



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
March 12, 2019  
7:00 P.M.

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

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Street snow removal comments should be sent to [info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)
- B. We are social, follow us on Facebook at [@BirchwoodCityHall](https://www.facebook.com/BirchwoodCityHall) or Twitter at [@CityofBirchwood](https://twitter.com/CityofBirchwood)

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report\* (p. 5)
- B. BDA Boat Slip Update\* (p. 7)

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from February 12, 2019\* (pp. 9-13)
- B. Approve Treasurer’s Report\* (pp. 15-24)

**CITY BUSINESS – REGULAR AGENDA**

- A. 2040 Comprehensive Plan\* (pp. 26-104)
  - a. Public Hearing
  - b. Council Deliberation
  - c. Schedule Meeting – to vote on changes

*Time Budget: 30 Minutes*
- B. Third Reading Ordinance 2019-01-02, Animals\* (pp. 105-126)
  - a. Public Hearing
  - b. Council Deliberation and Approval

*Time Budget: 10 Minutes*
- C. Third Reading Ordinance 2019-01-01, Easement Usage\* (p. 127)
  - a. Public Hearing

- b. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- D. First Reading Road Escrow/Bond Requirement\* (pp. ) 129-135
  - a. Public Hearing
  - b. Council Deliberation and Approval  
*Time Budget: 5 Minutes*
- E. Second Reading Special Assessment Policy\* (pp. ) 137-149
  - a. Public Hearing
  - b. Council Deliberation and Approval  
*Time Budget: 30 Minutes*
- F. Rescind Sec 805.050 & 805.060\* (pp. ) 169-171
  - a. Council Deliberation and Approval  
*Time Budget: 5 Minutes*
- G. Lake Ave Feasibility Report
  - a. Council Deliberation and Approval  
*Time Budget: 5 Minutes*
- H. Parks Committee Recommendations\* (pp. ) 151-152
  - a. Birchwood Cleanup Day April 27<sup>th</sup>
  - b. Park Improvement Plan
  - c. Music in the Park  
*Time Budget: 10 Minutes*
- I. Managing Deer Population (Aakre)\* (pp. ) 153-155
  - a. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- J. Appoint Commission/Committee Seats\* (pp. ) 157-159
  - a. Suburban Cable Commission (SCC)
  - b. White Bear Lake Conservation District (WBLCD)
  - c. Water/Utility Committee  
*Time Budget: 5 Minutes*
- K. Planning Commission Vacancy
  - a. Discuss Doug Danks Resignation
  - b. Approve Posting Vacancy Notice & Accept Letters of Interest  
*Time Budget: 2 Minutes*
- L. WBL Buoys (Wingfield)\* (pp. ) 161-163
  - a. Council Deliberation and Approval  
*Time Budget: 10 Minutes*
- M. Council Member Reports:
  - a. Mayor Wingfield
    - i. City Hall analog phone

ii. Hockey rink improvements

*Time Budget: 15 Minutes*

b. Councilmember LaFoy

i. SCC update

*Time Budget: 5 Minutes*

N. City Administrator's Report

a. LMC safety & loss control workshop – approve Council Member attendance\* (pp. 165-167)

*Time Budget: 5 Minutes*

**ADJOURN**



# MEMORANDUM



Birchwood Village

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

Dear Mayor & City Council Members:

Below is a reporting of all law enforcement incidents and citations for February 2019.

### Incident Summary Report

From: 2/1/2019 12:00:00 AM To: 2/28/2019 11:59:59 PM

WASHINGTON COUNTY SHERIFFS OFFICE



#### BIRCHWOOD

2/1/2019 8:15:23 AM	WC19004632	XX Oakridge Dr, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
2/1/2019 10:05:33 AM	WC19004645	XXX Wildwood Ave, BIRCHWOOD	MEDICAL
2/2/2019 1:54:41 PM	WC19004841	XXX Wildwood Ave, BIRCHWOOD	public works
2/3/2019 8:46:21 AM	WC19004975	Wildwood Ave / Owl St, BIRCHWOOD	PROPERTY DAMAGE
2/3/2019 9:40:06 AM	WC19004978	40XXX -498 LAKE AVE, BIRCHWOOD	EXTRA PATROL REQUEST
2/3/2019 10:31:16 AM	WC19004985	3XXX East County Line Rd, BIRCHWOOD	MEDICAL
2/4/2019 1:53:39 PM	WC19005159	XXX Wildwood Ave, BIRCHWOOD	911 ABANDONED/HANGUP/OPEN LINE
2/6/2019 2:37:17 AM	WC19005353	30XXX -340 WILDWOOD AVE, BIRCHWOOD	Winter Parking
2/9/2019 12:04:34 PM	WC19005800	XXX Wildwood Ave, BIRCHWOOD	follow up
2/20/2019 9:38:28 AM	WC19007323	XXX Birchwood Ave, BIRCHWOOD	MEDICAL
2/20/2019 7:31:01 PM	WC19007403	XXX Wildwood Ave, BIRCHWOOD	MEDICAL
2/24/2019 12:23:20 PM	WC19007907	XXX Lake Ave, BIRCHWOOD	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
2/27/2019 7:26:15 PM	WC19008364	XXX Birchwood Ave, BIRCHWOOD	neighbor complaint

#### Citations for: Birchwood

2/1/2019 To 2/28/2019

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	2/6/2019	820031903701	WC1205	R. Boleen	Citation	300	WILDWOOD AVE				Birchwood	BW - No overnight parking	502.040
WCSO	2/27/2019	820006905803	WC118	R. Helms	Citation	0	BIRCHWOOD AVE				Birchwood	MOV-Flow or Perform Detrimental Operation within ROW	160.2715(a)(2)



# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** BDA Boat Slip Update

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Hello Mayor and Council Members,

Section 617 requires that any boat slips to be used in the upcoming boating season be assigned by March 1<sup>st</sup> each year. In accordance with this requirement, the Birchwood Dock Association (BDA) has assigned all 19 boat slips prior to this deadline. Further, the BDA has informed staff that they intend to make payment for the slip permit by the April 1<sup>st</sup> deadline. Thanks!

Regards,  
Tobin Lay  
City Administrator



**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
FEBRUARY 12, 2019**

**MINUTES**

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

**Staff Present:** City Treasurer-Deputy Clerk Paul Carroll and City Attorney Alan Kantrud. City Administrator Tobin Lay was absent.

**Others Present:** Mr. Barton Winter.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

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

**APPROVE AGENDA**

**Mayor Wingfield:** Added snow removal and lift station damage to the agenda and ice rink to administrator's report.

**Barton Winter (1 Five Oaks Ln.):** Requested to address council regarding lake level, ice rink and additional items.

**Mayor and Council Members:** Agreed to include Mr. Winter's report to council in item A of the regular agenda.

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

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Street Snow Removal comments should be sent to: [info@cityofbirchwood.com](mailto:info@cityofbirchwood.com)
- B. Community Club Yoga Class – Suspended until further notice
- C. Thank you to residents who have taken it upon themselves to clear snow from fire hydrants
- D. We are social. Follow us on Facebook and Twitter and/or register for the email listserv

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from January 8, 2019
- B. Approve Treasurer's Report
- C. Approve Resolution 2019-05, Approving Special Assessment Abatements
- D. Approve SL-serco Water Meter Reading Contract
- E. Approve Renewal of Tennis Sanitation Contract

**Mayor Wingfield:** Requested to approve consent agenda items A, C & E.

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

**Mayor Wingfield:** Stated the Treasurer's Report is acceptable minus the incomplete grading at the hockey rink and contractor has agreed to suspend payment until complete.

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

**Mayor Wingfield:** Requested additional language on the SL-serco water meter reading contract stating the city may approach a city billings reading reduction of frequency from four times per year to three or in the alternative, the city is considering opting for an estimated billing for the spring quarter.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE SL-SERCO WATER METER READING CONTRACT AS AMENDED. ALL AYES. MOTION PASSED.**

**CITY BUSINESS – REGULAR AGENDA**

**A. Lake Level Lawsuit Update**

**Barton Winter (1 Five Oaks Ln):** Detailed status of lake level litigation, local conservation and the status of a recent domestic water conservation grant. Summarized concerns about rink maintenance practices, lighting and ice condition.

**Mayor and Council Members:** Discussed presented issues.

**Mayor Wingfield:** Invited Mr. Winter to contact Mayor Wingfield or Administrator Lay to follow up.

**B. Sewer Lift Station #1 Update**

**a. Council Deliberation and Approval**

**Mayor Wingfield:** Updated council on City Engineer Thatcher's plans and the project status. Construction should start sometime this spring. Requested authorization to proceed by contacting private landowners to grant easements for the project via the letter enclosed in the agenda packet.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER LAFOY TO AUTHORIZE CITY ENGINEER THATCHER TO PROCEED WITH PROJECT AND USE THE LETTER PRESENTED IN AN OFFICIAL CAPACITY TO CONTACT THE PERTINENT LANDOWNERS ON POSSIBILITY OF GRANTING EASEMENT FOR THE SEWER LIFT STATION #1 PROJECT. ALL AYES. MOTION PASSED.**

**C. Post Opening Commission/Committee Seats**

- a. Suburban Cable Commission Director**
- b. WBLCD Representative**

**Mayor Wingfield:** Stated reason for including on agenda is to make the appointments as transparent as possible.

**Mayor and Council Members:** Agreed and determined to post the open commission/committee seats.

**D. Second Reading Utility Rate Increases**

**a. Public Hearing**

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

**b. Approve Rate Increases**

**Mayor Wingfield:** Detailed reasons for proposed rate increases. Billing changes to occur beginning March 1, 2019.

**Mayor and Council Members:** Discussed water usage, cost of water, lake level litigation and conservation practices.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE PROPOSED UTILITY RATE INCREASES. ALL AYES. MOTION PASSED.**

**E. Roads Committee Recommendations**

a. Road Escrow/Bond

**Mayor, Council Members and Attorney Kantrud:** Discussed road escrow/bond language, endorsements and changes.

**Mayor and Council Members:** Decided more work should be done before first reading. Councilmember LaFoy will send comments to Attorney Kantrud. A first reading and public hearing will occur in March with Planning Commission review.

b. Snow Removal

**Mayor and Council Members:** Discussed snow removal, issues, traffic, lane width and managing challenging areas.

**Mayor Wingfield:** Stated no more salt is available from Washington County. Market rates may be anticipated.

**Mayor and Council Members:** Agreed city administration would send letters to residents on snow removal as needed.

**Councilmember LaFoy:** Stated for the record Council has agreed to proceed as discussed.

c. Lift Station #2 Damage

**Mayor and Council Members:** Discussed damage to Lift Station #2 and using barriers from easements as reinforcement. Decided Roads Committee will recommend policy for stakes and landscaping items as well as a recommendation for barriers for lift station #2 and generator.

F. Special Assessment Policy

a. Council Deliberation and Approval

**Mayor Wingfield, Council Members and Attorney Kantrud:** Discussed policy language, notable items, changes and possible conflicts with city code in detail.

**Mayor and Council Members:** Decided a public hearing and second reading will occur in March per the changes discussed, with Attorney Kantrud to be copied on any notes and recommendations.

G. Committee/Commission Guidelines

**Councilmember Aakre:** Summarized the need for the proposed template and briefly reviewed the document.

**Mayor and Council Members:** Discussed the usefulness of the document and agreed to adopt it's use as a policy.

a. Council Deliberation

**MOTION WAS MADE BY COUNCILMEMBER AAKRE AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADOPT THE USE OF THE COMMITTEE/COMMISSION GUIDELINES AS OFFICIAL CITY POLICY FOR ANY COMMITTEE/COMMISSION ACTIONS. ALL AYES. MOTION PASSED.**

H. Second Reading Ordinance 2019-01-02, Animals

a. Council Deliberation and Approval

**Mayor, Council Members and Attorney Kantrud:** Discussed definitions, ordinance enforcement, animal control and highlighted recent dog incidents in lieu of interpreting possible changes or improvements to the ordinance language.

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

**Mayor, Council Members and Attorney Kantrud:** Discussed terminology, licensing, vaccination requirements, impact of ordinance terms as-is and explored general questions and specific points of the ordinance in detail.

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

**Mayor, Council Members and Attorney Kantrud:** Continued discussion.

**Mayor and Council Members:** Determined final reading and public hearing must occur in March's meeting as amended.

- I. Second Reading Ordinance 2019-01-01, Easement Usage
  - a. Council Deliberation and Approval

**Mayor, Council Members and Attorney Kantrud:** Discussed ordinance 2019-01-01. Commended and discussed notes made by Alan Mitchell, specifically regarding section 607.

**Mayor and Council Members:** Decided to post Ordinance 2019-01-01 and ask Parks Committee to review section 607 with recommendations on edits and universal park rules and park hours of operation. Decided final reading and public hearing will occur in March with comments to be sent to Attorney Kantrud.

- J. Kayak Rack Reservation Fee Increase
  - a. Council Deliberation and Final Vote

**Mayor Wingfield:** Summarized the issues and background that suggests a minor fee increase is warranted.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO APPROVE THE KAYAK RACK RESERVATION FEE INCREASE. ALL AYES. MOTION PASSED.**

- K. Council Member Reports
  - a. Mayor Wingfield
    - i. City Hall Inspection Update

**Mayor Wingfield:** Summarized recent City Hall inspection report. Recommended assembling a committee. Stated she is attempting to determine building's historical status and funds or grants are available but carry predetermined stipulations.

**Mayor and Council Members:** Agreed forming a city hall improvements committee would be beneficial.

**Mayor Wingfield:** Offered to post for city hall improvement committee volunteers in the city newsletter.

- L. City Administrator's Report
  - a. Lift Station #2 Damage

**Treasurer Carroll:** Provided a background of the incident and status of repairs.

**Mayor and Council Members:** Discussed damage to lift station, repair status and repair offer from White Bear Township.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE REPAIRS TO LIFT STATION #2 USING WHITE BEAR TOWNSHIP AS THE REPAIR PROVIDER. ALL AYES. MOTION PASSED.**

- b. City Investment Update

**Treasurer Carroll:** Provided a brief status report on the bid comparison status for city investment services.

- c. Lake Links Update

**Mayor and Council Members:** Discussed the Lake Links project and highlighted Mahtomedi's plan. Decided a member from the Roads Committee should contact the City of Mahtomedi and report back to City Council in March's meeting.

- d. Lakewood Lane Update

**Treasurer Carroll:** Updated council that MNDOT is presently assembling a project consultation team.

**Mayor, Council Members and Attorney Kantrud:** Discussed snow management options along Lakewood Lane.

**Mayor and Council Members:** Decided administration will pursue snow management solutions along Lakewood Lane.

e. Comprehensive Plan Update

**Treasurer Carroll:** Recommended approval of Comprehensive Plan with public hearing and posting notice in March.

**Mayor, Council Members and Treasurer Carroll:** Discussed Comprehensive Plan, gathering public feedback, the process for collecting and organizing input and approving a final document.

**Mayor and Council Members:** Decided city administration will review and filter items for inclusion by topic and note items not included for further consideration possibly outside of the comprehensive plan process.

f. Ice Rink Management

**Mayor, Council Members, Treasurer Carroll and Attorney Kantrud:** Discussed personnel and staff performance issues, ice condition and rink maintenance.

**Mayor and Council Members:** Decided Administration will use Maintenance staff to open, close and maintain the rink. Council and city staff will explore staffing needs going forward for 2019-2020.

**MOTION WAS MADE BY COUNCILMEMBER FLECK AND SECONDED BY COUNCILMEMBER AAKRE TO AUTHORIZE CITY ADMINISTRATION TO CEASE THE SCHEDULING OF HOURLY ICE RINK ATTENDANTS AND INSTEAD USE CITY MAINTENANCE STAFF FOR THE OPENING, CLOSING AND GENERAL MAINTENANCE OF THE ICE RINK. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER AAKRE TO INCREASE THE PAY OF THE CITY STAFF MAINTENANCE PERSON ALSO SERVING AS THE SENIOR ICE RINK ATTENDANT TO SIXTEEN DOLLARS PER HOUR FOR ANY ICE RINK RELATED DUTIES PERFORMED. ALL AYES. MOTION PASSED.**

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER FLECK TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:03PM CST.**

**ATTEST:**

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

\_\_\_\_\_  
**Paul Carroll**  
City Treasurer – Deputy Clerk



For the Period : 2/12/2019 To 3/9/2019

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$689,215.69	\$4,549.43	\$20,279.20	\$673,485.92
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$4,040.00)	\$0.00	\$0.00	(\$4,040.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$8,252.34	\$0.00	\$0.00	\$8,252.34
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,181.54)	\$0.00	\$0.00	(\$25,181.54)
Sewer Re-hab 2008 Debt	\$25,339.25	\$248.66	\$0.00	\$25,587.91
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$31,938.75	\$0.00	\$4,007.13	\$27,931.62
Sewer	\$47,709.42	\$0.00	\$5,267.48	\$42,441.94
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$832,222.56</b>	<b>\$4,798.09</b>	<b>\$29,553.81</b>	<b>\$807,466.84</b>

Fund Name: All Funds

Date Range: 02/12/2019 To 03/09/2019

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>	
02/19/2019	Kramer Mechanical	171734585*	Permit	(02/19/2019) -	N	Building Permits	100-32211-	\$ 62.00	
								<b>\$ 62.00</b>	
02/19/2019	Colon, Laura	171734586*	City Hall Rental Payment	(02/19/2019) -	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								<b>\$ 25.00</b>	
02/19/2019	Breske, Jennifer	171734587*	City Hall Rental Payment	(02/19/2019) -	N	City/Town Hall Rent	100-34101-	\$ 25.00	
								<b>\$ 25.00</b>	
02/19/2019	Washington County	171734588*	PTax Year End Reconciliation Payment 2018	(02/19/2019) -	N	General Property Taxes (31001 through 31299)	100-31001-	\$ 4,397.43	
							Sewer Re-hab A and B	305-36110-	\$ 236.11
							Sewer Re-hab A and B	305-36110-4	\$ 12.55
								<b>\$ 4,646.09</b>	
02/19/2019	MN Management & Budget	171734589*	Court Fines - Jan 2019	(02/19/2019) -	N	Court Fines	100-35101-	\$ 40.00	
								<b>\$ 40.00</b>	
<b>Total for Selected Receipts</b>								<b>\$ 4,798.09</b>	

Fund Name: All Funds

Date Range: 02/12/2019 To 03/09/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/15/2019	Payroll Period Ending 02/15/2019	30431	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
	<b>Total For Check</b>	<b>30431</b>					<b>\$ 1,859.42</b>
02/15/2019	PERA	EFT021519A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
	<b>Total For Check</b>	<b>EFT021519A</b>					<b>\$ 358.06</b>
02/19/2019	Payroll Period Ending 02/15/2019	30432	Rink Attendant Payroll	N	Parks	100-45207-100-	\$ 242.00
	<b>Total For Check</b>	<b>30432</b>					<b>\$ 242.00</b>
02/19/2019	Payroll Period Ending 02/15/2019	30433	Rink Attendant Payroll	N	Parks	100-45207-100-	\$ 683.36
	<b>Total For Check</b>	<b>30433</b>					<b>\$ 683.36</b>
02/19/2019	Payroll Period Ending 02/15/2019	30434	Rink Attendant Payroll	N	Supervision	100-45201-100-	\$ 199.48
	<b>Total For Check</b>	<b>30434</b>					<b>\$ 199.48</b>
02/19/2019	PERA	EFT021919A*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 116.48
	<b>Total For Check</b>	<b>EFT021919A</b>					<b>\$ 116.48</b>
03/01/2019	Payroll Period Ending 03/01/2019	30435	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,859.42
	<b>Total For Check</b>	<b>30435</b>					<b>\$ 1,859.42</b>
03/01/2019	Payroll Period Ending 03/01/2019	30436	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 421.49
	<b>Total For Check</b>	<b>30436</b>					<b>\$ 421.49</b>
03/01/2019	PERA	EFT03012019A*	Employee Retirement - Tobin Lay	N	Clerk - Treasurer	100-41401-121-	\$ 358.06
	<b>Total For Check</b>	<b>EFT03012019A</b>					<b>\$ 358.06</b>
03/06/2019	Payroll Period Ending 02/28/2019	30437	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 1,257.70
	<b>Total For Check</b>	<b>30437</b>					<b>\$ 1,257.70</b>
03/06/2019	Payroll Period Ending 03/01/2019	30438	Rink Attendant - Jim Rydeen	N	Parks	100-45207-100-	\$ 1,299.91
	<b>Total For Check</b>	<b>30438</b>					<b>\$ 1,299.91</b>
03/06/2019	Lay, Tobin	30439*	Reimbursement - Office Supplies	N	Postage/Postal Permits	601-41430-810-	\$ 220.00
17		30439*			Office Operations Supplies	601-41911-810-	\$ 65.98

