required) per Code 302.015.

The maximum height of structures for the main structure and for accessory structures per Code 302.045.

The total area of impervious surfaces on a lot must not exceed 25% of the total lot area.

Section 404 of the code defines "dangerous dwellings", declares them to be public nuisances, and provides the mechanics for their repair or removal. A Housing Appeals Board has been created to administer the provisions of this ordinance. When necessary, the Council becomes the Housing Appeals Board.

No changes to the official controls are necessary to implement the updates.

The City of Birchwood Village will maintain zoning standards such as minimum lot sizes, amounts of open space, yard setbacks, and maximum height of buildings appropriate to protect solar access to all residents. Land uses will not preclude the possible use of solar energy systems.

**TABLE #1
HOUSEHOLD AND POPULATION TRENDS
City of Birchwood Village**

	1980	1990	2000	2010	2020	2030
Households	326	364	357	370	370	370
Population	1059	1042	968	950	930	930
Employment	0	0	0	0	0	0
<i>Source: US Census; Metropolitan Council</i>						

**TABLE #2
POPULATION BY AGE
City of Birchwood Village**

Age	1990	1990	2000	2000
	Number	% of Total	Number	% of Total
Under 5 years	76	7.3	54	5.6
5 to 9	67	6.4	67	6.9
10 to 14	82	7.9	86	8.9
15 to 17	50	4.8	49	5.1
18 to 21	48	4.6	37	3.8
22 to 24	32	3.1	16	1.7
25 to 34	135	13.0	71	7.3
35 to 44	182	17.5	161	16.6
45 to 54	159	15.3	183	18.9
55 to 64	137	13.1	127	13.1
65 to 74	59	5.7	79	8.2
75 to 84	14	1.3	32	3.3
85 and older	1	0.1	6	0.6
Total Population	1042	100.0	968	100.0

**TABLE #3
HOUSEHOLD PROFILES: HOUSEHOLDS BY PERSON (2000 CENSUS)
City of Birchwood Village**

Household Composite	Households	Households
	Data	Percent
One person households		
Male householder	30	8.4
Female householder	25	7.0
Two or more person households		
Family households		
Married couple family	257	72.0
Other family		
Male: no wife present	12	3.4
Female: no husband present	18	5.0
Non-family households		
Male householder	7	2.0
Female householder	8	2.2
Total	357	100

TABLE #4
INCOME PROFILES: FAMILY AND HOUSEHOLD INCOME (2000 CENSUS)
 City of Birchwood Village

INCOME	HOUSEHOLDS	HOUSEHOLDS	FAMILIES	FAMILIES
	Data	Percentage	Data	Percentage
TOTAL	357	100	291	100
Less than \$10,000	2	0.6	0	0
\$10,000-\$14,999	11	3.1	8	2.7
\$15,000-\$19,999	6	1.7	7	2.4
\$20,000-\$24,999	11	3.1	6	2.1
\$25,000-\$29,999	5	1.4	5	1.7
\$30,000-\$34,999	18	5.0	8	2.7
\$35,000-\$39,999	6	1.7	2	0.7
\$40,000-\$44,999	12	3.3	9	3.1
\$45,000-\$49,999	8	2.2	13	4.5
\$50,000-\$59,999	33	9.2	17	5.8
\$60,000-\$74,999	45	12.5	41	14.1
\$75,000-\$99,999	87	24.2	78	26.8
\$100,000-\$124,999	43	12.0	37	12.7
\$125,000-\$149,999	22	6.1	18	6.2
\$150,000-\$199,999	21	5.8	17	5.8
\$200,000 or more	29	8.1	25	8.6

TABLE #5
HOUSING PROFILES: NUMBER OF PERSONS PER UNIT (2000 CENSUS)
 City of Birchwood Village