Fund Name: All Funds

Date Range: 02/12/2019 To 03/09/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		<b>Total For Check</b>	<b>30439</b>				<b>\$ 285.98</b>
03/06/2019	Carroll, Paul	30440*	Reimbursement - Postage	N	Postage/Postal Permits	100-41430-810-	\$ 1.45
		30440*				601-41430-810-	\$ 1.15
		<b>Total For Check</b>	<b>30440</b>				<b>\$ 2.60</b>
03/06/2019	Tennis Sanitation, LLC	30441*	Recycling for Service Period: Jan - Feb 2019	N	Recycle	100-43300-314-	\$ 1,656.00
		<b>Total For Check</b>	<b>30441</b>				<b>\$ 1,656.00</b>
03/06/2019	Press Publications	30442*	Legal Notice Publications - Feb 2019.	N	Ordinances and Proceedings	100-41130-351-	\$ 50.40
		<b>Total For Check</b>	<b>30442</b>				<b>\$ 50.40</b>
03/06/2019	Manship Plumbing & Heating Inc	30443*	Monthly Standby - Feb '19 + Meter Replace & Training	N	Water Utility	601-43180-314-	\$ 600.00
		30443*				601-43180-314-	\$ 500.00
		30443*				601-43180-314-	\$ 120.00
		<b>Total For Check</b>	<b>30443</b>				<b>\$ 1,220.00</b>
03/06/2019	St. Anthony Village	30444*	Utility Billing Services - Q1 2019	N	Financial Administration	601-41501-314-	\$ 1,938.00
		<b>Total For Check</b>	<b>30444</b>				<b>\$ 1,938.00</b>
03/06/2019	Allstream	30445*	Analog Phone Line - March 2019	N	General Government Buildings and Plant	100-41940-320-	\$ 46.11
		<b>Total For Check</b>	<b>30445</b>				<b>\$ 46.11</b>
03/06/2019	BIRCH, INC.	30446*	Snow Removal Services: 01/27/2019 - 02/27/2019	N	Ice and Snow Removal	100-43125-314-	\$ 1,192.50
		30446*				100-43125-314-	\$ 1,102.50
		30446*				100-43125-314-	\$ 585.00
		<b>Total For Check</b>	<b>30446</b>				<b>\$ 2,880.00</b>
03/06/2019	City of Roseville	30447*	Phone & IT Services - Feb 2019	N	General Government Buildings and Plant	100-41940-320-	\$ 63.00
		30447*				100-41940-320-	\$ 404.00
		<b>Total For Check</b>	<b>30447</b>				<b>\$ 467.00</b>
03/06/2019	TSE, Inc. Work Account	30448*	Janitorial Services - 02/14/2019	N	General Government Buildings and Plant	100-41940-314-	\$ 28.13
		<b>Total For Check</b>	<b>30448</b>				<b>\$ 28.13</b>

Fund Name: All Funds

Date Range: 02/12/2019 To 03/09/2019

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/06/2019	MN Department of Health	30449*	Community Water Supply Connection Fee - Q1 2019	N	Water Utility	601-43180-437-	\$ 562.00
	<b>Total For Check</b>	<b>30449</b>					<b>\$ 562.00</b>
03/06/2019	MENARD'S - OAKDALE	30450*	Parks Supplies - Feb 2019	N	Parks	100-45207-400-	\$ 25.96
	<b>Total For Check</b>	<b>30450</b>					<b>\$ 25.96</b>
03/06/2019	Toshiba Business Solutions	30451*	Maintenance - 11/02/2018 - 02/01/2019	N	Office Operations Supplies	100-41911-230-	\$ 42.72
	<b>Total For Check</b>	<b>30451</b>					<b>\$ 42.72</b>
03/06/2019	Leeves, Robert	30452*	Videographer - 02/12/2019	N	Cable Eqpmt and Service	100-41950-314-	\$ 71.33
	<b>Total For Check</b>	<b>30452</b>					<b>\$ 71.33</b>
03/06/2019	AirFresh Industries, Inc.	30453*	Portable Restroom Rental - Feb 2019	N	Parks	100-45207-314-	\$ 81.25
	<b>Total For Check</b>	<b>30453</b>					<b>\$ 81.25</b>
03/06/2019	Kantrud, Alan	30454*	City Attorney Fees - Feb 2019	N	Legal Services	100-41601-300-	\$ 1,500.00
	<b>Total For Check</b>	<b>30454</b>					<b>\$ 1,500.00</b>
03/06/2019	City of White Bear Lake	30455*	Fire Services - Feb 2019	N	Fire	100-42201-314-	\$ 2,030.17
	<b>Total For Check</b>	<b>30455</b>					<b>\$ 2,030.17</b>
03/06/2019	Washington County - Road & Bridge	30456*	Snow & Ice Control + Materials - 12/30/2018	N	Ice and Snow Removal	100-43125-210-	\$ 223.11
	<b>Total For Check</b>	<b>30456</b>					<b>\$ 223.11</b>
03/06/2019	USS Minnesota One MT LLC	30457*	Energy Charges - Jan 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 437.55
	<b>Total For Check</b>	<b>30457</b>					<b>\$ 437.55</b>
03/06/2019	Metropolitan Council - Env. Service	30458*	Wastewater Service - Apr 2019	N	Sewer Utility	605-43190-217-	\$ 4,812.53
	<b>Total For Check</b>	<b>30458</b>					<b>\$ 4,812.53</b>
03/06/2019	Xcel Energy	EFT030619A*	Xcel Utility Billings & Street Lights - Feb 2019	N	General Government Buildings and Plant	100-41940-380-	\$ 261.32
		EFT030619A*			Street Lighting	100-43160-380-	\$ 1,265.34
		EFT030619A*			Parks	100-45207-380-	\$ 125.21
		EFT030619A*			Sewer Utility	605-43190-380-	\$ 185.43
		EFT030619A*				605-43190-380-	\$ 131.84
		EFT030619A*				605-43190-380-	\$ 108.39
		EFT030619A*				605-43190-383-	\$ 29.29

Fund Name: All Funds

Date Range: 02/12/2019 To 03/09/2019

<u>Date</u>	<u>Vendor</u>		<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		<b>Total For Check</b>	<b>EFT030619A</b>					<b>\$ 2,106.82</b>
03/06/2019	PERA		EFT030719B*	Employee Retirement - Jim Rydeen	N	Parks	100-45207-121-	\$ 225.68
		<b>Total For Check</b>	<b>EFT030719B</b>					<b>\$ 225.68</b>
03/07/2019	PERA		EFT030719A*	Employee Retirement - Paul Carroll	N	Clerk - Treasurer	100-41401-121-	\$ 205.09
		<b>Total For Check</b>	<b>EFT030719A</b>					<b>\$ 205.09</b>
<b>Total For Selected Checks</b>								<b>\$ 29,553.81</b>

As on 3/9/2019

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Total Disbursements	0.00	0.00	0.00
<b>Other Financing Uses:</b>			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		8,252.34	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 03/09/2019		8,252.34	

As on 3/9/2019

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Total Disbursements	0.00	0.00	0.00
<b>Other Financing Uses:</b>			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 03/09/2019		66,233.91	

As on 3/9/2019

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	0.00	12,676.54	12,676.54
Penalty - Late Water/Sewer	0.00	83.70	83.70
State and Misc fees	0.00	339.27	339.27
<b>Total Acct 341</b>	<b>0.00</b>	<b>13,099.51</b>	<b>13,099.51</b>
Water Main Break	0.00	42.36	42.36
<b>Total Acct 349</b>	<b>0.00</b>	<b>42.36</b>	<b>42.36</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>13,141.87</b>	<b>13,141.87</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	221.15	(221.15)
<b>Total Acct 414</b>	<b>0.00</b>	<b>221.15</b>	<b>(221.15)</b>
Financial Administration			
Contracted Services	0.00	1,938.00	(1,938.00)
<b>Total Acct 415</b>	<b>0.00</b>	<b>1,938.00</b>	<b>(1,938.00)</b>
Office Operations Supplies			
Refunds and Reimbursements	0.00	65.98	(65.98)
Newsletter			
Printing and Binding (351 through 359)	0.00	77.60	(77.60)
<b>Total Acct 419</b>	<b>0.00</b>	<b>143.58</b>	<b>(143.58)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	864.00	(864.00)
Professional Services: Legal Fees	0.00	1,444.00	(1,444.00)
Contracted Services	0.00	12,870.34	(12,870.34)
Fees	0.00	562.00	(562.00)
<b>Total Acct 431</b>	<b>0.00</b>	<b>15,740.34</b>	<b>(15,740.34)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>18,043.07</b>	<b>(18,043.07)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>32,832.82</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>13,141.87</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>18,043.07</b>	
<b>Cash Balance as of 03/09/2019</b>		<b>27,931.62</b>	

As on 3/9/2019

## Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	91.92	91.92
State and Misc fees	0.00	0.00	0.00
Sewer Fee	0.00	17,020.47	17,020.47
<b>Total Acct 341</b>	<b>0.00</b>	<b>17,112.39</b>	<b>17,112.39</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>17,112.39</b>	<b>17,112.39</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	319.00	(319.00)
Newsletter			
Printing and Binding (351 through 359)	0.00	77.60	(77.60)
<b>Total Acct 419</b>	<b>0.00</b>	<b>396.60</b>	<b>(396.60)</b>
Utility Locates			
Contracted Services	0.00	63.50	(63.50)
<b>Total Acct 428</b>	<b>0.00</b>	<b>63.50</b>	<b>(63.50)</b>
Sewer Utility			
Sewer - Wastewater Charge	0.00	14,437.59	(14,437.59)
Utility Services (381 through 389)	0.00	2,387.50	(2,387.50)
Utility Services: Gas Utilities	0.00	86.98	(86.98)
<b>Total Acct 431</b>	<b>0.00</b>	<b>16,912.07</b>	<b>(16,912.07)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>17,372.17</b>	<b>(17,372.17)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>42,701.72</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>17,112.39</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>17,372.17</b>	
<b>Cash Balance as of 03/09/2019</b>		<b>42,441.94</b>	



# *City of Birchwood Village*

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## 2040 Comprehensive Plan

Plan complete Fall 2018.

# BIRCHWOOD VILLAGE 2040 COMPREHENSIVE PLAN

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# CHAPTER 1: COMMUNITY CONTEXT

## Introduction

The City of Birchwood Village is a small community located on the southwestern shore of White Bear Lake. The community is easily accessible to the greater Twin Cities Metropolitan Area region and is located approximately 13-miles from downtown Saint Paul, 20-miles from downtown Minneapolis and 20-miles from the Minneapolis-Saint Paul International Airport. Because of the community's accessibility, high-quality neighborhoods, and proximity to White Bear Lake the City continues to be a desirable place for residents to live and recreate.

The purpose of this chapter is to provide context from which subsequent chapters of this plan were derived. Included in the following summary is the City's historical setting, existing demographic and socio-economic conditions, and market snapshot. The following sections are used to help inform the Land Use, Parks & Open Space, Transportation and Infrastructure sections of this Comprehensive Plan update.

## Location, Historical Setting, Governmental Structure & Community Goals

The City is located on the far western edge of Washington County, and is connected to major roadways including County Road E and I-694. The City's location within the region coupled with the small-town village character, makes the community a highly desirable place for residents to live and recreate. The City is truly a small "village" comprising only 214 acres with an estimated 2016 population of 869 residents of all ages. The community's relatively compact land area and small population fosters a small-town, quaint environment with invested long-term residents and strong neighborhoods. As further detailed within Chapter 2: Land Use, the community is designated by the Metropolitan Council as "Suburban," and while this designation accurately describes the City's location within the region it does not reflect the community's character or historical past. ~~As such, providing~~ Providing a brief historical context of the Village is an important way to differentiate the community from other more typical suburban communities.

### HISTORICAL SETTING

~~First~~ Birchwood was incorporated as a Village in ~~the year~~ 1921, ~~a.~~ A subsequent act of the State Legislature converted the "Village" to a "City of the Fourth Class." Though the State Statute required Birchwood Village to evolve from a village into a city, residents continued to strongly associate the character and identity of the community as a "Village." Because of that association, when the City incorporated it amended its name to become Birchwood Village to reflect the residents' continued commitment to its small village character.

Birchwood Village first developed as a community of summer recreation cottages built by residents of the Saint Paul area in the early 1900's. Initial subdivisions occurred along the lakeshore, which continues to define the land use pattern today. Although remnants of this pattern can still be seen, housing development along the shore became more diverse as the City evolved from a vacation town to a place for permanent residences. ~~Many~~ Most of the historical homes have been extensively remodeled to meet modern lifestyles, while others have been torn down and new homes constructed ~~on lots making.~~ This makes for a diverse housing pattern where new and old are successfully integrated. Inland from the lakeshore, newer subdivisions ~~away from the lakeshore~~ have larger lots and the homes are more homogeneous in appearance. ~~Though~~ Even though homes are more consistent in appearance, the character of the Village is preserved through how homes were sited to respect the rolling topography and original

tree canopy ~~that was original to the area.~~

In addition to the impact of natural features of the community, the historical presence of ~~the~~ streetcar line ~~also~~ impacted the City's land use and development pattern. ~~At one time the~~ The City was served by the Twin City Lines streetcar ~~which passed through the Village on its way from Saint Paul.~~ The line went to Mahtomedi then to White Bear Lake ~~and Mahtomedi. Because of this old~~ through Birchwood. The other line went from Mahtomedi to Stillwater. ~~There were several~~ streetcar line, a significant difference ~~stops in lot sizes between older and newer areas of the community can be seen which reflects the influence of the transportation system in place at the time development occurred~~ Birchwood. This made "coming to the Lake" much easier for St. Paul residents. The older portions or Birchwood were influenced by this streetcar line and those characteristics are still distinguishable from newer developed neighborhoods.

One of the most defining characteristics of the community is its lack of commercial or business uses, and its commitment to single-family residential and open space uses. This land use pattern extends back to when the community was first developed as a vacation spot and has been reinforced by the City's ordinances ~~and centrally-~~ located city hall as it continued to grow and evolve into a place with permanent residences.

Though the City's historical identity as a vacation town played a significant part in establishing how the community developed, today there are no local, state or federal historically designated ~~resources or~~ properties in Birchwood Village. ~~However, just because no properties have been pursued for historical designation, that is not to say there are not properties or areas of historical value either at the local or regional level.~~ While the City does not plan to actively pursue formal historical designation, the City is willing to create a policy that addresses preservation in the future if any resources or properties are designated through the State or National registers. needed.

## GOVERNMENTAL STRUCTURE

Birchwood Village is a City of the Fourth Class with a City Council form of government. ~~Elected at large, the~~ The City Council consists of the Mayor and four council members ~~who are elected at large.~~ Each member has ongoing responsibilities between meetings. Several supporting commissions and committees also help to serve the community. These include the Planning Commission, Parks & Natural Resources Committee, Personnel Committee, Roads and Streets Committee, and Water/Utility Committee.

The City has ~~two-five~~ employees: one full-time City Administrator ~~Clerk and a,~~ one part-time City Treasurer ~~Deputy Clerk,~~ one on-call office worker and two on-call maintenance workers. The elected officials, appointed officials, and ~~other~~ dozens of 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 surrounding communities.

## COMMUNITY CONTEXT GOALS

The community's historical setting, local and government structure all provide background information from which the City can use to plan for its future. To help guide the general direction of the community, the City has identified the following goals and principles for this planning period:

- Maintain the existing character of the community through preservation of the single-family residential land use and neighborhood patterns.

- Preserve ~~and~~, protect and educate the community about the City’s natural areas including woodlands, wetlands, and lakes ~~and educate the community~~.
- Maintain and improve municipal services to ensure the health, safety and general wellbeing of Birchwood Village residents of all ages.
- Maintain the autonomy of Birchwood Village as a governmental entity.
- Preserve the community’s identity and character through existing traditions such as the July 4th parade, ~~plant exchange, and village wide garage sale~~.
- Work to identify opportunities to reduce energy usage by 1% per year.
- Maintain-Monitor and monitor-maintain all city property, structures and assets.
- Support and increase volunteerism in Birchwood Village.
- Increase communication of community happenings and projects.
- Prepare for emergencies and explore opportunities to improve the community’s resilience and long-term sustainability.
- Create safer walking areas within-throughout the Village’s ~~city streets~~

This core set of general goals and principles is like those of the 2020, and 2030 Comprehensive Plans indicating that. ~~Historically, t~~This indicates residents, community members and policy-makers are content to maintain~~undesired of maintaining~~desire to maintain the community in a similar way through this planning period.

Throughout the remaining chapters of this Plan, each topic area includes a set of goals and principles to help establish the community’s aspirations for the future ~~of the community related to each topic area. The goals and principles are purposefully broad, and the City intends to further refine its strategies for the future, if, and when, opportunities are presented.~~

## Demographic and Socio-Economic Characteristics

~~Many~~Most of the City’s demographic and socio-economic characteristics have remained relatively constant over the past decade with little change, ~~with only a couple of exceptions.~~ As demonstrated in subsequent chapters of this Plan, the City is fully developed with primarily single-family residential uses. ~~As a result, and it therefore comes as no coincidentally that~~ the number of households in the community has been relatively constant for the past 20 years and is expected to remain similar through this planning period. However, even with much of the community remaining unchanged, there are some ~~characteristics that are~~trends worth noting because they impact this Plan, or future planning efforts in the community ~~if these trends continue~~. The following snapshot of community characteristics is provided as consideration in this Plan.

### HOUSEHOLDS AND POPULATION

The number of households in the City has remained relatively constant for the last 16 years with 357 households in 2000 and 359 in 2016. ~~The n~~New construction and redevelopment in the City have been located primarily on existing lots where an existing home was torn down and replaced by a new (oftentimes larger) construction home. During this same period, the population has decreased approximately 10% from 968 in 2000 to 869 in 2016. The Metropolitan Council forecasts ~~a stabilization~~no little change in the number of households by the year from 2020, through 2040; but also forecasts a continued decrease in population ~~due to the age of current residents.~~ The population is likely to decrease as its residents age and their children leave home ~~resulting in smaller average~~

~~person per household.~~ The City anticipates no additional net households through 2040, although a few large lots remain that could be subdivided and ~~but acknowledges that~~ assume the tear-down and major remodeling trend is likely to continue.

Table 1-1: Birchwood Village Population and Households (Historical & Projected)

Year	Population	Households
1970	926	235
1980	1059	326
1990	1042	364
2000	968	357
2010	870	351
2016	869	361
2020	850	360
2030	830	360
2040	800	360

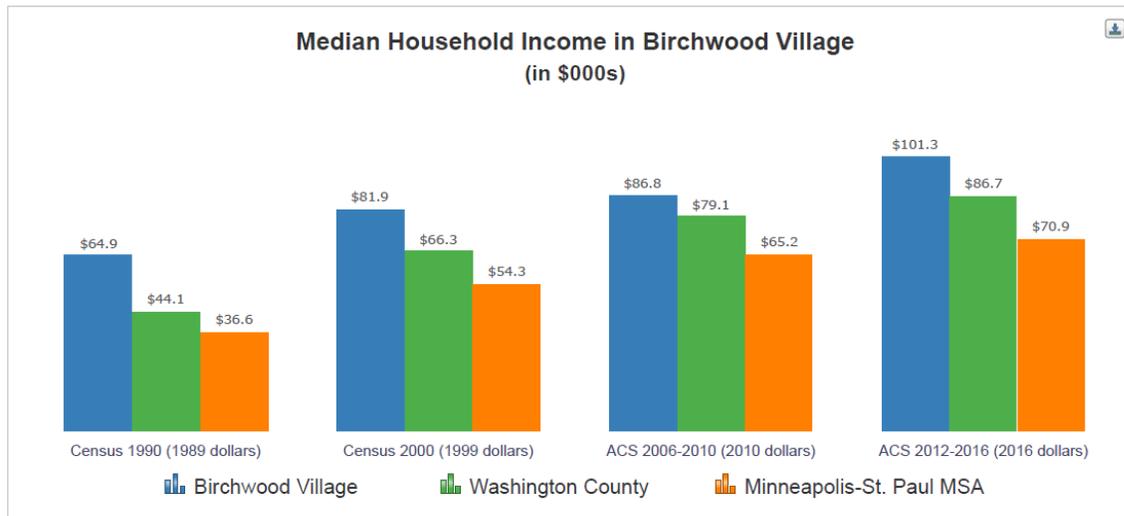
As the City’s population ages the community will need to adjust to the changing and evolving needs and demands of its residents old and young, which may change and evolve. For example, residents may require improved/increased access to services such as transit, and transportation mode choice, ADA accessibility or ~~may desire~~ better trail/sidewalk connections as opposed to programmed park spaces. ~~As these changes occur, the~~ The City will need to monitor its public facilities, roadways and parks and may need to adjust programming, access, and delivery of services to better accommodate the city’s residents. ~~In addition to public services, the~~ The City may face an increase of vacant homes/properties during winter months for ~~those~~ residents ~~that~~ who choose to winter in warmer climates ~~and. The City may also experience more demands for ADA accessibility and transportation mode choice.~~ These factors can become financially challenging for the City and for those residents that reach retirement age and are on a fixed-income. These changes will happen over time, and it is important for the City to monitor and understand what changes should be planned for through this planning period.

#### HOUSEHOLD INCOME

As shown in Figure 1-1, the City’s Median Household Income has been higher than that of Washington County, in which Birchwood lies, and the Minneapolis-St. Paul MSA since the 1990s. Additionally, Birchwood Village’s median income has outpaced the region over the last decade, ~~–Birchwood is in Washington County which is likely due to~~ has the highest average per capita income in Minnesota.

Because of the community’s adjacency ~~and,~~ access to White Bear Lake and accessibility within the region and recovering real estate market. ~~If this trend line continues,~~ it becomes more likely that small homes and cottages will be either torn down or experience major remodeling, further depleting the affordability of the community.

Figure 1-1: Median Household Income in Birchwood Village



Source: US Census, ACS 2012 – 2016

The increased value of homes in the community ~~that will naturally occur because of increasing household incomes~~ will squeeze out many of the ~~traditional older~~ summer cottages and residents with lower incomes. As property becomes more ~~and more~~ valuable, property taxes will continue to increase. ~~However~~ ~~Meanwhile~~, aging residents will see their disposable income stabilize or decrease thus posing hardship to afford their homes. This will become ~~one~~ ~~more~~ a factor which might force long-time residents to find alternate housing options and leave the community ~~because of the lack of diversity in the City's housing stock.~~

The trend of displacement is already emerging as demonstrated on Figure 1-2 which illustrates the percentage of Birchwood Village's population at or below the federal poverty level. As shown, the percentage of the City's population rose during the recessionary period (reflected on ACS 2006 – 2010) but has since decreased. While some of this decrease is likely attributed to residents improving their wages or employment since the recession, it also likely represents some of the lower-income residents' displacement due to rising housing costs in the community.

Figure 1-2: Percent of Population Below Poverty Level



Source: US Census, ACS 2012-2016

## EMPLOYMENT

The City prohibits commercial and industrial development. The City employs one full-time employee, ~~one~~four part-time employee and several seasonal, part-time park and recreation employees. Residents may have a business in their home (home occupation) with conditions and proper permits. As seen below in Table 1-2, the employment reflects the City's imposed limitations on commercial and industrial development and does not anticipate any significant changes in employment opportunities in the community.

*Table 1-2: Employment in Birchwood Village*

YEAR	EMPLOYMENT
2010	25
2020	30
2030	30
2040	30

*Source: Metropolitan Council*

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## CHAPTER 2: LAND USE

### Introduction

The City of Birchwood Village is a small, fully-developed community located on the southeast shoreline of White Bear Lake. Developed originally ~~as a resort town~~ in the early 1900s, ~~as a collection of~~ small summer cottages ~~that~~ dotted the ~~Lake~~ shoreline ~~and became~~ it was a destination for Saint Paul residents looking for respite from the City. Naturally, as the lakeshore became more developed, other parts of the community began to grow, and small meandering roadways were constructed with summer cottages that were still within proximity to the Lake. Eventually, new regional roadways and infrastructure became available that made it possible for residents to call Birchwood Village their permanent home – not just their summer getaway.

Even though the community transitioned over the course of several decades, much of the existing land use pattern today remains a reflection of the community’s historical roots as a resort town. Roadways still meander, easements to provide lake access are ~~eo-mingled~~~~run with~~~~between~~ existing homes, and many ~~of the~~ original cottages remain but with updates and additions to make them ~~more~~ habitable on a year-round basis.

The land use pattern today is reminiscent of Birchwood Village’s past, and is the foundation for the City’s future. ~~The City is planning to stay the same, with only modest enhancements and changes planned only if, and when, opportunities emerge.~~ Generally, the community hopes to maintain the existing character of Birchwood Village for generations to come. With that objective in mind, the subsequent sections of this Chapter provide a roadmap to preserving the City’s land use and neighborhood patterns and does not plan for, ~~nor contemplate,~~ wholesale changes in the community. However, this Plan still provides an opportunity for the community to consider how it might approach change if it presents itself, and to ensure that any redevelopment in the community is completed in a manner that is consistent with the goals and objectives of this Plan.

The intent of this Chapter is to describe the existing and planned land use and neighborhood patterns, and to define how these land use patterns will continue to support the identity and character of the community through this planning period.

### Planning Context

The planning context of the 2040 Comprehensive Plan is an important consideration in the preparation of this Land Use chapter and of subsequent sections of this Plan update. ~~Ofentimes communities are unsure of when and why they should undertake a review of their Comprehensive Plan, and particularly their Land Use plan particularly when the community has remained relatively unchanged over many decades.~~ The following sections are provided to help explain why the City initiated this process, and how the regional and local planning context were used to inform the update of this Chapter.

#### METROPOLITAN COUNCIL POLICY GUIDELINES

As described in Chapter 1: Community Context, the City of Birchwood Village is located on the far western edge of Washington County. As a community located within the 7-County Metropolitan Area, the City is within the Metropolitan Council’s jurisdiction which requires communities to prepare an update of their Comprehensive Plans for consistency with regional systems on a decennial basis. In the years preceding the required decennial update, the

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Metropolitan Council issues a System Statement for every City which describes what updates must be included within each community's Plan.

Each community is assigned a Community Designation based on the geographic location of the community, the existing land use patterns and anticipated growth based on regional trends and planned regional improvements. As previously noted, Birchwood Village is fully developed and its existing land use pattern is predominantly low-density residential ~~use uses that are, and composed~~ primarily ~~developed with~~of single family residential structures. Communities with this land use pattern are generally designated by the Metropolitan Council as "Suburban." (See Figure 2-1.) For each community designation, the Metropolitan Council describes the Community's Role with respect to *Orderly and Efficient Land Use*. The identified *Community Roles for Suburban communities* are as follows:

- Plan for forecasted population and household growth at overall average densities of at least 5 units per acre, and target opportunities for more intensive development near regional transit investments at densities and in a manner articulated in the 2040 Transportation Policy Plan.
- Identify areas for redevelopment, particularly areas that are well-served by transportation options and nearby amenities and that contribute to better proximity between jobs and housing.
- In collaboration with other regional partners, lead major redevelopment efforts.
- Lead detailed land use planning efforts around regional transit stations and other regional investments.
- Plan for and program local infrastructure needs (for example, roads, sidewalks, sewer, water, and surface water), including those needed to accommodate future growth and implement local comprehensive plans.

Because Birchwood Village is geographically small, many of the roles identified above are not fully applicable, such as transit and major redevelopment efforts. However, the concept of several of the identified roles are relevant and should be used to help guide the community through this planning period. For example, while there are no significant regional roadway or transit improvement planned within the City, there are improvements planned in adjacent communities that could provide opportunities to the City for a more connected community to the greater region. ~~Additionally, though~~ ~~Though~~ the City is fully developed ~~that it~~ does not preclude someone from potentially redeveloping a parcel or collection of parcels provided that such development is consistent with the Community Roles with respect to density ~~as identified above~~.

In addition to the *Community Designation* and correlated *Community Roles*, the *System Statement* includes the Metropolitan Council's projected population, households and employment forecasts for the City through this Planning Period. Table 2-1 shows that the Metropolitan Council does not ~~anticipate or project~~ ~~anticipate~~ significant changes in the City's land uses as demonstrated by the Household and Employment forecasts. ~~However~~ ~~Nonetheless~~, the population is ~~anticipated~~ ~~projected~~ to continue to decrease even as ~~Households and Employment~~ ~~households~~ stay relatively flat. With respect to the City's land uses, the decreasing ~~and aging~~ population ~~has the potential to will~~ impact what types of facilities, services, park programming, and access ~~may will~~ be needed and demanded by residents ~~as of the~~ ~~community's population continues to age in the future~~ ~~community~~. These trends were used as a foundation to the subsequent section of this chapter, and other sections of this Plan update.

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Figure 2-1. Metropolitan Council Community Designation



**Thrive MSP 2040  
Community Designation**

Suburban



DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

Table 2-1. Population, Households, and Employment Forecasts

Year	Population	Households	Employment
2020	850	351	25
2030	830	360	30
2040	800	360	30

(Source: 2015 Birchwood Village System Statement - Metropolitan Council)

## COMMUNITY CONTEXT

The Regional Context provides a broad overview and structure from which this Plan update was developed, but the local context provides additional refinement to ensure that this Land Use plan reflects the goals and aspirations of the community through this planning period.

To effectively manage and maintain the community’s land uses the City has developed a set of policy guidelines to guide the community through this planning period. The following policy guidelines were included within the 2030 Comprehensive Plan and have been updated, where applicable, to reflect the aspirations of the community moving forward through this planning period.

## Land Use Goals & Objectives

The following goals and objectives ~~to maintain the City’s character~~ will be used to help guide land use decisions in the City through 2040:

1. Maintain the existing character of the community by permitting growth that is consistent with the land use designations contained within this plan.
2. Work to create **and enforce** ordinances and policies that regulate new construction of housing that follows building codes.
3. Create ordinances and policies that promote sustainability of existing and new residential structures through site planning standards that incorporate considerations for natural hydrology, drainage and other unique physical/natural features.
4. Continue to enforce ordinances that prohibit the development of commercial, industrial and high-density residential uses.
5. Protect important natural resources from new development and redevelopment impacts by establishing and enforcing proper ordinances and permitting procedures. (e.g. wetland protection, lakeshore/shoreland protection, and significant tree preservation ordinances, etc.)
6. Promote maintenance of existing homes, properties and natural areas ~~to maintain the City’s character~~.
7. Maintain the City’s high-quality and affordable residential neighborhoods.
8. Protect and preserve the City’s tree canopy and significant healthy trees by enforcing the Significant Tree ordinance that establishes maintenance, removal and replacement standards.
9. Create an ordinance to monitor, inspect, and remove invasive species that ~~threatened~~ threaten the quality of natural habitat.

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## Existing Land Use

The existing land use pattern reflects Birchwood Village’s commitment to foster, improve and preserve its quaint “Village” ~~and and predominantly~~ single-family neighborhood character. Throughout its history, the City has continued to reinforce its Village and “resort” town character by carefully regulating new development and redevelopment of remaining lands to continue the existing low-density residential neighborhood patterns. To that end, the City has prohibited the development of commercial, industrial or high-density housing, and has prioritized the protection of natural resources as part of any new development in the community. With these ~~sc~~ limitations ~~on~~ ~~development styles~~, Birchwood Village ~~is has remained~~ almost completely developed with single-family residential uses (88%). Little to no additional residential development has occurred since 2008 because the community is fully developed, and there has been little to no pressure for redevelopment. A few larger lots remain that have the potential to be further subdivided based on current subdivision and zoning standards, but these areas would be required to develop with uses consistent with the existing neighborhood patterns. ~~In addition to the~~ ~~After~~ single-family residential uses, the City’s remaining land areas are primarily used for right-of-way, institutional and parks/open spaces. The City owns and manages three public parks and one natural area/open space and owns various ~~trail~~ trails and ~~six~~ lake access easements sprinkled throughout the community that provide connections to the city parks and to White Bear Lake. (See Figure 2-2 Existing Land Use).

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## Generalized Existing Land Use (ELU)

The following definitions are provided for each existing land use as shown on Figure 2-2. The following definitions are the Generalized Land Use definitions as provided from the Metropolitan Council. The definitions that follow do not attempt to describe what the current/existing zoning is of a property, or what the planned or allowed uses might be. Rather the following land use designations describe the current and existing use of a property based on a snapshot in time and help describe and illustrate the current neighborhood patterns of the community.

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**Single Family Detached** – Land use exclusively for residential purposes containing a single dwelling unit that is detached from any other residential dwelling units (i.e., with open space on four sides, includes townhomes).

**Seasonal/Vacation** – Land used exclusively for residential purposes containing a single dwelling unit that ~~is~~ occupied seasonally or used as a vacation property.

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**Undeveloped** – Land not currently used for any defined purpose that may or may not contain buildings or other structures or has no discernable use based upon the aerial photos or available data. Undeveloped land may include non-protected wetlands or land currently under development.

**Park, Recreation or Preserve** – Land used for park and recreational assembly (ex: community level ball fields, ~~regional or~~ small urban parks – public ~~or private~~, playgrounds, rest areas, and other venues – indoor or outdoor – for sporting ~~events recreation~~ or like purposes). Also includes passive activity uses such as park preserves, wildlife refuges, habitat area, public hazards, river walk, DNR owned land, greenways and other public or private preserved land.

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Table 2-2 identifies the existing land uses in the community and calculates the total acres and percentage composition of each land use.

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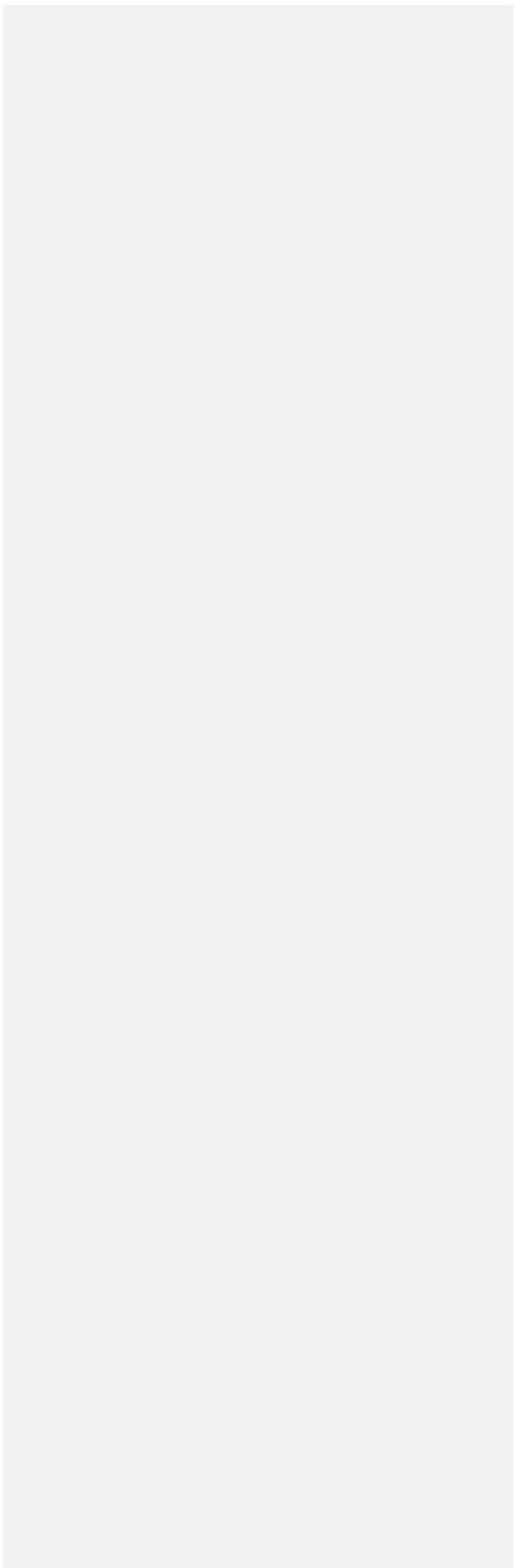


Table 2-2. Current Generalized Land Use Tabulation (Acres)

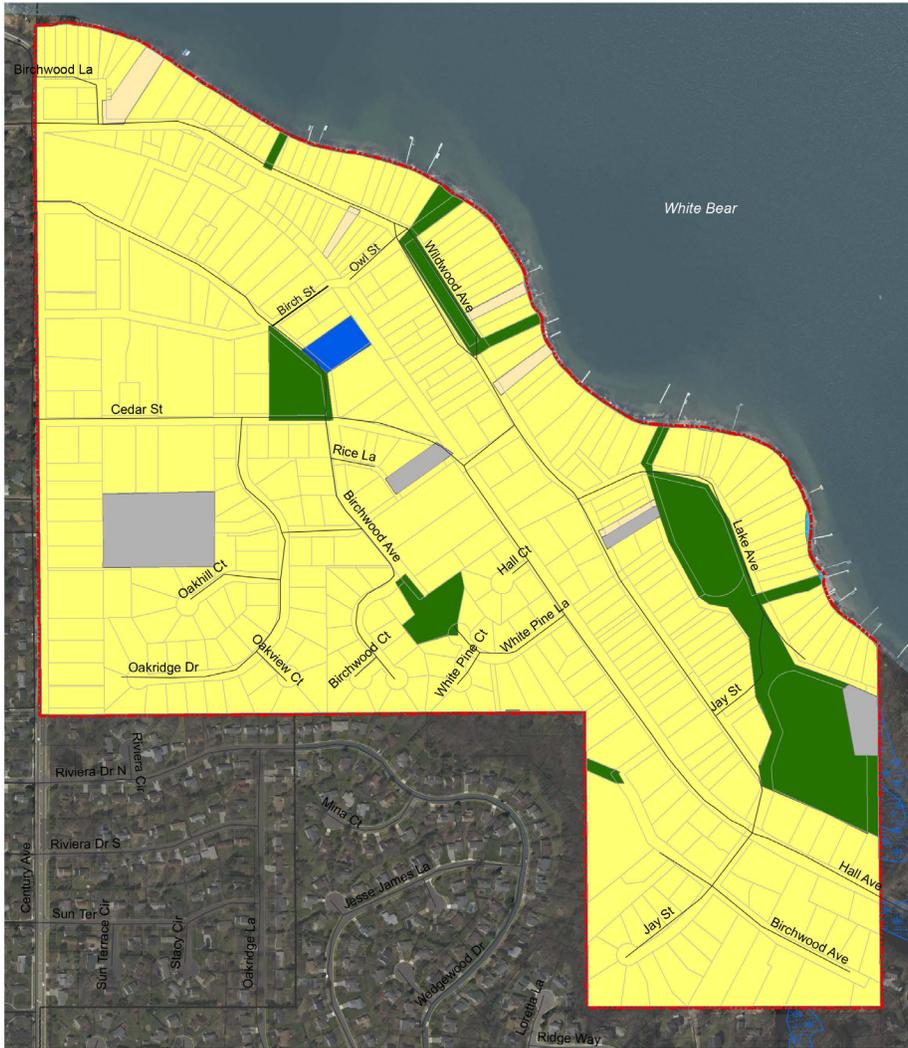
Land Use*	Acres	Percent of Total
Single Family Detached	188	87.82%
Seasonal/Vacation	2	0.96%
Park, Recreational or Preserve	17	8.12%
Institutional	1	0.42%
Undeveloped Land	6	2.64%
<b>TOTAL</b>	<b>214</b>	<b>100%</b>

\*Local right-of-way (ROW) included within land use acre calculation

Source: Metropolitan Council, SHC

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Figure 2-2. Existing Land Use & Zoning



**Generalized Existing Land Use**

<b>2016 GLU - Metropolitan Council</b>	Open Water
Single Family Detached	Park, Recreational, or Preserve
Seasonal/Vacation	Undeveloped
Institutional	



DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Rev. Date: 9.13.2018  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

## Future Land Use

~~As identified in the goals and objectives of this Chapter, the City is committed to maintaining the existing neighborhood patterns and uses in the community. As a fully developed community,~~ Birchwood Village's focus is primarily on maintaining the existing homes and neighborhoods and ensuring that the existing character and uses continue to define the City through this planning period. Since the community's priority is to remain relatively unchanged through this planning period, the Future Land Use plan contained in this chapter directly responds to the intent of Birchwood Village to continue to be a primarily single-family residential community.