STATUS	NUMBER OF PERSONS	NUMBER OF PERSONS	HOUSING UNITS	HOUSING UNITS	AVERAGE HOUSEHOLD SIZE
	DATA	PERCENTAGE	DATA	PERCENTAGE	
Owner Occupied	915	94.5	337	94.4	2.72
Renter Occupied	53	5.5	20	5.6	2.65
Total	968	100.0	357	100.0	2.71

TABLE #6
RACE/ETHNICITY BY AGE (2000 CENSUS)
 City of Birchwood Village

AGE	WHITE	BLACK OR AFRICAN AMERICAN	AMERICAN INDIAN	ASIAN OR PACIFIC ISLANDER	OTHER RACE	TWO OR MORE RACES	HISTANIC OR LATINO
Under 5 yrs	54	0	0	0	0	0	0
5-17	187	2	0	5	0	3	2
18-24	53	0	0	0	0	0	0
25 to 44	231	1	0	0	0	0	2
45 to 54	180	1	1	1	0	0	0
55 to 64	126	0	0	0	0	1	0
65 to 74	79	0	0	0	0	0	1
75 & older	38	0	0	0	0	0	0
Total	953	4	1	6	0	4	5

TABLE #7
VALUE OF OWNER-OCCUPIED UNITS (COUNTY ASSESSOR'S DATA)
City of Birchwood Village

VALUE	NUMBER OF UNITS IN 2000
Under \$50,000	8
\$50,000-\$74,999	7
\$75,000-\$99,999	20
\$100,000-\$124,999	32
\$125,000-\$149,999	37
\$150,000-\$174,999	87
\$175,000-\$199,999	54
\$200,000-\$249,999	37
\$250,000-\$299,999	36
\$300,000-\$399,999	30
\$400,000-\$499,999	10
\$500,000 or more	4
Total Owner Units	362

TABLE #8
LOT SIZES
City of Birchwood Village

Area in Square Ft	Number of Lots	% of Total	Cumulative %
0 – 2,500	28	5.7	5.7
2,500 – 5,000	22	4.5	10.2
5,000 – 10,000	59	12.1	22.3
10,000 – 15,000	179	36.8	59.1
15,000 – 20,000	65	13.3	72.4
20,000 – 25,000	49	10.1	82.5
25,000 – 30,000	30	6.2	88.7
30,000 – 50,000	35	7.2	95.9
Over 50,000	20	4.1	100.0
Total	487	100.0	
Median Lot Size: 18,990 square feet			
<i>Source: Washington County Surveyor's Office</i>			

Note: The number of lots will be greater than the number of structures and the number of households because many households own and have built one structure on several lots.

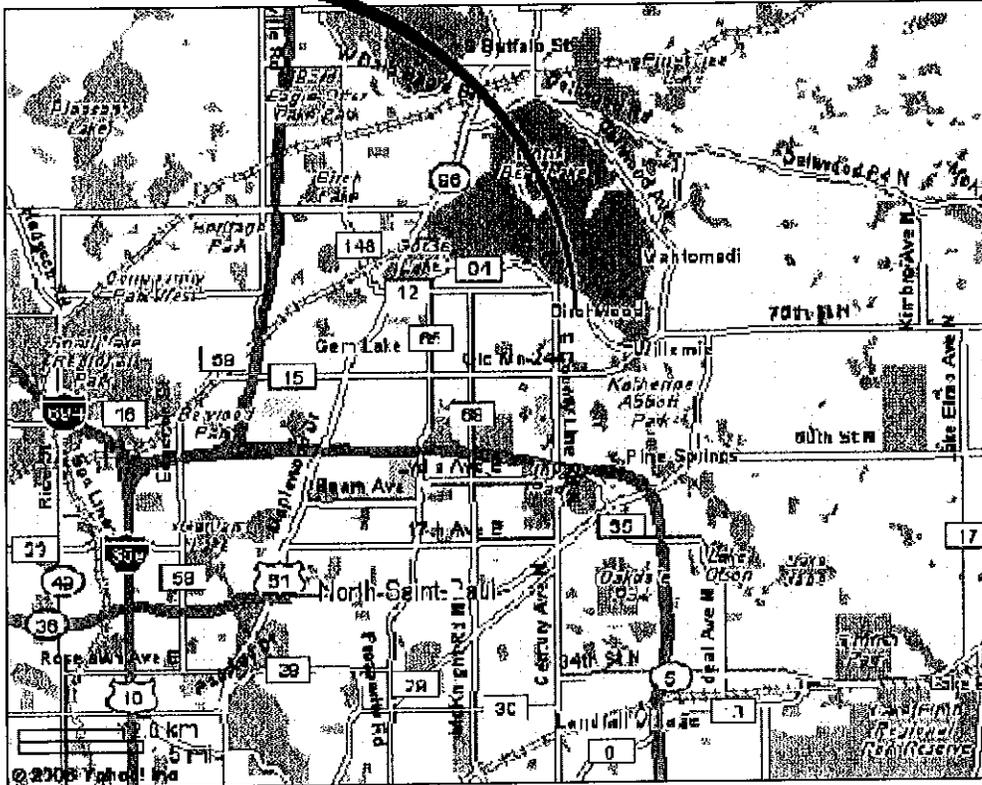
TABLE #9
HOUSEHOLD VALUES: 2000
(in thousands of dollars)
City of Birchwood Village

Assessed Value	Number of Structures	% of Total
Less than \$10,000	0	0
\$10,000 – 14,999	0	0
\$15,000 – 19,999	2	.6
\$20,000 – 24,999	0	0
\$25,000 – 29,999	0	0
\$30,000 – 34,000	0	0
\$35,000 – 39,999	0	0
\$40,000 – 44,999	2	.6
\$50,000 – 59,999	0	0
\$60,000 – 69,999	0	0
\$70,000 – 79,999	3	.9
\$80,000 – 89,999	7	2.1
\$90,000 – 99,999	4	1.2
\$100,000 – 124,999	14	4.2
\$125,000 – 149,999	38	11.4
\$150,000 – 174,999	44	13.2
\$175,000 – 199,999	43	12.9
\$200,000 – 249,999	75	22.5
\$250,000 – 299,999	38	11.4
\$300,000 – 399,999	20	6.0
\$400,000 – 499,999	19	5.7
\$500,000 – 749,000	17	5.1
759,000 – 999,999	6	1.8
\$1,000,000 or more	2	.6
Total	334	100.00
Average value \$255,000		

TABLE #10
AGE OF HOUSING UNITS
City of Birchwood Village

Age of Housing Units	Owned Housing	
	Total	%
1939 or Earlier	114	31.1
1940-1949	25	6.8
1950-1959	40	10.9
1960-1969	38	10.4
1970-1979	87	23.8
1980-1989	36	9.8
1990-1994	17	4.6
1995-1998	9	2.5
1999-March 2000	0	0
TOTAL	366	100
Source: US Census (2000), Metropolitan Council		