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To that end, the community has guided the majority of its future land uses for low density residential uses, that will work to preserve existing neighborhood patterns even if redevelopment occurs on individual lots. The City does not intend to permit or re-guide any land within the community for higher density residential uses, or to introduce commercial or business uses into the community. ~~This is because~~ ~~Because~~ ~~Current~~ infrastructure including roadways, water, and sanitary sewer are designed to support the existing development ~~and~~ no significant improvements ~~of infrastructure~~ are planned. ~~As such, the future~~ Future land uses ~~are~~ ~~is~~ reflective of the City's existing neighborhood patterns, and planned uses through this planning period. The following future land use designations describe the intended land use patterns for this planning period.

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## Future Land Use Designations

### Low Density Residential (LDR)

This land use designation identifies land currently used or planned to be used for predominantly single-family residential uses. This designation applies to all of the City's existing neighborhoods which are developed at densities between 3 and 6 dwelling units per acre. Any redevelopment, or development of vacant parcels, will be developed at densities consistent with this density designation and are planned to be developed at densities no less than 5 dwelling units per acre.

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### Institutional

Land that is used for municipal buildings.

### Parks/Open Space

Land designated as park or open space is owned and managed by the City of Birchwood Village. Land within this designation is used for active and passive recreational uses, ~~included~~ ~~including~~ trails, parks, open spaces and wetland areas.

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### Right-of-Way (ROW)

Land used exclusively for roadways/right of ways.

Table 2-3. Future Land Use Total Acreage

Future Land Use	Residential Density	Acres	Percent of Total
Low Density Residential	2.5 – 5.0	169.98	78.9%
Institutional	NA	0.80	0.4%
Parks/Open Space	NA	10.29	4.8%
ROW	NA	33.21	15.5%
<b>TOTAL</b>		214.28	100%

Source: City of Birchwood Village, SHC

Table 2-4. Future Land Use Forecast Acreage per Decade

Future Land Use	Residential Density	2020 Acres	2030 Acres	2040 Acres
Low Density Residential	2.5-5.0	169.98	169.98	169.98
Institutional	NA	0.80	0.80	0.80
Parks/Open Space	NA	10.29	10.29	10.29
ROW	NA	33.21	33.21	33.21
<b>TOTAL</b>		214.28	214.28	214.28

Source: City of Birchwood Village, SHC

Figure 2-3. Planned Land Use & Zoning



**Planned Land Use & Zoning**

- Residential (Low Density 3-5 d.u./acre)
- Institutional
- Parks/Open Space
- ROW



DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Rev. Date: 9.13.2018  
 Date: 9.20.2017  
 Prepared by: SHC. LLC

## Areas Planned for Change or Redevelopment

The City of Birchwood Village is considered fully developed and the only opportunity for change in the community would be due to redevelopment. The City's Future Land Use plan guides the majority of the land within the community for low density residential uses and plans for the continuation of the existing uses through this planning period. While the existing land use pattern is planned to continue, the City will likely continue to see more modest changes such as remodels and additions. While these activities do not constitute a change in use, remodeling and additions does have the potential to alter the character of the community. ~~In addition, there~~

~~There is thea high~~ potential for tear downs of existing homes and redevelopment of individual lots ~~or the~~ but low chance of an assembly of a collection of lots for redevelopment. ~~These~~ While these activities have not occurred frequently, ~~however~~ very often, depending on market conditions, the pressure and interest for redevelopment could become more frequent. If and when redevelopment is proposed, the City will follow this Comprehensive Plan and will continue to reinforce the single-family residential neighborhood patterns of the community. Finally, while there are no currently known development or redevelopment plans, at time of redevelopment the City will continue to prioritize and focus on the preservation, enhancement and protection of the City's natural resources.

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## CHAPTER 3: HOUSING

### Introduction

~~The City's housing stock defines the community's village character since Birchwood Village is entirely developed for residential use and there are no independent commercial or businesses uses permitted in the community. Because the principal land use is residential understanding the existing housing stock and planning for its future becomes central to the long-term sustainability of the community.~~

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The purpose of this housing chapter is to present and describe the City's existing housing stock, and to use the information as a basis from which to plan for future housing needs in the community.

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Birchwood Village is entirely developed for residential use and there are no independent commercial or businesses uses permitted in the community. Although the City's households and population are anticipated to stay relatively unchanged over this planning period, that does not mean that there will not be any changes to the housing stock. As described in subsequent sections of this chapter, the City's housing stock is aging which means that maintenance, rehabilitation, remodeling and in some cases, redevelopment of existing lots are likely to become more prevalent.

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Information contained in the following sections is a compilation of data collected primarily from the US Census, American Community Survey and the Metropolitan Council. Because the City is small sometimes the information from these resources does not adequately describe the challenges and opportunities Birchwood Village faces, and therefore the data collected from these resources is supplemented with information from the City.

### Housing Goals & Objectives

An important element of the housing plan is to establish a set of principles and goals to help guide the City through this planning period. The City identified a set of goals and objectives as part of the 2030 Comprehensive Plan that have been updated to reflect the community's direction for 2040. The housing principles and goals established by the City are as follows:

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- Continue to support efforts to maintain a balanced housing supply and will focus on opportunities to provide housing for people at all income levels.
- Embrace and welcome diversity ~~in all of its neighborhoods and will~~ support such diversity in both owner-occupied and renter-occupied housing.
- Encourage and promote lifecycle housing within the existing housing stock, and in any new or redeveloping areas of the community.
- Maintain and enhance the existing housing ~~stock~~ ~~stock and neighborhoods~~ to promote the long-term sustainability of the community.
- Maintain and support the City's current level of housing affordability.
- Protect the existing single-family detached housing density and neighborhood quality.

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In addition to the City’s identified goals and principles, the community must consider and address the housing policies and directives established by the Metropolitan Council for Suburban Communities as described within the 2015 Birchwood Village System Statement. The defined role includes the following housing practices that may be applicable for Birchwood Village:

- Designate land in the comprehensive plan to support household growth forecasts and address the community’s share of the region’s affordable housing need through development and redevelopment at a range of densities.
- Use state, regional, and federal sources of funding and/or financing and development tools allowed by state law to facilitate the development of new lifecycle and affordable housing.
- Plan for affordable housing that meets the needs of multigenerational households.
- Invest in and expand regional systems to support redevelopment in communities that partner in the preservation and expansion of housing choices.

Because the City is fully developed there are few, if any, opportunities for redevelopment in the community particularly given the existing land use pattern. However, the City will consider and evaluate any new proposed development for consistency with the Metropolitan Council’s roles and the City’s identified principles and goals.

## Existing Housing Stock

### OVERVIEW OF BIRCHWOOD VILLAGE’S RESIDENTIAL NEIGHBORHOODS

The City of Birchwood Village’s residential neighborhoods have evolved over time transitioning from primarily seasonal/vacation cottages to permanent residences that now make up the majority almost all of the City’s housing stock. Though the community is relatively homogenous in the land use, which is dominated by single-family detached product, there is a little bit of every housing style available in the community. The diversity of housing contributes to the City’s ‘village’ character since no two streets or blocks look the same. Lots and homes were built and developed at different times with some areas filling in over the span of several decades which. This results in a development pattern that feels more organic, which is a contrast to some of Birchwood Village’s more suburban neighbors. This development pattern has also resulted in an existing supply that is both unique and aging. The following existing characteristics of Birchwood Village’s housing supply provide a baseline from which the City can consider potential housing needs and demands.

### HOUSING STOCK STATISTICS

According to the data from the Metropolitan Council and the City of Birchwood Village, there are 369 housing units in the City as of 2016. As a fully developed community, new residential development in Birchwood Village has been limited since the 1990s, and since. Since 2000, only 15 new units have been constructed which that, were likely the replacement of an existing home or cabin.

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### Housing Tenure

Of the 369 units, 342 units (93.2%) are owner-occupied, and 25 units (6.8%) are rented according to data from the Metropolitan Council (Table 3-1).

Table 3-1: Housing Tenure 2016

Ownership Units	Rental Units	Total Units
344	25	369

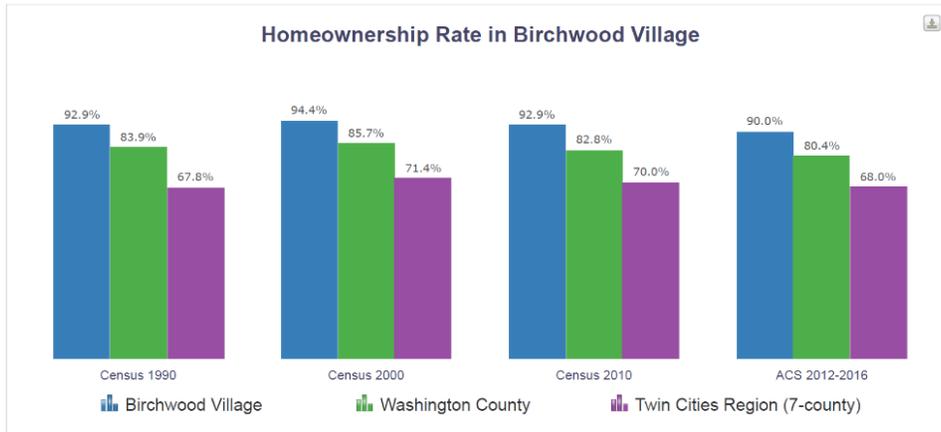
Source: Metropolitan Council

The City's distribution of owner-occupied units to renter-occupied units is significantly higher than the ratios experienced in both Washington County and the 7-county metropolitan area as shown in Figure 3-1. As shown, the Birchwood Village's home ownership rate was approximately 90% in 2012 as compared to 80% in Washington County and 68% in the 7-County metropolitan area. ~~Some of the~~ ~~One likely~~ reason for Birchwood Village's higher home ownership rate is ~~likely due to~~ the lack of availability of multi-family housing which is more commonly associated with renter-occupied units, but it is also likely an indicator of relatively high housing values within the existing single-family housing stock.

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Figure 3-1. Housing Tenure of City, Washington County and 7-County



Source: Metropolitan Council, US Census, 2012-2016 ACS

### Housing Type

Correlated to housing tenure is housing type. Overall, Birchwood Village is not balanced with respect to its housing stock as it is predominantly single-family homes (93%). Even though the housing stock is unbalanced, this is not a cause for concern because of the relatively small number of units and size of the community. There are a limited number of multi-family housing units which provide some housing choice within the community.

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Table 3-2: Housing Type

Single-family Units	Multi-family Units	Manufactured Homes	Other	Total Units
350	19	0	0	369

Source: Metropolitan Council

### Year Built

Nearly 80% of Birchwood Village’s housing stock (288 units) is more than 45 years old. Because of the age of structures in the community, it will be important to track the conditions of the older homes because they are at-risk of deferred maintenance, which can rapidly result in critical structural problems or accelerate major remodel/tear-downs. At the same time, well-maintained older housing can be an important source of entry-level housing particularly if they have not experienced major remodeling and additions. It will be important for the City to monitor the condition of the older housing stock considering its desire to maintain housing and neighborhood quality, as well as retain some affordability in the community. See Figure 3-2, Age of Residential Structures.

### Housing Affordability

The Metropolitan Council considers housing affordable when low-income households are spending no more than 30 percent of their income on housing costs. Households are considered low-income if their income is at or below 80 percent of the metropolitan area’s median income (AMI).

In Birchwood Village, the housing stock is becoming increasingly less affordable, particularly as major remodeling, tear downs, and improvements become more prevalent. ~~As of~~In 2016, the Median home value in Birchwood Village was approximately \$321,000 which ~~far~~ exceeds the median Seven-County Metropolitan Area sales price of \$247,900 for a single-family home (Minneapolis Association of Realtors). As shown on Figure 3-3, the majority of the more expensive housing units are located along the lake frontage and have experienced the most significant remodeling over the past several decades. ~~However, as of~~In 2016, there remains a portion of the existing housing stock that meets the Metropolitan Council’s criteria for affordability as demonstrated in Table 3-3.

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Table 3-3: Affordability of Units by Income Level

	Birchwood Village	% of All City Housing Units	Metro Area % of all Housing Units
Units affordable to households with income at or below 30% of AMI	4%	1%	6.5%
Units affordable to households with income 31% to 50% of AMI	2%	>1%	21.8%
Units affordable to households with income 51% to 80% of AMI	76%	20.6%	39.9%
Total Units at or below 80% AMI	82%	22.2%	68.3%

Source: Metropolitan Council (2016 and 2017 Metro GIS Regional Parcel Data; US Census, 2012-2016 ACS)

Based on information collected nearly a quarter of the City's owner-occupied units are affordable at or below 80% AMI, which given the City's relatively small size represents a fairly significant proportion of units. Due to the reasonable rate of affordability, coupled with the City's unlikeliness to redevelop, the Metropolitan Council has not allocated a need for new affordable housing units in Birchwood Village through 2040.

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Although Birchwood Village has a reasonable proportion of affordable units per the Metropolitan Council's definition, there are some observable trends that suggest that the cost of housing in the Village could rise rapidly in the coming years making the community less affordable. Market pressure in the for-sale housing market throughout the region has experienced significant increases in the past couple of years. Since Birchwood Village is dominated by owner-occupied/for-sale housing, the regional market trends have the potential to significantly impact the community's long-term affordability. The City is likely to continue to face pressure for tear-downs/rebuilds given the proximity to the lake. Not only will increased investor interest raise prices, but new or significant rebuilt homes that are much larger will also result in market-wide increases. The trends are important to consider if, and when, new policies are implemented that could impact housing in the community.

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Figure 3-2. Age of Residential Structures



**Age of Housing  
Year Built**

	Vacant/ROW/PSP		1932 - 1961		1981 - 1997
	Pre-1931		1962 - 1980		1998 - 2016



DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

Figure 3-3. Estimated Market Value of Residential Structures



## COST BURDENED HOUSEHOLDS

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Cost burden is the proportion of household income spent toward housing and utilities. When lower income households spend more than 30 percent of their income toward housing and utilities this burden is considered excessive because it begins to limit the money available for other essentials such as food, clothing, transportation, and healthcare. Table 3-4 presents the number and percentage of low-income Birchwood Village households that are cost burdened and compares this against the metro area rate of cost burdened low-income households.

Table 3-4: Cost Burdened Households by Income Level

	Birchwood Households	% of all households	Metro Area % of all households
Income at or below 30% of AMI	8	2.2%	10.0%
Income 31% to 50% of AMI	26	7.0%	7.4%
Income 51% to 80% AMI	3	0.8%	5.8%
Total households at or below 80% AMI	37	10.0%	23.2%

Source: U.S. Department of Housing and Urban Development, 2010-2040 Comprehensive Housing Affordability Strategy (CHAS) data, with counts adjusted to better match Metropolitan Council 2016 household estimates.

## Projected Housing Needs

As referenced in Chapter 2: Land Use, the Metropolitan Council's 2015 System Statement forecasts that Birchwood Village will not expand the number of total housing units in the community. The existing community is fully developed, and planned land uses guide any redevelopment to occur consistent with existing land use and neighborhood patterns.

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Even though the community is not projected to add households, that does not mean there will not be continued pressure for tear downs and major remodels. The community is supportive of continued investment into existing homes and neighborhoods but acknowledges that this may come at the expense of some of the more affordable housing options in the community. As the City continues to face pressure for major remodels and tear downs, it will evaluate and consider how it may protect some of its affordable housing stock. Since the median home price in Birchwood Village already exceeds that of the region and the 7-County metropolitan area it is already becoming more difficult for entry-level and first-time homebuyers to find a home in the community. This challenge is reflected in the City's 2040 population projections which identify a decreasing population while the number of households remains constant. This is likely due to the aging of the City's residents, and lack of opportunity for younger family to move into the community. Over this planning period, the City will work to identify ways to encourage a more diverse housing pattern that will support a more diverse demographic to help ensure the long-term sustainability of the housing stock and community overall.

## Housing Implementation Program

The housing implementation program for Birchwood Village will seek to support the City in succeeding with its housing goals. There is little space for any new development, so it is a priority that the City maintains the prevailing homes. The following table outlines a variety of resources and tools the City can use to assist in meeting housing needs.

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Table 3-5: Implementation Tools

Housing Goal	Tool / Resource / Strategy	Description
Maintain and support the City's current level of housing affordability.	Washington County Community Development Agency (CDA)	Given the limited staff of Birchwood Village, regularly coordinate with the Washington County CDA to best align their resources with the City's housing needs and goals. The CDA has capacity, funding resources, and expertise to assist smaller communities with their housing needs.
	Referrals	Review and update reference procedure and training for applicable staff, including a plan to maintain our ability to refer our residents to any applicable housing programs outside the scope of our local services.
	Foreclosure Prevention	Work with the Washington County CDA and other agencies on foreclosure prevention strategies
Maintain its single family detached housing density.	Zoning and Subdivision Ordinances	Review zoning and subdivision ordinances to identify any regulations that inhibit the housing priorities in this document.
Maintain and enhance the exiting housing stock and neighborhoods to promote the long-term sustainability of the community.	<ul style="list-style-type: none"> <li>- Home ownership rehabilitation, home improvement, and energy-efficient local programs.</li> <li>- Housing rehabilitation programs funded locally.</li> <li>- Community Clean-Up Days</li> </ul>	Work with agencies, including banks, Washington County CDA, etc., to help support resident's efforts to maintain and repair homes.

## CHAPTER 4: TRANSPORTATION

### Introduction

The purpose of the Transportation chapter is to guide development, maintenance, and improvement of Birchwood Village's transportation network. This chapter addresses the City's existing and planned transportation system based on existing and future land use patterns.

The City's transportation network consists primarily of roadways and trails, but given the City's regional context, also considers adjacent transit and airports that serve the community's residents. These systems work in harmony to move people within and through the City connecting residents to local and regional destinations.

The following sections address each component of the City's transportation system and plans for potential system improvements, maintenance and management utilizing the existing and planned land uses. As a predominantly residential community, the City's transportation system is critical to maintain and plan for because residents rely on the system to provide access to jobs, services, shopping, and other amenities that are not contained within the community. As such, the information contained in this Chapter not only addresses system components that are fully contained within the City but also describes regional transportation components that provide access and services to Birchwood Village's residents.