CITY OF BIRCHWOOD VILLAGE



UPDATED 6/08

ELFERING & ASSOCIATES



10992 FLANKERS COURT NE
BLAKE, MN 55419
PH: (763) 780-0450
FAX: (763) 780-0450

**CITY OF BIRCHWOOD VILLAGE
LOCATION MAP**

FIGURE

1

Comprehensive Plan Consultants

	<u>Company</u>	<u>Name</u>	<u>Phone</u>	<u>Email</u>	<u>Note</u>
1	SHC, LLC	Jennifer Haskamp	651-341-4193	jhaskamp@swansonhaskamp.com	SHC is also doing Grant's and Lake Elmo's plan
2	WSB	Molly Patterson-Lundgren			
	WSB	Breanne Rothstein		BRothstein@wsbeng.com	Mention Riley Grams from Osseo
	WSB	Breanne Rothstein or Erin Perdu			Doing North St. Paul's plan
	WSB				Did North Mankato's plan
3	Bolton & Menk				Doing Landfall's plan
	Bolton & Menk	Jane Kansier	952-358-0604		Does Waconia's plan
4	Stantec				Did St. Joseph WI plan but stalled a few times
	Stantec	John Shardlow	651-967-4560	john.shardlow@stantec.com	Did Cambridge's plan - very satisfied
	Stantec	John Shardlow			Craig Waldron said he's the best!
5	Hoisington Koegler Group				Did Kasson's plan
	Hoisington Koegler Group				Always does Mound's plan
	Hoisington Koegler Group				Always does Eagan's plan
6	HKG				Doing Kasson's plan
	Northwest Associated Consultants	Steve Gritman			Always does Little Canada's plan
8	Nate Sparks, NAC	Nate Sparks	763-231-2555	nsparks@nacplanning.com	Did St. Francis' plan. He is also Grant's Planner
9	HGKI				Doing Burnsville's Plan
10	Sambatek	Ben Gozola			Jason Ziemer recommends
	Westwood	Tom Goodrum			Jason Ziemer said good resource
11	The Planning Company	Scott Richards	952-221-0547	Scott@PlanningCo.com	Referred by Oak Park Heights

**Can also check LMC website for list of planning firms*

Grantee: City of Birchwood Village	Grant No.: SG05855-01
Grant Amount: \$ 10,000	End Date: December 31, 2019
Council's Authorized Agent: LisaBeth Barajas	

**METROPOLITAN COUNCIL
LOCAL PLANNING ASSISTANCE PROGRAM**

GRANT AGREEMENT

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

WHEREAS, Minnesota Statutes section 473.867 authorizes the Council to establish a planning assistance fund for the purpose of making grants and loans to local governmental units to help local governmental units in the seven-county metropolitan area conduct and implement comprehensive planning activities, including the "decennial" review of local comprehensive plans and fiscal devices and official controls as required by section 473.864, subdivision 2; and

WHEREAS, on May 25, 2015, and on April 27, 2016, the Council adopted initial and additional need-based eligibility criteria for awarding available local planning program assistance and established potential grant amounts for eligible grantees to help grantees review and update their comprehensive plans as required by the "decennial" review provisions of Minnesota Statutes section 473.864, subdivision 2; and

WHEREAS, on December 10, 2014, the Council authorized an initial transfer of funds to the planning assistance fund, and on December 9, 2015, the Council authorized an additional transfer of funds to the total planning assistance fund for grants or loans to local governments under Minnesota Statutes section 473.867;

WHEREAS, the Grantee is an eligible city, county, or town in the metropolitan area as defined in Minnesota Statutes section 473.121, or is an eligible metropolitan-area city or town acting in partnership with at least 4 other cities or towns and is authorized to submit a joint application and execute this Agreement on behalf of the partnership or consortium; and

WHEREAS, the Grantee submitted an application for local planning assistance grant funds and was awarded a grant to help fund eligible comprehensive planning activities identified in the application.

NOW THEREFORE, in reliance on the representations and statements above and in consideration of the mutual promises and covenants contained in this Agreement, the Grantee and the Council agree as follows:

I. DEFINITIONS

1.01 Definition of Terms. For the purposes of this Agreement, the terms defined in this paragraph have the meanings given them in this paragraph unless otherwise provided or indicated by the context.

- (a) "**Comprehensive Development Guide**" means the comprehensive development guide for the seven-county metropolitan area adopted by the Council pursuant to Minnesota Statutes section 473.145. The *Comprehensive Development* guide includes: *Thrive MSP 2040* and the *Housing Policy Plan* (as amended) adopted by the Council pursuant to Minnesota Statutes section 473.145; the *Master Water Supply Plan* adopted by the Council pursuant to Minnesota Statutes section 473.1565; and the "metropolitan systems plans" adopted by the Council pursuant to Minnesota Statutes sections 473.146 and 473.147.
- (b) "**Comprehensive plan**" means a local comprehensive plan update required under Minnesota Statutes section 473.864, subdivision 2 that complies with Minnesota Statutes sections 473.858 through 473.865 and other applicable laws, including those provisions in section 473.859 requiring housing elements and housing implementation programs.
- (c) "**Metropolitan Land Planning Act**" means the land use planning provisions of Minnesota Statutes Chapter 473, including Minnesota Statutes section 473.175 and sections 473.851 through 473.871.
- (d) "**Metropolitan system plans**" means the transportation portion of the *Comprehensive Development Guide*, and the policy plans, and capital budgets for metropolitan wastewater service, transportation, and regional recreation open space.

II. GRANT FUNDS

2.01 Grant Amount and Conditions. The Council will provide to the Grantee the "Grant Amount" identified at Page 1 of this Agreement which the Grantee shall use for authorized purposes and eligible activities. The grant funds are made available to the Grantee subject to the following terms and conditions:

- (a) **Timely Plan Update Submission.** Notwithstanding the December 31, 2019 "End Date" identified on Page 1 of this Agreement, the Grantee must review and update its comprehensive plan as required by Minnesota Statutes section 473.864, subdivision 2, by December 31, 2018.
- (b) **Consultation with Council and Adjacent Review.** The Grantee must submit its draft plan update to adjacent governmental units for a 6-month adjacent review period as required by Minnesota Statutes section 473.858, subdivision 2 prior to submitting the plan update to the Council for review. Prior to submitting its draft plan to adjacent units, the Grantee must consult with the Metropolitan Council Sector Representative for its district at least twice to update the Council on plan progress and potential policy conflicts.
- (c) **Consultation with Watershed Management Organizations.** The Grantee must ensure local surface water management planning requirements of Minnesota Statutes sections 473.859, subdivision 2 and 103B.235 are met by the December 31, 2018, deadline.
- (d) **Completeness; Plan Content.** The comprehensive plan submitted by the Grantee must be "complete" as described in the Council's *Local Planning Handbook*, which is available online at metro-council.org/handbook.aspx, and must comply with the plan content requirements of Minnesota Statutes section 473.859 and other applicable law. If the plan is not complete as described in the *Local Planning Handbook*, the plan must be made complete within three (3) months of the incompleteness determination, or as otherwise mutually agreed to by the Council and the Grantee.
- (e) **Conformance to Metropolitan System Plans and Policy Plans.** The comprehensive plan submitted by the Grantee must conform to metropolitan system plans of the Council. The comprehensive

plan is deemed to comply with this condition if the Council concludes after its review that the plan is not likely to have a substantial impact on or contain a substantial departure from metropolitan system plans and allows the plan to go into effect without a plan modification.

- (f) **Consistency and Compatibility.** The comprehensive plan update submitted by the Grantee must be consistent with the adopted policies of the Council, including housing policy. In addition, the comprehensive plan must also be compatible with the plans of adjacent and affected jurisdictions.

2.02 Disbursement Schedule. The Council will disburse fifty percent (50%) of the Grant Amount to the Grantee within thirty (30) days after final execution of this Agreement. The Council will disburse the remaining fifty percent (50%) of the Grant Amount after:

- (a) the Grantee has submitted, as appropriate, either (i) the entire current comprehensive plan and the certification required under Minnesota Statutes section 473.864, subdivision 2(a); or (ii) submitted the entire updated comprehensive plan and amendment or amendments to its comprehensive plan necessitated by its review to the Council for review; and
- (b) the Council has reviewed and acted upon the Grantee's submission; and
- (c) the Grantee has complied with the terms and conditions stated in Paragraph 2.01.