### Roadways

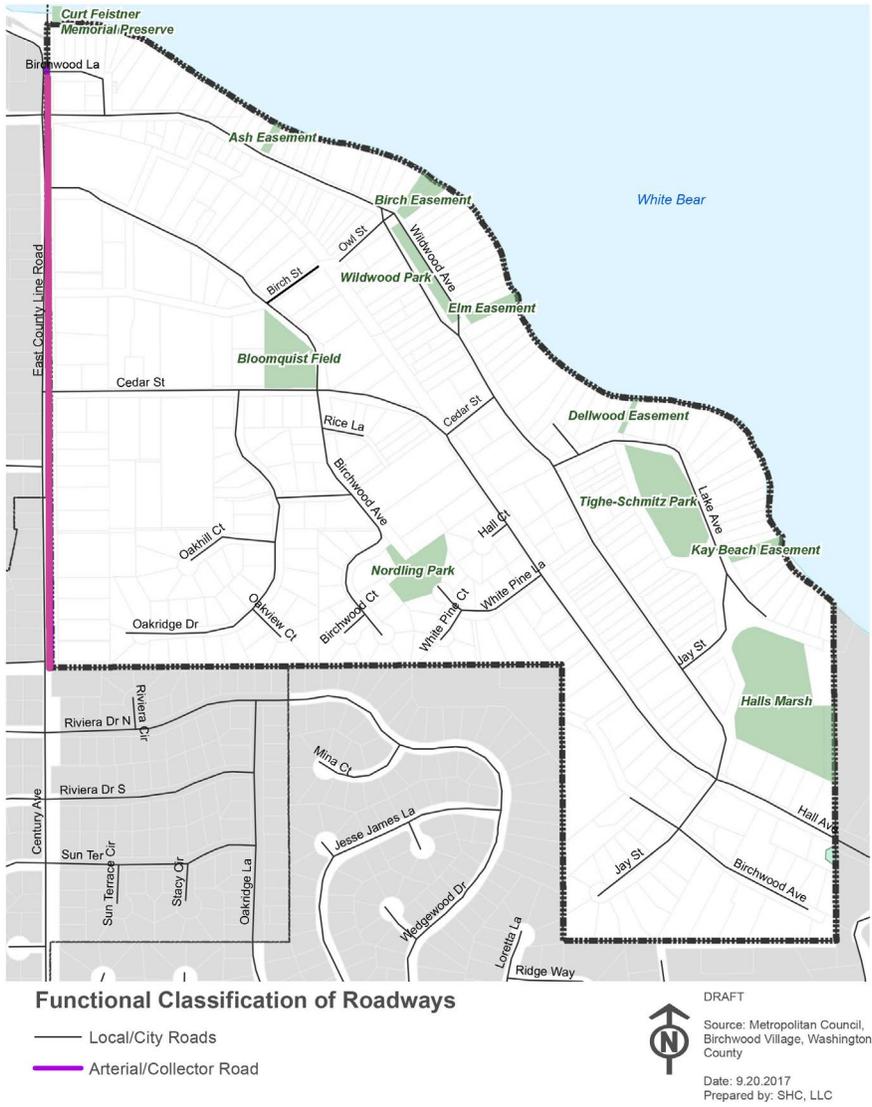
#### EXISTING AND PLANNED ROADS

Residents of the City of Birchwood Village primarily completely rely on the local and regional roadways to travel to adjacent job centers, services, and retail locations. Internal to the City, all roadways are local roads providing access to residences, open spaces, and parks. There are no streets within the City that are under State or County jurisdiction, and all local roadways are managed and maintained by the City. The City of Birchwood Village manages 4.2 miles of bituminous surfaced streets and one 150-foot gravel roadway (Grotto Street) located east of Wildwood Avenue. Connecting the City to the region is East County Line Road located along the west border of Birchwood Village which is jointly owned by Washington County and Ramsey County. There are several areas with dedicated street rights-of-way that have not been improved and function today mostly as open space/trail easement areas. These areas are known as Birch, Ash, Elm, Dellwood, Park Avenues and Highwood Street.

As stated within the Land Use chapter, the City of Birchwood Village's future land use plan is consistent with the existing land use plan and no significant changes are proposed. Since no redevelopment areas or significant development are contemplated within the City, there are no new roadways or planned functional classification changes within the City during this planning period. As shown on Figure 4-1, the Existing and Planned Functional Classification of Roadways is planned to stay the same between now and 2040.

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Figure 4-1. Existing and Planned Functional Classification of Roadways



## FUNCTIONAL CLASSIFICATION DEFINITIONS

The Metropolitan Council, in coordination with County and State agencies, has established a functional classification system for roadways serving the Twin Cities Metropolitan Area. This system establishes a hierarchy of roads to match road function with capacity and purpose. The functional classification system for roadways is broken down into four categories: principle arterials, minor arterials, collectors and local roadways. There are only two functional classifications of roadways in the City: Minor Arterials and Local Roadways. The following definitions are provided for the two classifications affecting the community:

### Minor Arterials –

The minor arterial system supplements the principal arterial system and provides connections to the principal arterial system. Minor arterials also support access to major traffic generators, including regional job concentrations and freight terminals, and between rural centers within and just outside the region. Minor arterials should serve medium-to-short trips, including arterial bus rapid transit, limited-stop bus, and local bus service. In the urban service area, the emphasis of minor arterials is on supplementing principal arterial mobility as opposed to providing direct access to land, and only concentrations of commercial, industrial, or residential land uses should have direct access to them. Minor arterials should connect to principal arterials, other minor arterials and collectors. Connections to some local streets are acceptable. Minor arterials are designed to carry higher volumes of general traffic than other local roads and these design characteristics often create a barrier for bicycle and pedestrian travel. Priority should be placed on addressing these barriers in areas with pedestrian traffic, such as within regional job concentrations, within local centers, and along major transit routes. Minor arterials are generally under MnDOT or county jurisdiction. East County Line Road falls within this classification. It is denoted as Other Arterial by the Metropolitan Council.

### Local/City Roads –

Local roads connect blocks and land parcels, and the primary emphasis is on land access. In most cases, local roads connect to other local roads and collectors. In some cases, they connect to minor arterials. Local roads serve short trips at low speeds. Local roads serve local travel for pedestrians and bicyclists and may double as bike links in some locations. Transit is occasionally a consideration for local roads, depending on the surrounding land uses. All streets except for E County Line Road within Birchwood Village fall under this classification.

## Transportation Analysis Zones

To support transportation planning efforts in the region, the Metropolitan Council requires communities to identify their projected population, households and employment by decade for each Transportation Analysis Zone (TAZ) located within their community. The City of Birchwood Village includes only one TAZ, which is projected to remain relatively consistent over each decade since no significant growth or redevelopment is projected. Table 4-1 identifies the City's TAZ forecasts by decade through 2040.

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Table 4-1: Transportation Analysis Zone Forecasts

TAZ 1146	2020	2030	2040
Population	850	830	800
Households	351	360	360
Employment	25	30	30

Source: 2015 Birchwood Village Metropolitan Council System Statement

**ROADWAY CONSIDERATIONS THROUGH 2040**

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Birchwood Village’s street infrastructure is the largest asset and liability in the City’s public works system and requires 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, and as a result the bituminous surface may be thicker than three inches on some roadways or in some areas. The City has relatively low traffic volumes, and there are no commercial or business uses in the community which helps minimize wear and tear on the roadways. The planned land uses are expected to remain consistent with the existing land uses, and therefore traffic volumes are anticipated to remain the same or be reduced as the City’s population is projected to shift slightly lower during this planning period.

To maintain and manage the City’s roadways, the City plans for and provides adequate budget during its annual budget process. The City facilitates multi-year programs for seal coating and crack sealing to ensure all roadways are managed and maintained on a regular and consistent basis.

It is recommended that the streets continue to 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. Because the City’s population is less than 5,000 there is no state aid available to help manage and maintain any local roadways, and budgeting and costs must be absorbed by the City and its residents. The City will continue to monitor and plan for needed improvements to its roadways through this planning period. It is also recommended that the City utilize its Roads and Streets Committee to improve education of street maintenance programs for City residents.

Highway surface improvement projects taking place from 2019-2024 in the vicinity of Birchwood Village have been identified by the Metropolitan Council in the Birchwood Village 2015 Systems Statement. The only identified pavement project is the resurfacing of East County Line Road south of MN-244, which will continue north post 2024.

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## Bicycling & Walking

As the region continues to grow it will become increasingly more important for residents to have transportation mode choices to help reduce overall reliance on vehicles. Though Birchwood Village is not easily accessible to mass transit services, the City is perfectly positioned to improve and create opportunities for residents to be connected to regional bike and trail infrastructure.

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### BICYCLING

Currently Birchwood Village has no specifically designated bicycle infrastructure, such as dedicated bicycle trails or on-road bicycle lanes. Though the City does not provide dedicated bike lanes on its roadways, residents primarily feel that the existing roads are multi-purpose and can safely accommodate bikers, walkers, and auto traffic.

To supplement the use of the local roadways for bicyclists, the City will contemplate the direction of the Metropolitan Council's desire for the City to explore how it can plan for a more specific connection into the planned Regional Bicycle Transportation Network (RBTN). The Metropolitan Council has identified a RBTN Tier 1 search corridor in the City along Wildwood Avenue (see Figure 4-2). According to the Metropolitan Council's 2040 Regional Parks Policy Plan, a Tier 1 (high priority) network is identified where bicycle travel is greatest, population and job densities are highest, and where there were the most opportunities to connect regional job concentrations and activity centers with population and the regional transit system. The RBTN alignment passes through Birchwood Village going east-west. Given this aligned corridor, Birchwood Village will seek to plan for the implementation of bicycle supporting facilities through 2040 to establish a connection to the RBTN. Improved bicycle infrastructure was identified by residents as an important consideration in the 2017 Park Survey, and it is likely that planning for a more connected bikeway into the region will be supported by area residents.

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### SIDEWALKS & PEDESTRIAN WAYS

There are no sidewalks within Birchwood Village. Limited discussion has been heard regarding sidewalk improvements along East County Line Road and Birchwood, Hall and Cedar Avenues, but this roadway, East County Line Road is not under the jurisdiction of the City. As the roadway exists today, and the road drainage includes a series of ditches and culverts that would make construction of trail or sidewalk improvement difficult in this area. It may be possible to construct storm sewers to accommodate runoff, but any improvements would need significant coordination with Washington and Ramsey Counties. There has also been discussions about a sidewalk on Birchwood/Hall/Cedar Avenue. There has yet to be strong enough support for sidewalks anywhere in Birchwood.

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Pedestrians also utilize a narrow bituminous surface between upper and lower Birch Street and Owl Street as a path. The City maintains Ash, Nording, Bloomquist, and Grotto walkways as wood chip paths. Generally, residents walk on local roadways which are seen as multi-purpose and shared facilities for pedestrians, bicyclists and auto traffic. The 2017 Parks Survey identified the development of new pathways as an important addition to the City.

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Figure 4-2. Regional Bicycle Transportation Network Tier 1 Search Corridor



**RBTN Corridors**

 Tier 1

DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

## Mass Transit

Birchwood Village's Transit Market Area is Market Area III as designated by the Metropolitan Council. This Market Area is described having moderate density but tends to have a less traditional street grid that can limit the effectiveness of transit. Transit service in this area is primarily offered by Metro Transit with a commuter express bus service (Route 270) and one local bus route (Route 219) running on the west border of Birchwood Village.

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There is currently no fixed-route local service operators within Birchwood Village, and public dial-a-ride services fulfill needs for basic local transit needs. Transit Link is a small bus service that provides a dial-a-ride service for trips that cannot be completed on regular transit routes. Metro Mobility is another service but is limited to certified riders who are unable to use regular fixed-route buses due to disability or health concern.

There are no park-and-rides or other transit facilities located in the City. [The closest park-and-ride is at the Maplewood Mall, 4.5 miles away.](#)

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## Aviation

The nearest major commercial airport that serves Birchwood Village residents is the Minneapolis-St. Paul International Airport that is located approximately 16-miles southwest of the City. The nearest airport is the Lake Elmo airport which is a general aviation facility operated by the Metropolitan Airports Commission.

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Several private light planes operate off the surface of White Bear Lake year-round. The lake is adequate in size for light activity and MnDOT Aeronautics has designated it as appropriate for seaplane operations. The City acknowledges this designation and accepts present seaplane activity, but would object to large scale operations.

There are no existing height barriers for seaplane operation within the City. Municipal Code restricts the height of structures at 35 feet per Code 302.045. Any variance which would result in a structure having a height of more than 200 feet would be considered an aviation hazard and require approval of MnDOT and the notification of the FAA. The City will use proper notice and protocol to the FAA for any proposed construction or variance which could affect navigable airspace.

## Freight

There are no railways, barge facilities and truck or intermodal freight terminals within Birchwood Village. Since there is no commercial development allowed within the City, there are no nodes or areas that generate freight movement.

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## Chapter 5: Parks, Trails, Open Space & Natural Resources

### Introduction

The City's existing parks, trails, open space and natural resources system is an important part of Birchwood Village's quaint small-village character. Tree canopied streets, and private wooded lots with rolling topography make the community feel like the small resort town of yesteryear, while active park areas provide residents with opportunity-opportunities to meet and gather. The parks, trails, open space and natural resource system is an important part of the City's past and is planned to be an important asset of its future.

The following sections identify and describe the City's existing system and establishes a plan for the future of the City's Parks, Trails, Open Space and Natural Resources (PTOSN) System. Finally, this chapter introduces the concept of a green network that incorporates all of these elements and considers the resiliency and long-term sustainability of Birchwood Village for this planning period.

### PTOSN Goals & Objectives

The City's parks, trails, open space, and natural resources system is a defining characteristic of Birchwood Village. Though the City is relatively small, a significant proportion of the City's land uses are dedicated for park and open space uses which are further enhanced by the presence of White Bear Lake and all the natural areas within rights-of-way and natural areas on private lots that remain in the community today. When all of these areas are considered collectively, the organized park areas and natural areas further support define the small-town village atmosphere of the community.

Since the parks and open spaces are an important part of the City's responsibilities to manage and maintain, the City issued a park survey in 2017 to solicit feedback from residents to provide a direction for the system parks and open spaces moving forward. Many of Birchwood Village's residents responded to the survey, and their feedback was used to help define and establish the following goals and objectives for the parks and open space system through this planning period.

1. Maintain and improve the City's existing parks and open space facilities to ensure the health, safety and general wellbeing of Birchwood Village residents.
2. Provide park and open space facilities that serve all age groups and meet programming needs of Birchwood Village's residents. The City will take a balanced approach to programming and develop a system that supports all age cohorts in the community.
3. Create and develop a system of walkways within the City that connect residents to Birchwood Village's parks and open spaces providing safe alternate transportation mode choices and reducing resident's reliance on vehicles to access the system.
4. Upgrade and maintain the lake easements, as necessary, to meet the needs and desires of residents.
5. Improve the overall maintenance of parks and public facilities.
6. Integrate and align the City's equipment and resources to support and contribute to other local communities and youth organization's parks, trails, and open space systems.

There are many ways that the City can accomplish the goals and objectives as identified above. The City's Parks &

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Natural Resources Committee is taking the first step toward the goal by developing a Parks Improvement Plan that intends to address what residents clearly indicated in their response to the survey: desire for the system to be enhanced and better maintained as an asset of the community into the future. To support this value, planned maintenance, improvements and enhancements should be well planned to protect the system's long-term sustainability as a key characteristic of the community through this planning period. Perhaps the most important pieces of the Parks Improvement Plan will be to establish a capital improvement plan (CIP) for the system to identify priorities and budget for proposed investment.

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## Existing Parks, Trails, Open Space and Natural Resource System

As indicated in previous sections, and within the Chapter 2: Land Use, the City is primarily developed with single-family residential uses with interspersed protected park, open space and natural resource areas. To better understand how the City should plan a coordinated Parks, Open Space and Natural Areas system, it is important to first understand the existing condition and location of each component of the system.

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There is a total of 13.8 acres of park and public open space land within the boundaries of Birchwood Village (See see Figure 5-1). The City's park system includes four park areas with passive and active recreational uses; six lake easements that provide access to White Bear Lake, and several undeveloped areas (easements and right-of-way) that have not been designated with a specific use. All City residents are within one-half mile of one, or more, of the City's parks or open space areas. In addition to the protected park and open space areas, the significant natural resources in the community include White Bear Lake and Halls Marsh, the wetland area just south of Tighe-Schmitz park. Outside of publicly protected natural resources, the City's private lot areas and easement areas include extensive tree cover and rolling topography which all contribute to the City's stormwater and natural resources system. The following sections describe Birchwood Village's existing parks, open space and natural resource areas in the community.

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### CITY PARKS & OPEN SPACES

#### Bloomquist Field

**Classification:** Neighborhood Park

**Size:** 1.50 Acres

Located at the intersection of Cedar Street and Birchwood Avenue, is a neighborhood park with a double tennis court, and picnic tables and benches. New playground equipment was installed in 1998. The park is heavily used by residents, and current programming matches the community's demands.

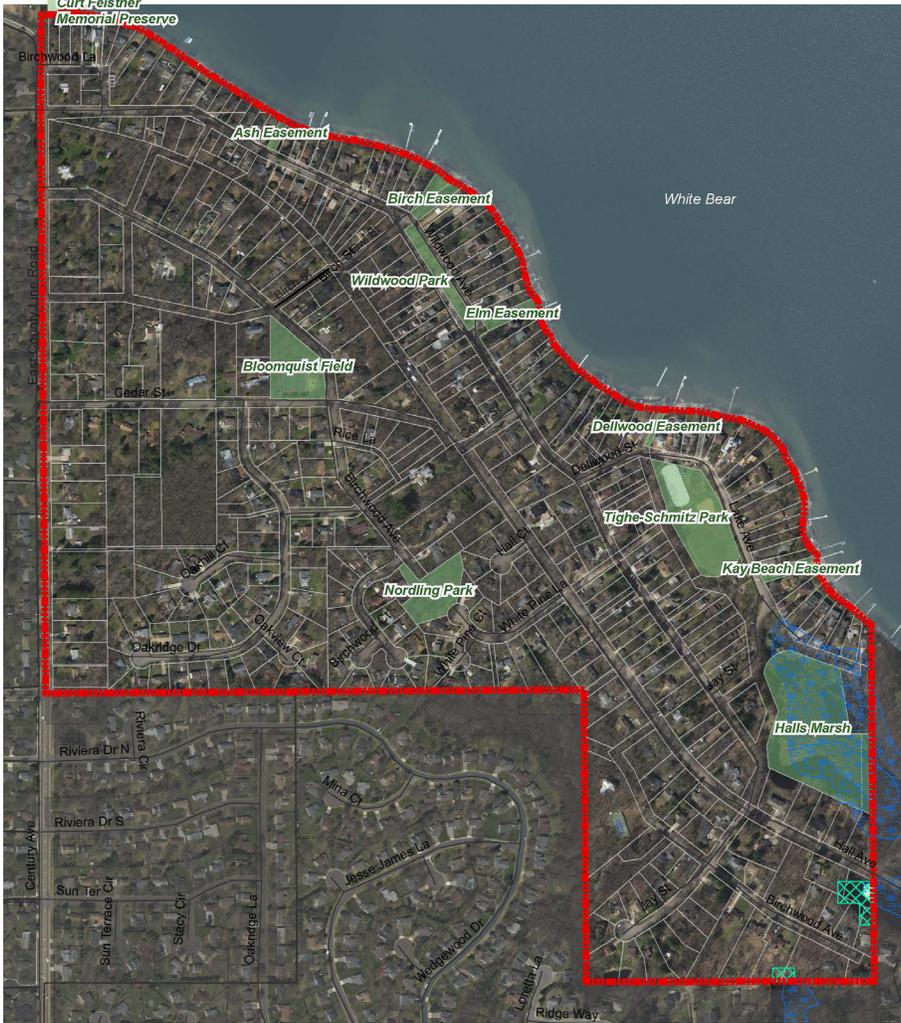
#### Wildwood Park

**Classification:** Open Space

**Size:** 0.60 Acres

This park/open space area is located within the right-of-way of Wildwood and is at approximately the midpoint of Wildwood Avenue within the City. The boulevard area is a wide-open grassy area which provides passive recreational opportunities to residents and is used for community gatherings such as its Fourth of July celebration. The open space area is connected to two of the easements to White Bear Lake providing further connections within the City's open space network.

Figure 5-1. Parks, Open Space & Natural Resources



**Parks, Open Space, Natural Resources**

- Parks/Open Space
- National Wetlands Inventory (NWI)
- Regionally Significant Natural Area (MLCCS Derived)



DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Rev. Date: 9.13.2018  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

**Tighe-Schmitz Park**

**Classification:** Neighborhood Park

**Size:** 2.50 Acres

The Tighe-Schmitz Park is located in the southeastern quadrant of the City and is the City’s largest park area. The park provides both passive and active recreational opportunities to residents and is the most popular park in the City’s system. The recent results from the 2017 community survey indicated high usage of this park and that residents most frequently used and appreciated the walking trails in the park. In addition to passive park uses, the park also includes a large active sport area with a hockey rink, open skating rink, beach volleyball field, baseball field, football and soccer practice areas, and pickle ball. The multi-purpose hockey rink (completed in 1997) provides for year-round use including in-line skating and basketball and pickle ball 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 park’s current amenities. Adjacent to the picnic area, a rain garden was installed.

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**Nordling Park**

**Classification:** Open Space & Stormwater Management

**Size:** 1.3 Acres

The Nordling Park area provides passive recreational uses and stormwater management. This is an example of an area that serves dual purpose, providing recreation opportunities while also allowing for surface water management including localized groundwater recharge contributing to the City’s green infrastructure and network.