2.03 Authorized Use of Funds. The grant funds provided to the Grantee under this Agreement shall be used only for the purposes and eligible activities described in the Grantee's work plan and budget as approved by the Council. A copy of the Grantee's approved work plan and budget is attached to and incorporated into this Agreement as Attachment A. Eligible activities include, but are not limited to, staff pay, consultant and professional services, printing, and publishing. Grant funds may not be used for per diem payments to appointed or elected board or commission members. Grant funds also may not be used to purchase or acquire equipment or other tangible, nonexpendable personal property, or for activities inconsistent with the Council's *Comprehensive Development Guide*, the Metropolitan Land Planning Act, Minnesota's Critical Areas Act, or other applicable state laws. The Grantee agrees to promptly remit to the Council any unspent grant funds and any grant funds that are not used for the authorized purposes specified in this paragraph.

III. REPORTING, ACCOUNTING, AND AUDIT REQUIREMENTS

3.01 Progress Reports. The Grantee will provide to the Grantee's assigned Sector Representative a written midpoint progress report and a written final progress report describing the status of the work plan activities described in Attachment A. These reports ensure the grant funds are appropriately expended as described in the work plan and budget. The reports shall be subject to the following content and schedule requirements.

- (a) **Midpoint Progress Report.** At approximately the midpoint of the Grantee's work plan activities, the Grantee must submit to the Council a written midpoint progress report which includes: a summary of the work plan activities completed; a summary of work plan activities to be accomplished during the remaining months of the work plan with associated anticipated completion dates; and a summary of unanticipated issues and opportunities that affect the work plan, time schedule for project completion, or budget. The midpoint progress report also must include a summary of project costs and sources of funds for those expenditures, and a list of itemized expenditures of funds received from the Council and matching funds by category in the budget.
- (b) **Final Progress Report.** Upon completion of the work plan activities described in Attachment A, the Grantee must submit to the Council a written final progress report which includes: a summary

of the work plan activities completed since the submission of the midpoint progress report; a summary of project outcomes, total project costs and sources of funds for those expenditures including both this grant, city funds, and other sources of funds; and a list of itemized expenditures of the grant funds.

3.02 Accounting and Records. The Grantee agrees to establish and maintain accurate and complete accounts, financial records, and supporting documents relating to the receipt and expenditure of the grant funds. Notwithstanding the expiration and termination provisions of Paragraphs 4.01 and 4.02, such accounts and records shall be kept and maintained by the Grantee for a period of six (6) years following the completion of the work plan activities described in Attachment A. If any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved or until the end of the regular six-year period, whichever is later.

3.03 Audits. The books, records, documents, and accounting procedures and practices of the Grantee that are relevant to this Agreement are subject to examination by the Council and either the Legislative Auditor or the State Auditor, as appropriate, for a minimum of six (6) years following the completion of the work plan activities described in Attachment A.

3.04 Authorized Agent. The Council's authorized agent for purposes of administering this Agreement is the individual identified on page 1 of this Agreement, or another designated Council employee. Written reports submitted to the Council should be directed to the attention of the authorized agent at the following address:

Metropolitan Council
Community Development Division
390 Robert Street North
Saint Paul, Minnesota 55101-1805

IV. GRANT AGREEMENT TERM

4.01 Term and End Date. This Agreement is effective upon execution of the Agreement by the Council. Unless terminated pursuant to Paragraph 4.02 or extended by written agreement pursuant to Paragraph 4.03, this Agreement will expire on the "End Date" identified at Page 1 of this Agreement. The term of this Agreement may be extended by written agreement of the Council, but only in conjunction with an extension authorized under Minnesota Statutes section 473.864, subdivision 2.

4.02 Termination. This Agreement may be terminated by the Council for cause at any time upon fourteen (14) calendar days' written notice to the Grantee. Cause shall mean a material breach of this Agreement and any amendments of this Agreement. Termination of this Agreement does not alter the Council's authority to recover funds on the basis of a later audit or other review, and does not alter the Grantee's obligation to return any funds due to the Council as a result of later audits or corrections. If the Council determines the Grantee has failed to comply with the terms and conditions of this Agreement, the Council may take any action to protect its interests and may require the Grantee to return all or part of the funds.

4.03 Amendment. The Council and the Grantee may amend this Agreement by written mutual consent. Amendments, changes, or modifications to the Grantee's approved work plan and budget shall be effective only on the execution of written amendments signed by authorized representatives of the Council and the Grantee.

V. GENERAL PROVISIONS

5.01 Conflict of Interest. The members, officers, and employees of the Grantee shall comply with all applicable federal and state statutory and regulatory conflict of interest laws and provisions.

5.02 Liability. To the fullest extent permitted by law, the Grantee shall defend, indemnify and hold harmless the Council and its members, employees and agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the conduct or implementation of the funded work plan activities. This obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which otherwise would exist between the Council and the Grantee. The provisions of this paragraph shall survive the expiration or termination of this Agreement. This indemnification shall not be construed as a waiver on the part of either the Grantee or the Council of any immunities or limits on liability provided by Minnesota Statutes Chapter 466, or other applicable state or federal law.

5.03 Compliance with Law. The Grantee agrees to conduct the work plan activities in compliance with all applicable provisions of federal, state, and local laws.

5.04 Acknowledgment. The Grantee shall appropriately acknowledge the funding assistance provided by the Council in promotional materials, reports, publications, and notices relating to the project activities funded under this Agreement.

5.05 Warranty of Legal Capacity. The individual signing this Agreement on behalf of the Grantee represents and warrants that the individual is duly authorized to execute this Agreement and that this Agreement constitutes the Grantee's valid, binding, and enforceable agreements.

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

METROPOLITAN COUNCIL

By: Beth Reetz
Beth Reetz, Director
Community Development Division

Date: 1/3/2017

GRANTEE

By: Mike Anderson
Mike Anderson, City Administrator
City of Birchwood

Date: 11/8/16

By: Tobin Lay
Tobin Lay, Treasurer
City of Birchwood

Date: 11/8/16

City of Birchwood Village 2040 Comprehensive Plan Update

Proposed Work Plan

Date: September 27, 2016

	Estimated Timetable (months)	Task Lead (Staff / Consultant)	Estimated Cost (Grant Funded)
TOTAL - COMPREHENSIVE PLAN UPDATE	Jan 2017 - Aug 2018	Anderson M.	\$10,000
1: Community Character, Profile, and Future Vision	Jan - Mar '17	Anderson M.	\$1,000
1.1 Acknowledge Population, Household, and Employment Forecasts and other Demographic Characteristics			
1.2 Acknowledge Community Designation			
2: Land Use Plan	Mar - Jun '17	Lay T.	\$2,000
2.1 Existing Land Use Analysis			
2.2 Future Land Use			
2.3 Density Calculations			
2.4 Preservation, Conservation, and Restoration of Natural Resources			
2.5 Historic Resources			
2.6 Solar Access Protection			
2.8 Creation of Land Use Policy Statements and Implementation Strategies			
3: Housing	Mar - Jun '17	Lay T.	\$1,000
3.1 Existing Housing Needs			
3.2 Projected Housing Needs			
3.3 Implementation Plan			
4: Transportation Plan	Jul - Nov '17	Anderson/Lay	\$3,000
4.1 Transportation Analysis Zones			
4.2 Roadways			
4.3 Transit			
4.4 Bicycling & Walking			
4.7 Healthy Environment			
5: Water Resources	Jan - Jun '18	Anderson/Lay	\$3,000
4.1 Wastewater and Comprehensive Sewer Plan			

City of Birchwood Village 2040 Comprehensive Plan Update

Proposed Work Plan

Date: September 27, 2016

	Estimated Timetable (months)	Task Lead (Staff / Consultant)	Estimated Cost (Grant Funded)
4.2 Surface Water Management Plan			
4.3 Water Supply Plan			
6: Parks & Trails Plan	Mar - Jun '18	Anderson M.	\$0
7: Implementation	May - Aug 18'	Anderson/Lay	\$0