**White Bear Lake Easements (Multiple)**

**Classification:** Open Space

**Size:** 1.2 Acres (total)

The City owns and manages six lake easements that provide residents access to White Bear Lake for swimming, boating, fishing, and winter activities. The easements are evenly spaced along Wildwood and Lake Avenues and are generally between 40 and 55-feet in width and are within a short walking distance of all of Birchwood Village residents. The easements are known as: Kay, Dellwood, Elm, Birch, Ash and Curt Feistner Memorial Preserve. The City contracts dock management services to a private organization that owns and maintains the docks at the easements.

**Halls Marsh**

**Classification:** Open Space & Stormwater Management

**Size:** 6.6 Acres

This open space is a dedicated nature preserve and is currently unimproved. There are no existing trails, or other organized/programmed uses and the area is generally open space and provides ponding and stormwater management.

### **Birchwood Village City Hall**

**Classification:** Open Space & Stormwater Management

**Size:** 0.79 Acres

Located adjacent to Bloomfield Field, the Birchwood Village City Hall serves as a gathering and meeting place for various Birchwood Village organizations as well as for official business meetings. The Village currently uses the land directly north of the Village Hall for open space and stormwater management.

### **City Trails**

There are several existing city trails that are heavily used by area residents. Residents also rely on existing roadways for walking, running, and biking. While roadways are viewed as relatively safe, their narrowness coupled with topography can cause safety concerns when sharing the roadways with vehicle traffic. Figure 5-2 illustrates locations of existing trails and where new trails ~~are currently have been~~ considered.

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### **Regional and State Parks & Trails**

The City is within the search area for new regional bike trails according to the Metropolitan Council. There are no designated regional or state trails in the City. Recently, efforts to establish the Lake Links Trail will incorporate streets within Birchwood Village as part of a designated trail route around White Bear Lake, connecting Birchwood Village residents with local, regional and state parks and trails in adjacent communities.

### **Adjacent Communities Parks & Open Space**

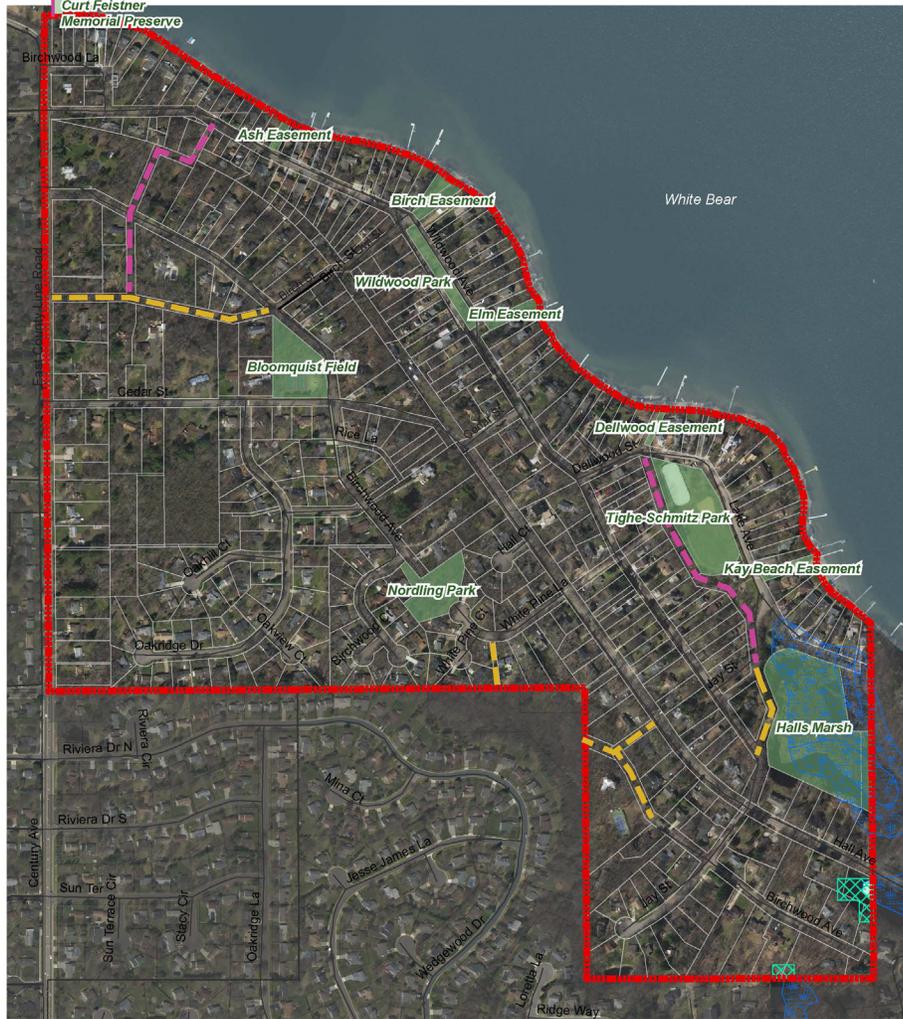
As a small community, it is not possible for resident's parks and open space needs to be fully met within the Birchwood Village borders, and therefore, the parks amenities of neighboring communities help complete the system. Birchwood Village residents are blessed with access to the recreational facilities in nearby communities such as Mahtomedi, White Bear Lake, White Bear Township and the surrounding region. Some of the closest resources include Wildwood Park and Wedgewood Park located off of County Road E in Mahtomedi, both are just to the south and east of Birchwood Village. Nearby to the west is a well-developed playground at the former Bellaire School that includes ~~playground equipment and a~~ softball field. Additionally, the City of White Bear Lake has play equipment at the corner of County F and Bellaire, and White Bear Township's Bellaire Beach and picnic area is located on White Bear Lake one-half mile west of Birchwood Village.

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Because of Birchwood Village's size, park programming, community education and recreational associations that serve residents include White Bear Lake and Mahtomedi.

Figure 5-2. Parks & Trails



**Parks & Trails**

- Parks/Open Space
- National Wetlands Inventory (NWI)
- Regionally Significant Natural Area (MLCCS Derived)
- Existing Trail
- Potential Trail

DRAFT  
 Source: Metropolitan Council,  
 Birchwood Village, Washington  
 County  
 Rev. Date: 9.13.2018  
 Date: 9.20.2017  
 Prepared by: SHC, LLC

## Existing Natural Resources

The City parks and open spaces are enhanced and supported by the natural resources that further complete the system. This concept of combining all parks, open space and natural resources to be considered and managed as one system is often referred to as a “Green Network.” The concept is particularly fitting in Birchwood Village given its extensive natural resources further described here.

## Topography and Stormwater

Birchwood Village has rolling topography which slopes gradually away from White Bear Lake. Since development of the community happened in the late 1800s and early 1900s, much of the natural topography was protected as vacation homes and cottages were sited to capitalize on existing topography and views. As a result of this development pattern, the City’s terrain is hilly, with rolling hills of 12% - 15%, up to 24% in some areas. Due to the slope, it is imperative that natural vegetation and ground cover is maintained to prevent erosion which is a significant consideration for land in excess of 12% slope. Maintaining proper vegetation and ground cover is also important to protect lake quality since White Bear Lake is the lowest elevation of the community at approximately 924-feet. The topography of the community rises to a height of just over 1,010 feet at the west and south borders of Birchwood Village, indicating that runoff flows to the Lake if not properly maintained and managed.

Tighe-Schmitz Park is one of the lowest points inland from White Bear Lake making it a natural stormwater retention area during rain events. Before it was ~~filled~~-filled-in during the 1950’s, it was described as a bog, wetland and swamp. Currently the City considers the Park as part of its stormwater management system and has designed and programmed facilities that are conducive to its function as a stormwater holding area during high-volume rain events. To assist with drainage and surface water runoff the City has constructed a permeant rain garden that helps clean and filter water and contributes to localized groundwater recharge.

The City has constructed a second rain garden in the Birch Easement to serve as a natural stormwater management feature. The Birch Easement rain garden functions to help slow and clean stormwater runoff from local roadways prior to being discharged in White Bear Lake. Both rain gardens require regular programmed maintenance and management to function properly as stormwater features.

## Soils & Vegetation

Birchwood Village’s native soils are predominantly sand of various classifications. Close to the lake, the Kingsly fine sandy loam predominates, which is considered to have a slight degree of limitation for building and can be prone to erosion on steeper slopes. The outcrop of rock that goes through this area 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% that are found in this area of the City. This soil also tends to be rather impermeable, which makes localized groundwater recharge more challenging. Some ledge rock is encountered at scattered locations throughout the City. Detailed information on surface soil types is available from the Washington County Soil and Water Conservation District.

Aquatic vegetation is found in the marsh areas, and the land areas that were once farmland in the southwest portion of the community are heavily vegetated with a variety of trees that were primarily planted as new neighborhoods were developed.

Overall, Birchwood Village is extensively wooded with many large Oaks and Maples throughout the community. Birchwood Village has expressed concern of the dominant presence of Oak ~~and~~, Elm, ~~and~~ Ash groups of trees because of the prevalence of Oak Wilt and Dutch Elm, the threat of Emerald Ash Borer, and the lack of options to prevent trees from becoming diseased. Given the age of the City's neighborhoods, the trees are also aging and loss of trees and tree limbs due to inclement weather and aging is becoming more prevalent. Losing these old growth large trees, if not replaced, will have a significant visual impact on Birchwood Village in the future.

In addition to the aging tree stock, the City has also experienced the increase of invasive species in the community and most notably the presence of buckthorn. Due to the severity of invasion, the Washington County Sentence to Service crews ~~spends~~ several weekends ~~every year~~ for several years cutting buckthorn. While Sentence to Service is free, the City must allocate resources for disposal of the wood. Lately, volunteers have worked several weekends/year cutting down buckthorn. Other invasive species in the community include wild mustard and purple-loosestrife, which has most recently replaced many native species in Halls Marsh. There is no easy answer to eradicating this plant, and currently the City's best solution is to continue to work with volunteers and organizations on continued removal of this invasive plant from the community.

Wildlife is abundant in Birchwood Village, and the current population of deer in the area is beginning to also pose a threat to the native plants and trees. Unified Management-management of the deer population with neighboring communities will need to be considered for ongoing natural resource protection.

## Lakes and Wetlands

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 Village should be cognizant of this resource when applying chemicals. Additionally, the City has identified tools and strategies within its Local Surface-Water Resource Management Plan (LSWRMP) contained within the Comprehensive Plan that support the Rice Creek Watershed District and their efforts to protect and improve the Lake. (See Chapter 6.)

The other significant surface water feature in the community is the wetland area which is known as Hall's Marsh. The wetland area serves an important function in the City's surface water management and is also a place with native vegetation and open space for Birchwood Village's residents.

## Planned Parks, Trails, Open Space and Natural Areas

The City's existing parks, trails, open spaces and natural areas provides the foundation from which the City can plan for the future of the system. As noted in previous sections, and identified by residents within the survey, the existing system is an important and character defining element of the community. As such, it is important to properly plan for the maintenance and management of the existing system, and also to identify opportunities to enhance and contribute to a more complete system for the City's future.

### Focus on Trails (Pedestrian, Bikeways, and Multi-Purpose)

Many area residents have identified the desire to expand the pedestrian and bikeway network in the community and across its borders, and to make the trail network safer. The existing trails in Birchwood Village are not well connected to the region, and residents are supportive of establishing a safe route around the lake for pedestrians, bikers, and joggers. Previously the communities around White Bear Lake discussed establishing [a bike and pedestrian trail](#) around the lake connecting all communities ~~called the Lake Links Trail~~. This concept is coming closer to fruition as [Washington County leads the State of Minnesota has committed hundreds of thousands of dollars for planning and implementation of the effort to provide a connection, as noted and described in subsequent sections of this chapter Lakes Links Trail](#).

At the local level, residents are conflicted about how to balance the desire for improved trail connections for pedestrians and bicyclists while still protecting existing neighborhood patterns and character. There is some fear that any change will be less desirable than the current condition. Even though the discussion is difficult, it does not mean Birchwood Village should ignore opportunities to provide a more complete network as desired by residents. Instead, Birchwood Village intends to plan for a more complete system while giving proper consideration to those that will be most affected or impacted by potential improvements.

#### LOCAL TRAILS AND UNIMPROVED EASEMENT AREAS

One of the City's priorities is the preservation of the natural charm of its existing neighborhoods and the privacy of its citizens. This must be considered in terms of the collective community, and how individual property owner's desires for privacy can be balanced with opportunities to create a more complete trail system. The residents that have the potential to be most negatively affected by improvements within these unimproved right-of-way areas are those that adjoin the easement/right-of-way and have enjoyed this publicly owned property as essentially an extension to their private lots. While this is understandable, it must also be noted that these areas were dedicated for public use as a road right-of-way, and that a trail is a far less intense use than what was contemplated for these areas. Since these areas were taken for public use, the City intends to plan for, and contemplate how the right-of-way areas may serve as trail connections.

The planning process will consider how a trail could be located within the right-of-way area but will also identify and work with adjacent property owners to identify what types of mitigation may be available to protect their privacy even with a public trail located nearby. For example, in areas where there is concern that trail users may venture off the trail, vegetation and landscaping including trees may help serve as a guide to keep users from venturing into private property. Or, for property owners concerned about trail users being able to see into adjacent homes or lots there may be opportunities to plant more mature conifers along the trail corridor. Birchwood Village is committed to improving trail access throughout the community because it benefits all of its residents, but the City is equally as committed to working with affected property owners to identify proper mitigation to help alleviate some of the concerns associated with greater trail access throughout the community.

#### BIKEWAYS

The Metropolitan Council has identified the City within one of the Regional Bicycle Transportation Network's (RBTN) future corridors. It is designated as a Tier 1 corridor, which according to the Metropolitan Council's 2040 Regional Parks Policy Plan a Tier 1 (high priority) network is identified where bicycle travel is greatest, population and job densities are highest, and where there were the most opportunities to connect regional job concentrations and activity centers with population center and the regional transit system. Given this criterion, Birchwood Village is required to plan for the implementation of bicycle supporting facilities through 2040. As shown [in Chapter 4, Figure 4-2](#), the entire City is within the Corridor, but based on the City's infrastructure, the most likely location for

an on-road bike lane is along Wildwood ~~and~~, Lake ~~Avenues~~, ~~and a short bit on~~ Hall Avenues.

Reinforcing this alignment, Washington County just recently identified a corridor through Birchwood Village for bicycle traffic that is part of the Lake Links Trail. The Lake Links Trail aims to create a trail loop around White Bear ~~Lake-Lake~~ and Silver Lake, an extension of the Bruce Vento Trail from Maplewood to the Hugo trail system, and trail links between each of these and to the Gateway Trail and Stillwater trail system. The Birchwood Village Trail Corridor totals 1.7 miles following Wildwood ~~and~~, Lake ~~and Hall~~ Avenues through the City.

#### PAVED AND UNPAVED TRAILS

While there is some desire for additional paved trails in the City for both bicycle and pedestrian traffic, there are more opportunities for turf trails or other soft-surface trails where the impact from a paved surface may be too significant. 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. Another consideration is the type of usage contemplated by the trail and whether it is primarily intended to provide local resident access or whether it will serve a larger regional role. In the case of a new regional trail, whether such trail is on-road or road-separated, the trail should be constructed in a location that incorporates and considers the Lake Link and RBTN alignment and such trail should be paved to accommodate a higher level of usage. For those trails intended to improve local connections, a case-by-case review of anticipated use, as well as appropriate trail surface, should be conducted. The City's vision is that the trail system will provide a more complete system to local residents, and that a variety of trail surfaces will be available, creating a diverse and interesting trail experience for pedestrians and bicyclists.

### Planned Acquisitions or Improvements to Parks and Open Space

As a fully developed community, Birchwood Village is not planning for any additional park or open space acquisitions in this planning period. However, the existing system, including underutilized park/open space land, will continue to be a priority for programming, maintenance and management to ensure the existing parks and open spaces continue to meet the needs of Birchwood Village residents. The following summary of planned considerations for parks and open spaces is provided:

#### UNDERUTILIZED LAND/PROGRAMMING CONSIDERATIONS

The City currently owns Outlot A of the Lakewood Rearrangement which is approximately 0.2 Acres. Though the property is small, it is perfectly sized to accommodate a small pocket park that could include a tot-lot or other similarly scaled improvements. As noted in the existing parks and open space section ~~there are~~, some areas within the existing system present opportunities for improvements, such as near City Hall where continued enhancements to the City's green network and stormwater management system are possible as well as Nording Park and areas near existing Tighe-Schmitz Park and Halls Marsh. The City will continue to identify opportunities, even small opportunities, to enhance the City's system, including its green network, to make a more sustainable community for the future.

#### MAINTENANCE AND MANAGEMENT OF THE EXISTING SYSTEM

As indicated by the 2017 park survey, residents are particularly concerned with the exiting condition of the park and

open space system. The existing park infrastructure such as paths, playground equipment, and ice rink all are experiencing deferred maintenance and replacement, or repair of these public assets was widely requested from residents in the 2017 park survey. An overall concern for the lack of maintenance with respect to the public space across the City is of great concern to the residents, with concerns including expressed concern regarding yard work required to upkeep these spaces such as: weeding, mowing, and the removal of overgrowth and branches.

## Natural Areas and Resiliency

The City's existing right-of-way, trails, parks and open spaces all work together to form a green network in the community that promotes long-term sustainability and resiliency in the community. This concept is built on the idea of incorporating recreational, natural areas, trails, rights-of-way and open spaces into a connected network that can offer long-term benefits to the community.

While the City is not adopting a formal green network as part of this plan, the City has adopted and incorporated many of its green network principles which is evidenced by the extensive parks, open spaces, and natural areas in the community today. In concept, the City is adopting a green network as a way to promote resiliency of Birchwood Village over this planning period. Examples of land uses that the City considers part of the green network include:

- Active recreational park areas
- Passive recreational park areas and open spaces
- Conservation easements
- Utility easements and road rights-of-way (un paved shoulders, swales and ditches)
- Storm ponds and retention basins
- Swales
- Wetlands
- Rain gardens
- Porous paving and sustainable stormwater management areas
- Solar gardens/solar panels

The intent is that these land uses and features help to create a green network that is adaptable, and contributes not only to the City's Parks, Trails and Open Space Network but to the sustainability of the community as a whole.

Resiliency can also refer to the health and wellness of residents; that when considered collectively with the green network provides offers the opportunity to provide access to nature, views, wildlife and places that reduce stress, recreational opportunities, community gathering spaces, greenery and places that reduce stress, and shade canopies that can reduce energy consumption. Connected spaces will also establish more walkability, bikability and accessibility within the City.

## SOLAR ENERGY

The City's existing land uses and vegetative patterns make solar access challenging particularly on individual home sites. There are some positives regarding this challenge – insofar as individual homes are shaded by an extensive tree canopy – but there are drawbacks in that individual property owners lack options for alternative energy such as solar. The existing solar access in the City is shown on Figure 5-3, and the associated potential solar generation is identified in Table 5-1. The City has co-opted with a solar garden in the area. The garden is currently in planning and construction phases to ensure that the City's power consumption includes renewable resources. When technology allows for it, Birchwood Village residents can access community solar gardens and services on an

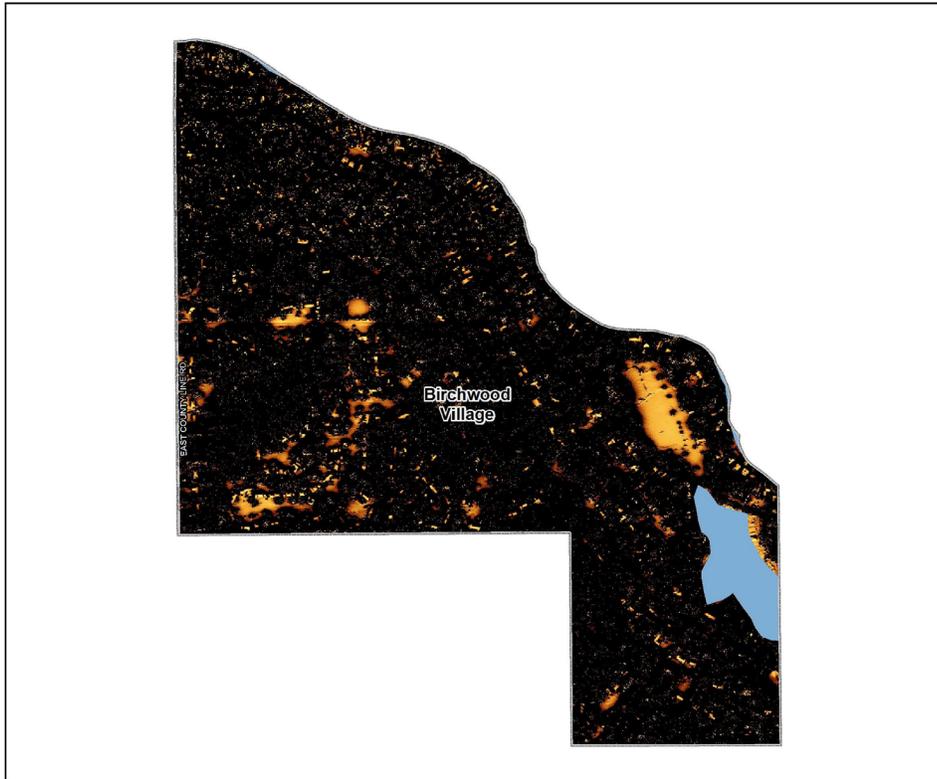
individual level, which services are currently being considered by solar developers in the region.

Table 5-1: Gross and Rooftop Solar Resource Calculations

GROSS POTENTIAL (MWH/YR)	ROOFTOP POTENTIAL (MWH/YR)	GROSS GENERATION POTENTIAL (MWH/YR) <sup>2</sup>	ROOFTOP GENERATION POTENTIAL (MWH/YR) <sup>2</sup>
90,456	15,426	9,045	1,542

DRAFT

Figure 5-3. Solar Access



12/1/2016



**Gross Solar Potential  
(Watt-hours per Year)**

High : 1269018  
Low : 900002

- Solar Potential under 900,000 watt-hours per year
- County Boundaries
- City and Township Boundaries
- Open Water Features

Source: University of Minnesota U-Spatial Statewide Solar Raster.

## CHAPTER 6: SURFACE WATER RESOURCES

### Introduction

This section of the Birchwood Village 2040 Comprehensive Plan serves to outline surface water resources management in the City for the purpose of conserving, protecting, and maintaining the quality of surface waters, ground water, and natural resources. The City is positioned to follow water management strategies and regulations set forth by the governing watershed district, Rice Creek Watershed District (RCWD). The Metropolitan Surface Water Management Act of 1982 identifies local watershed management organizations or watershed districts as the primary organization to prepare and implement comprehensive surface water management plans for local units of government in the seven-county metro area.

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The goals of the Metropolitan Surface Water Management Act are to:

- protect, preserve, and use natural surface and groundwater storage and retention systems;
- minimize public capital expenditures needed to correct flooding and water quality problems;
- identify and plan for means to effectively protect and improve surface and groundwater quality;
- establish more uniform local policies and official controls for surface and groundwater management;
- prevent erosion of soil into surface water systems;
- promote groundwater recharge;
- protect and enhance fish and wildlife habitat and water recreational facilities; and
- secure the other benefits associated with the proper management of surface and groundwater.

*(source MN Board of Water and Soil Resources, www.bwsr.mn.us)*

This chapter therefore recognizes that the City of Birchwood Village follows and incorporates by reference the policies, standards, and procedures for surface water management required by the RCWD and that meet the provisions of Minnesota Statutes §473.157 and §103B.235, Minnesota Rules 8410.

Other organizations with jurisdictional influence for surface-water resource management include Washington County, Rice Creek Watershed District (RCWD), the Metropolitan Council, State of Minnesota Agencies such as the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Natural Resources (MN DNR), the Minnesota Department of Health (MDH), and the Board of Soil and Water Resources (BWSR), plus Federal Agencies, most notably the Environmental Protection Agency (EPA), and U.S. Army Corp of Engineers, where applicable.

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# Birchwood Village Local ~~Surface-Water~~ Resources Management Plan

## Plan Summary

As part of Thrive MSP 2040, the Metropolitan Council adopted a water resources policy plan with policies and strategies aimed to achieve the following goal for water management: “To protect, conserve, and utilize the region’s groundwater and surface water in ways that protect public health, support economic growth and development, maintain habitat and ecosystem health, and provide for recreational opportunities, which are essential to our region’s quality of life.” The City of Birchwood Village strives to match this goal through the implementation of policies and practices initiated by the City and also through the goals and policies of the Rice Creek Watershed District (RCWD). Birchwood Village falls completely within the RCWD, and watershed management plans and standards for the RCWD are adopted and incorporated by reference herein.

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The single greatest issue facing the City is the problems associated with stormwater runoff—especially runoff into White Bear Lake. Since Birchwood Village is considered built-out, there is little potential for significant increases of impervious surface that contribute to greater rates of runoff as current development and infrastructure patterns are maintained. However, pollutants entering the lakes and wetlands untreated are still an area of concern as much of the area was developed before surface water rose to the level of current concern. The City has plans in place to address such concerns as described in this chapter.

This chapter of the 2040 Comprehensive Plan for Birchwood Village therefore serves as the Local ~~Surface-Water~~ Resources Management Plan (LSWRMP) to guide the protection and management of surface waters, ground water, and related natural resources in the City and meets the requirements of applicable state statutes, the Metropolitan Council, and the local watershed district (RCWD). The LSWRMP is intended to comply with current regulations and requirements of these organizations.

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## Local Water Management Responsibilities and Related Agreements

The City is wholly within the RCWD which requires permits for development, redevelopment and land disturbing activities. The RCWD has adopted rules including but not limited to the following: ~~that require permit applicants to address~~ storm water management, ~~(including volume and rate control, and water quality),~~ erosion and sediment control, wetland ~~alterations,~~ and floodplain ~~alteration.~~ The RCWD is also the designated Local Unit of government for purposes of the State of Minnesota Wetland Conservation Act. Birchwood Village requests RCWD to continue to implement these rules and regulations and issue permits for the City.

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Table 6-1. ~~Surface-Water~~ Resource Jurisdiction within the City of Birchwood Village

MANAGEMENT ENTITY	JURISDICTION
US Army Corp of Engineers	All jurisdictional wetlands
MN DNR	DNR protected waters & wetlands extending to the ordinary high-water elevation or top of stream banks
MPCA	Water quality through 401 certification and NPDES
RCWD	All wetlands and activities that interact with surface waters

PLAN REVISIONS AND AMENDMENT PROCEDURES

Birchwood’s LWRMP is intended to guide the City over the next 10 years. To keep current with local practices and policies during this timeframe and address unintended issues, the City may need to revise and update its LSWRMP from time to time. Written petitions from residents for amendments must be submitted to City staff and provide supporting information for the request. City staff may also propose amendments. Any amendments deemed feasible by the City must be approved by RCWD, Washington County, and the Metropolitan Council before adoption into the Plan.

PHYSICAL ENVIRONMENT AND LAND USE

EXISTING & FUTURE LAND USE AND PHYSICAL ENVIRONMENT

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Birchwood Village was incorporated in 1921 and consists of approximately 250 acres on the south shore of White Bear Lake in Washington County and is fully within the jurisdiction of Rice Creek Watershed District. The City is considered fully developed and is home to approximately 800 residents. The existing and future land use is dominated by residential uses, with a small percentage of the land use for right-of-way, roadways, parks and open space. (See Figure 2-1. Existing Land Use Map, 2018 and Figure 2-2. Existing Zoning Map, 2018.) The population and development in the City are expected to remain relatively unchanged during this planning period, with only small in-fill or redevelopment anticipated at current densities. (See Figure 2-3: Future Land Use Map, 2018.)

The physical environment of Birchwood Village is primarily a wooded setting of cottages and homes tucked into the trees and along the lakeshore. Topography is generally flat with small areas of sloped land along the shores of White Bear Lake. There is only one public water body in Birchwood Village outside of adjacent White Bear Lake called Hall’s Marsh – a small wetland complex is located on the east side of the City between Lake Avenue and Hall Avenue. It is adjacent to a local park in the City, Tighe-Schmitz Park, just inland from the White Bear Lake. ~~Lost Lake a public waterbody just outside Birchwood Village boundaries.~~

Vegetative cover in the City is consistent with lake area communities and as described by the Minnesota Land Cover Classification System (MLCCS) (See see Figure 6-1. Minnesota Land Cover Classification System MLCCS.). The bedrock in the City is mostly St. Peter sandstone and Platteville-Glenwood formations. More information about the topography, geology, soils, and climate can be found in the Rice Creek Watershed District Watershed Management Plan, accessible online here at <http://www.ricecreek.org> and Washington County’s Groundwater Plan, accessible at: <https://www.co.washington.mn.us/1212/Plans>.

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SURFACE WATER AND STORMWATER DRAINAGE

Birchwood Village is in the Clearwater Creek sub-watershed of the RCWD. The City’s drainage areas and paths of stormwater runoff are shown in Figures 6-2A & 6-2B. Information about the volumes and rates of stormwater runoff in the City can be found in the RCWD’s Watershed Management Plan and the RCWD’s hydraulic and hydrologic modeling for this sub-watershed. Figure 6-23, RCWD Planning Regions illustrates the sub-watershed boundaries. Current modeling does not indicate issues with existing or future increased runoff within the City. More information can also be found online at <http://www.ricecreek.org> in the RCWD Future Conditions Modeling Report, February

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2016.

The City is responsible for following 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 Nationwide Urban Runoff Program (NURP) standards, requirements of the National Pollutant Discharge Elimination System's (NPDES), Storm Water Pollution Prevention Plan (SWPPP), the MS4 Permit, and the MPCA's best management practices for erosion and sedimentation control. The City's SWPPP and MS4 are included in the Appendix for reference.

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Figure 6-1. Minnesota Land Cover Classification System Map

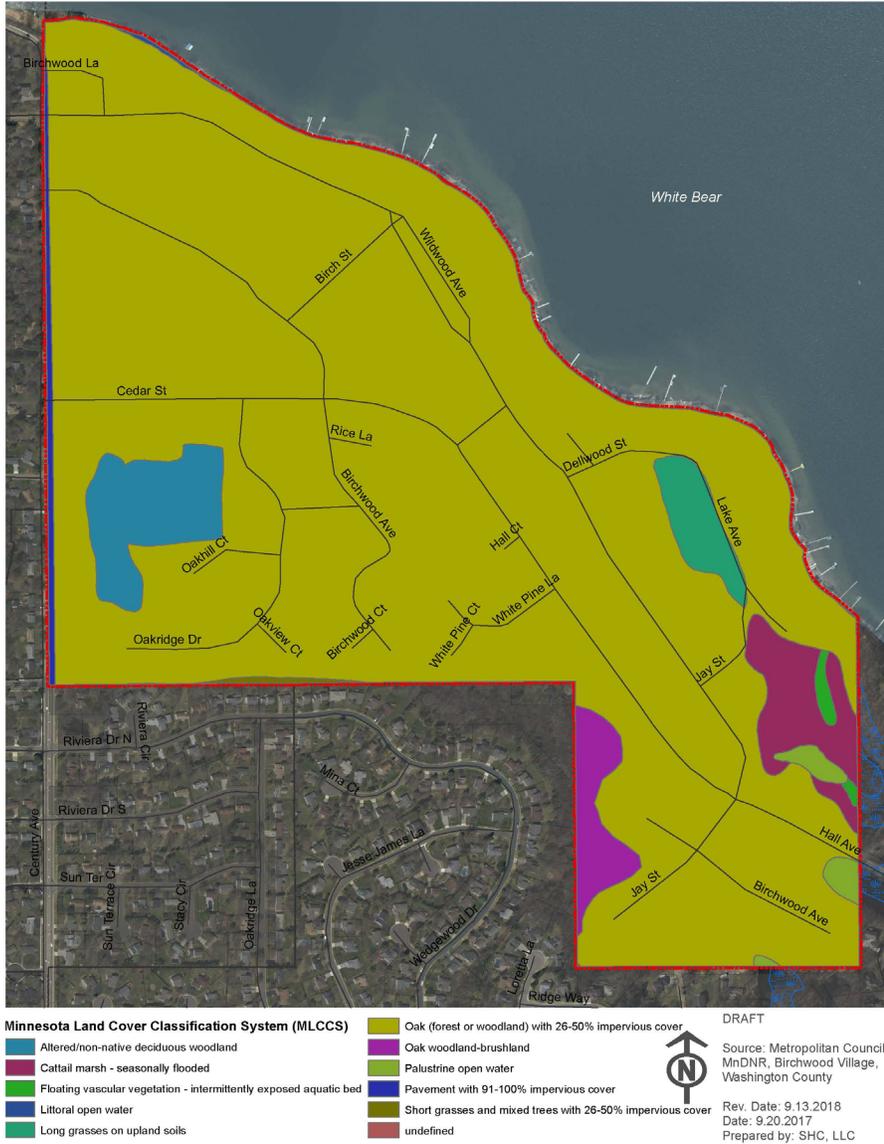
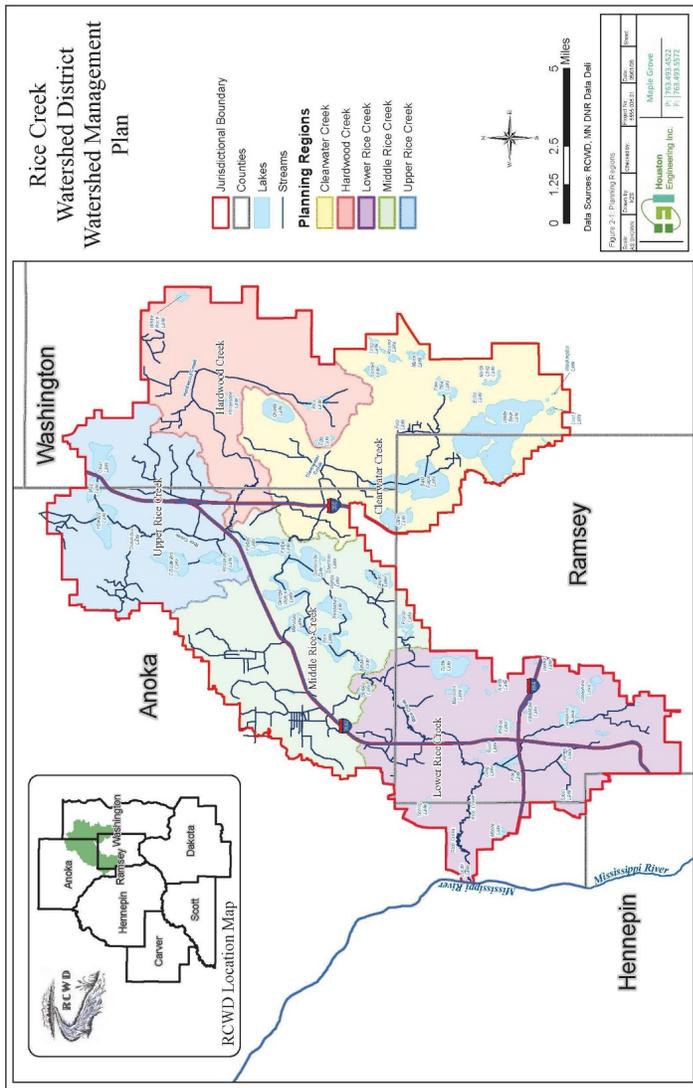


Figure 6-2A: Birchwood Stormwater Runoff Map





Figure 6-2. RCWD Planning Regions



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Commented [TL1]: Amend Figure 6-2 RCWD Planning Regions Map to Figure 6-3

Some streets in Birchwood Village are constructed with rural road sections, and runoff primarily drains to street edges, swales, and vegetated shoulders. There are several catch basins and swales that drain directly to White Bear Lake. Changes to some of these have improved the quality of runoff water reaching the lake and are described below.

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In 1965, in conjunction with the construction of some 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 were considered undesirable.

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No additional storm sewers were needed 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 RCWD. Priebe Lake lies within the City of White Bear Lake, but the outfall passes through Birchwood Village to Hall's Marsh.

## PUBLIC WATERS

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There are three waterbodies listed by the City as public waters:

- White Bear Lake DNR ID #82-167 OHW 924.7#89ft
- Hall's Marsh DNR ID #82-480W OHW 924.7ft
- Lost Lake DNR ID #82-124-134 OHW 925.6ft

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Lost Lake is located outside the City boundaries, but some runoff from the immediate area drains to the water body and is therefore included within the City's inventory.

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Within the boundaries of Birchwood Village there is only one body of water that is listed on the 303d impaired waters list: White Bear Lake (MPCA [www.pca.state.mn.us](http://www.pca.state.mn.us)). The lake is listed as impaired water 82-0167-00 under the use classes of 2B and 3C. Lost Lake is located just outside of the City's south-eastern boundary but is also listed as an impaired water as [82-0134-01](#) and [82-0134-02](#) under the use class of 2B and 3C.

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## **Groundwater**

The City of Birchwood Village follows regulations and standards for groundwater protection, preservation, and use from various state and local agencies charged with monitoring and regulating water quality and consumption. These agencies include:

- The MPCA, which monitors water quality and enforces laws relating to water pollution.
- The Minnesota Geological Survey which compiles a state inventory of groundwater resources.
- The DNR which regulates the usage rate and volume of drinking water. Domestic water use is regulated with permits. Use in excess of 25 people or use that exceeds 10,000 gallons per day or 1,000,000 gallons per year must obtain a water appropriation permit from the DNR.
- The Minnesota Department of Health (MDH) is responsible for environmental groundwater quality protection and facilitates well abandonment and installation of new wells.
- Rice Creek Watershed District ~~is generally responsible for groundwater protection and use along with their role in cooperating and assisting state agencies in groundwater protection efforts~~[serves](#)

in an advisory capacity related to groundwater protection and use and cooperates and assists state agencies in their groundwater protection efforts.

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Washington County developed the Washington County Groundwater Plan that provides a county-wide structure for preserving and protecting the county's groundwater supply. The groundwater plan can be found online at <https://www.co.washington.mn.us/DocumentCenter/View/794>.

Birchwood Village is fully within the Metropolitan Urban Service Area (MUSA) and serviced with municipal water and sanitary sewer. Private septic systems are not a concern for groundwater issues in this area.

## EXISTING AND POTENTIAL WATER RESOURCE-RELATED PROBLEMS

### EXISTING WATER RESOURCE PROBLEMS

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~~As noted, the City is located adjacent to White Bear Lake. White Bear Lake is listed on the MPCA 303d Impaired Waters list for mercury. There are currently state laws that require households to recycle fluorescent lamps, batteries that contain mercury in toys, games, apparel, and thermometers, and require removal prior to demolition of homes. Birchwood Village will promote the proper disposal of items that contain mercury.~~

Birchwood Village is regulated by MS4 on a few TMDLs, including the Peltier/Centerville Lake TMDL and the Upper Mississippi River Bacteria TMDL. One way the City has addressed the Peltier/Centerville Lake TMDL is by installing storm runoff catch basins and rain gardens to reduce the amount of sediment that runs into White Bear and Lost Lakes. The City replaced and expanded its rain garden at Birch easement in Fall 2018. One way the Upper Mississippi River Bacteria TMDL has been addressed is by requiring any person in custody or control over an animal to immediately remove and dispose of the animals feces in a sanitary manner (see Birchwood Code 605.044).

The City lies entirely within a moderate to highly vulnerable Drinking Water Supply Management Area (DWSMA). The source of all of the City's drinking water is White Bear Lake, which is supplied by the City of White Bear Lake. Accordingly, the City has little direct control over how its drinking water is drawn. The City established a Utilities Committee in 2014 to evaluate and make recommendations to the City Council about its water and sewer utilities. The Committee contributes to the protection of its sensitive water resource by monitoring and advising on city water usage rates. In 2017 the City replaced its toilets with low-flow water conserving toilets and encouraged residents to do the same by participating in a program designed to reduce the water demand on White Bear Lake.

Birchwood Village directly discharges storm water runoff to White Bear Lake at several points along the northwest side of the City. At most of these points sediment in the storm-water runoff enters the lake without any prior treatment. A program was begun in 2007 to install storm sewer structures with sumps prior to the outlet point. The storm sewer outlets located at the Birch Easement and Elm Easement have had structures installed.

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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.

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 parallel to the existing bituminous~~ Birch Easement/Owl Walkway. 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 was intended to direct the stormwater away from the walkway eliminated the need for the existing bituminous swale to convey the stormwater. This concrete swale has not worked as effectively as it was intended. Stormwater is not slowed down and continues to course down the swale as well as the walkway, down Owl Street and into Birch easement. There is a continuous problem of the flow to the swale being blocked and water instead coursing down the walkway, down Owl Street and then into the lake.~~

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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 Village has outlined a maintenance schedule to clean structures with sumps every fall and spring.

~~In 2013, the City conducted inspections of all sumps to determine if cleaning or structural maintenance was required. The condition of each sump can be viewed in the table below. All but three sumps required cleaning, and none required any structural maintenance. Inspections are ongoing.~~

**POTENTIAL WATER RESOURCE PROBLEMS**

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As noted, the City is located adjacent to White Bear Lake. White Bear Lake is listed on the MPCA 303d Impaired Waters list for mercury. There are currently state laws that require households to recycle fluorescent lamps, ban items that contain mercury in toys, games, apparel, and thermometers, and require removal prior to demolition of homes. Birchwood Village will promote the proper disposal of items that contain mercury.

In 2013, the City conducted inspections of all sumps to determine if cleaning or structural maintenance was required. The condition of each sump can be viewed in the table below. All but three sumps required cleaning, and none required any structural maintenance. Inspections are ongoing.

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Table 6-2. 2013 Sump Inspection Report

NUMBER / LOCATION	DEPTH BELOW OUTLET PIPE	CLEANING REQUIRED	DATE	CONDITION OF STRUCTURE / MAINTENANCE NEEDED
West of Elm	2'	Yes	4/28/13	OK
165 Wildwood	0	Yes	4/28/13	OK
Hockey Rink	4.5'	No	4/28/13	OK
West of Birch Easement	2'	Yes	4/28/13	OK

At Birch Easement	2'	Yes	4/28/13	OK
At Elm Easement	2'	Yes	4/28/13	OK
East of Elm Easement	6"	Yes	4/28/13	OK
North End of Tighe Schmitz Park	4'	No	4/28/13	OK
Cedar Street and Hall Ave	0.5'	Yes	4/28/13	OK
West side of Grotto Street and Wildwood	2-3'	No	4/28/13	OK

Source: City of Birchwood Village Sump Inspection Report, Dated 4/28/13.

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.

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Birchwood Village installed a rainwater garden along Birch Easement in 2004. This garden collected substantial sediment from the roadway, which limited the effectiveness of the garden. ~~The installation~~ 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 again in 2018 and will continue to be monitored.

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The City has two public roadways adjacent to Halls Marsh, Iris Street and Lake Avenue. 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, Washington Conservation District, and the White Bear Lake Conservation District.

In May of 2017, the Washington Conservation District prepared the SE White Bear Lake Stormwater Retrofit Analysis for the Rice Creek Watershed District. This document analyzed and provided a prioritized list (ranked by cost effectiveness) of stormwater retrofit recommendations to improve the treatment of stormwater runoff in several drainage areas connected to White Bear Lake, Lost Lake and Lake Washington. The analysis considers all of Birchwood Village's runoff areas (catchments) and provides a detailed analysis with recommendations. Note that these catchments are not official and were created in order to rank practices more effectively by geographic area. The existing stormwater management practices within each catchment were analyzed for the annual pollutant loading of the following: Total Phosphorous (TP), Total Suspended Solids (TSS), and Water Quality Volume (WQV). (See Figure 6-34, Catchment Analysis Map). ~~Although the City has not selected which SWA projects it plans to construct during this planning period, it will pull from this list when doing so.~~

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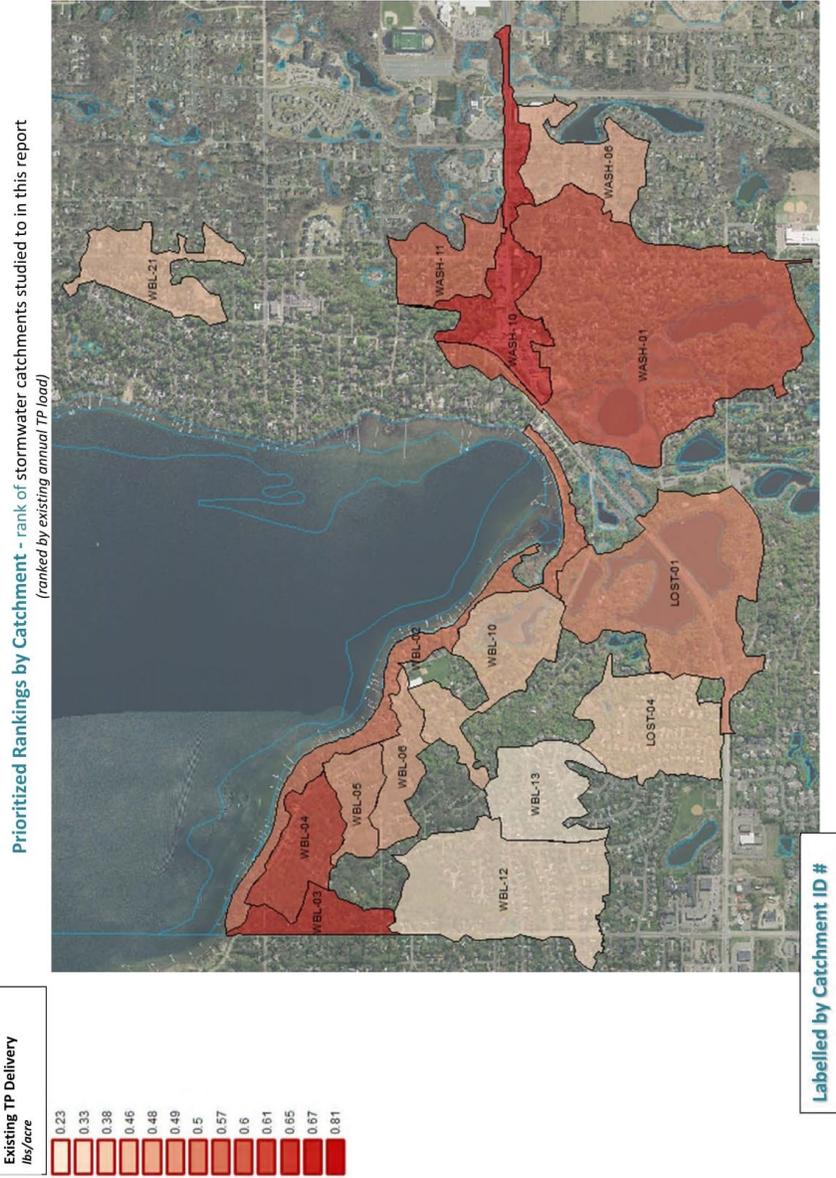
Table 6-3. Catchment Analysis Results

Project Rank	Catchment ID Lake-##	Retrofit Type	Projects Identified	TP Reduction (lb/yr)	TSS Reduction (lb/yr)	Volume Reduction (ac-ft/yr)	Total Cost	Annual Operations & Maintenance (2017 Dollars)	\$ Cost/lb-TP/Year (10-year)	\$ Cost/ton-TSS/year (10-year)
1	LOST-01	Increased Street Sweeping to 4x per year	1	2.78	1209	0.00	\$784	\$0	\$28	\$130
2	WBL-02	Increased Street Sweeping to 4x per year	1	1.30	520	0.00	\$672	\$0	\$56	\$258
3	WBL-10	Increased Street Sweeping to 4x per year	1	1.07	464	0.00	\$820	\$0	\$77	\$354
4	WBL-04	Increased Street Sweeping to 4x per year	1	0.96	416	0.00	\$781	\$0	\$81	\$375
5	WBL-03	Increased Street Sweeping to 4x per year	1	0.50	216	0.00	\$798	\$0	\$160	\$739
6	WBL-05	Increased Street Sweeping to 4x per year	1	0.29	128	0.00	\$730	\$0	\$252	\$1,140
7	WBL-05	Increased Street Sweeping to 4x per year	1	0.26	114	0.00	\$721	\$0	\$277	\$1,265
8	WBL-04	BMP 29: Expand SAFL Baffle to Grit Chamber	1	1.99	691	0.00	\$8,100	\$200	\$528	\$3,730
9	WBL-03	BMP 0: Pipe Repair + Grit Chamber	2	2.28	1012	0.00	\$15,325	\$200	\$760	\$3,424
10	WBL-02	BMP 5: BioFiltration Basin	1	2.86	851	0.71	\$17,658	\$450	\$775	\$5,208
11	WBL-10	BMP 6: BioFiltration Basin in Park	1	3.81	849	0.95	\$23,050	\$750	\$802	\$7,197
12	WBL-06	BMP 31: Infiltration Basin South of Cedar Lower	1	1.23	464	0.19	\$9,104	\$225	\$923	\$4,894
13	WBL-05	BMP 4: BioFiltration Basin	1	1.53	588	0.99	\$10,291	\$400	\$934	\$4,861

Project Rank	Catchment ID Lake-##	Retrofit Type	Projects Identified	TP Reduction (lb/yr)	TSS Reduction (lb/yr)	Volume Reduction (ac-ft/yr)	Total Cost	Annual Operations & Maintenance (2017 Dollars)	\$ Cost/lb-TP/Year (10-year)	\$ Cost/ton-TSS/year (10-year)
14	WBL-04	BMP2: BioFiltration Basin in Front Yard	1	2.91	871	1.19	\$23,554	\$200	\$1,167	\$5,868
15	WBL-02	BMP:38-42: Swale with Riprap Sump	1	1.23	395	0.33	\$9,308	\$900	\$1,485	\$9,270
16	WBL-04	BMP3: Expand Swale and Sump	2	0.40	169	0.34	\$5,000	\$100	\$1,508	\$7,101
17	WBL-04	BMP30: Bioinfiltration Basin in Woods	1	1.27	478	0.64	\$18,950	\$200	\$1,648	\$8,766
18	WBL-06	BMP 33: Infiltration Basin North of Cedar	1	0.73	321	0.34	\$9,920	\$300	\$1,763	\$8,050
19	WBL-06	BMP 31 +32 ALT Combined	2	1.49	583	0.68	\$21,894	\$600	\$1,873	\$9,569
20	WBL-06	BMP 32: Infiltration Basin South of Cedar Upper	1	0.57	236	0.31	\$14,940	\$375	\$3,262	\$15,839
21	WBL-03	BMP 1: Curb Cut Raingarden	1	0.70	65	0.00	\$20,086	\$525	\$3,619	\$77,957
22	WBL-02	Typical Shoreline Restoration	20	3.00	500	0.00	\$73,400	\$5,850	\$4,397	\$52,760

Source: [South East White Bear Lake Stormwater Retrofit Analysis \(RCWD Management Plan, 2010\)](#)

See Figure 6-34. Catchment Analysis Map



## Surface-Water Resources Goals & Policies

### WATER SUSTAINABILITY GOALS

The water sustainability goals of Birchwood Village are in part shaped by the policy designations the City is required to meet as part of the Metropolitan Council's Thrive MSP 2040 Water Sustainability Policy as provided within the 2015 Birchwood Village System Statement. Birchwood Village falls into the Suburban Community Designation and with that includes the following water sustainability practices:

- Implement best management practices to control and treat storm water as redevelopment opportunities arise.
- Explore alternative water supply to ensure adequate water resources beyond 2040.

### SURFACE-WATER RESOURCES MANAGEMENT POLICIES

1. ~~Designate~~ Continue to designate wetland alteration and mitigation requirements consistent with the Wetlands Conservation Act to Rice Creek Watershed District.
2. ~~Assist RCWD in Implement~~ implementing its the Rice Creek Watershed District's Watershed Management Plan as it pertains to Birchwood.
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 MS4 Permit and SWPPP best management practices.
7. The City of Birchwood Village 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, ~~te~~ the resident must obtain the required permits from the watershed district.
8. The City requests the RCWD continue to implement its rules and regulations and issue permits within the municipal boundaries of Birchwood Village.

General Standards for the City to meet compliance with RCWD rules and regulations 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, applying pre-treatment and energy dissipation methods prior to discharge.
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.

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## NPDES PHASE II

Birchwood Village is required to have a Municipal Separate Storm Sewer System (MS4) permit through the MPCA's National Pollutant Discharge Elimination System (NPDES) Phase II Program of the Minnesota Pollution Control Agency (MPCA). MS4 Permits are required for communities with urban development and populations over 10,000, or with urban development and populations over 5,000, that have potential to discharge to valuable or polluted waters.

In accordance with an MS4 Permit, Birchwood Village is required at a minimum to implement six control measures:

- Public Education and Outreach
- Public Participation/Involvement
- Illicit Discharge Detection and Elimination
- Construction Site Stormwater Runoff Control
- Post-Construction Stormwater Management
- Pollution Prevention/Good Housekeeping for Municipal Operations

For more information on the MS4 Permit requirements, see the MPCA's rules online at [www.pca.state.mn.us](http://www.pca.state.mn.us).

## OFFICIAL CONTROLS

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 MPCA, including pretreatment and energy dissipation measures.

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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.

The City of Birchwood Village maintains official controls for the purposes of water management and environment protection within their Municipal Code.

## EDUCATION PROGRAM

As part of Birchwood Village's commitment to education, and an important component of the MS4 Permit compliance, the City will continue to organize education programs for increased public awareness and participation in local surface water management. Opportunities will continue to be presented for residents, business owners, developers, and others to help improve strategies and implementation for increasing water quality and reducing runoff in all areas of the City. Example programs may include:

- Wetland buffer delineation and management
- Best management practices for storm water infiltration
- Best management practices for storm water runoff reduction and control
- Invasive species control
- Conservation easements
- Sustainable groundwater recharge

## COLLABORATION WITH AGENCIES & ORGANIZATIONS

There are a number of local, state, and federal agencies that have rules and regulations related to local water management. The City recognizes the roles of these other agencies and will cooperate, coordinate, and when possible partner with these agencies.

This chapter recognizes the many agencies and organizations involved with regulating surface water management. It is the intention of Birchwood Village to cooperate, collaborate, and coordinate efforts with these agencies to achieve successful water management within the City. Each of these organizations hosts various resources, plans, data, rules, and regulations for water management at the related website:

### Federal

- Environmental Protection Agency [www.epa.gov](http://www.epa.gov)
- US Army Corps of Engineers [www.mvp.usace.army.mil](http://www.mvp.usace.army.mil)
- US Fish and Wildlife Service [www.fws.gov](http://www.fws.gov)

### State

- Minnesota Environmental Quality Board [www.eqb.state.mn.us](http://www.eqb.state.mn.us)
- Minnesota Department of Natural Resources [www.dnr.state.mn.us](http://www.dnr.state.mn.us)
- Minnesota Pollution Control Agency [www.pca.state.mn.us](http://www.pca.state.mn.us)
- Minnesota Department of Health [www.health.state.mn.us](http://www.health.state.mn.us)
- Board of Water and Soil Resources [www.bwsr.state.mn.us](http://www.bwsr.state.mn.us)
- Minnesota Department of Agriculture [www.mda.state.mn.us](http://www.mda.state.mn.us)

### County

- Washington County <http://www.co.washington.mn.us/>
- Washington Conservation District <http://www.mnwcd.org/>

### Regional

- Rice Creek Watershed District [www.ricccreekwd.org](http://www.ricccreekwd.org)
- Metropolitan Council [www.metrocouncil.org](http://www.metrocouncil.org)

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## CHAPTER 7: WATER SUPPLY & SANITARY SYSTEMS

### Introduction

This chapter of the 2040 Comprehensive Plan addresses water supply and wastewater (sanitary sewer) systems in the City of Birchwood Village. Consistent with the Metropolitan Council's Thrive MSP 2040 planning and 2040 Water Resources Policy Plan. This chapter primarily intends to assist the Metropolitan Council Environmental Services (MCES) with continued operation of the Metropolitan Disposal System (MDS) for wastewater collection and treatment. Both Water Supply and Sanitary services are managed and maintained by authorities outside of the City of Birchwood Village. Intercommunity agreements for these services are included in the Appendix.

### Water Supply Plan

Since the 1960s, municipal water service has been supplied to residents of Birchwood Village by the City of White Bear Lake, which owns and maintains the municipal water supply utilities. Birchwood Village has a network of water mains consisting largely of 6-inch cast iron pipe. All repairs and maintenance of the system are completed under the direction of the City Engineer and White Bear Lake Public Works staff.

The City of Birchwood Village does not have any wells that feed the system, and all municipal water is purchased from the City of White Bear Lake. The connection for municipal water is located in the southwest corner of the City beneath East County Line Road. An additional water supply connection from White Bear Township was constructed in 1982 for emergency back-up use. A written agreement between the two communities is in place for this connection, which has been utilized in a very limited manner since 1982. No modifications or improvements to this connection are necessary at this time.

The most recent update to the City's water lines was completed in 2008. There are no replacement projects or updates to the system currently planned. As the City does not manage its own water supply, a Water Supply Plan is not included as part of the 2040 Comprehensive Plan. More information about the local water supply plan can be found by contacting the City of White Bear Lake.

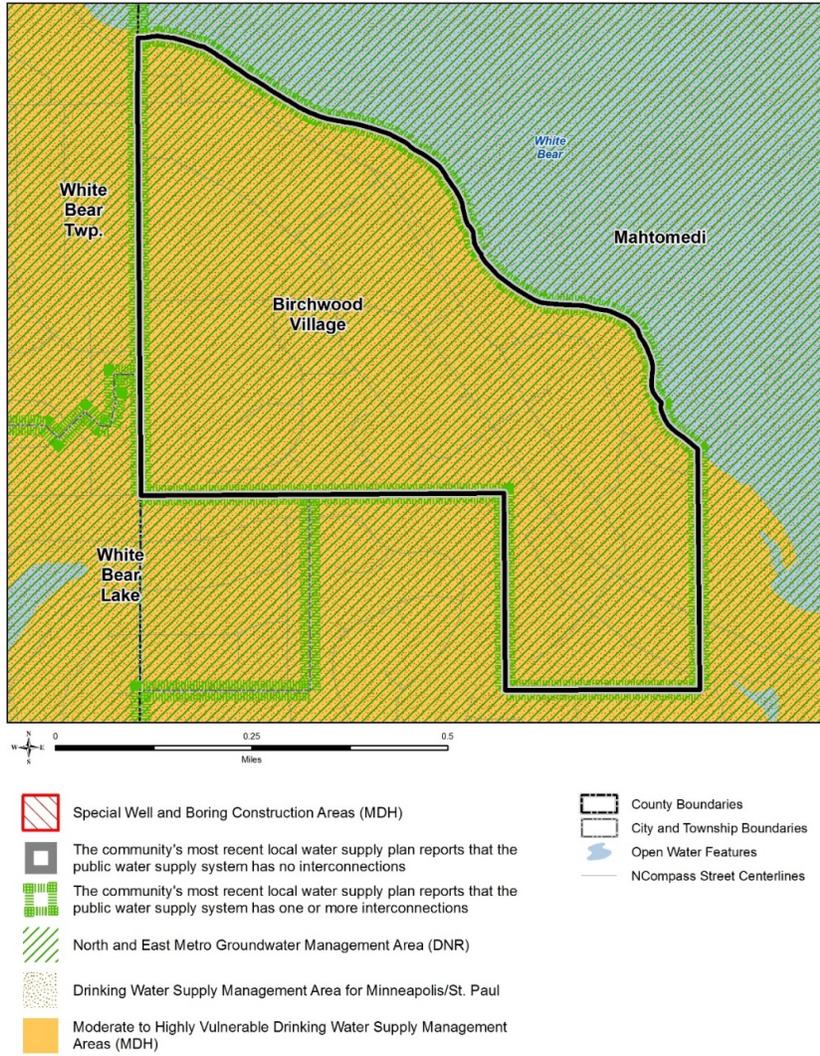
Figure 7-1 shows Birchwood Village and its inclusion within an area identified with moderate to highly vulnerable drinking water supply management—an issue managed by the City of White Bear Lake.

**Commented [TL1]:** What about Maht. connection on the east? Check with Manship. Update water supply maps accordingly.

**Commented [TL2]:** Confirm this with Manship.

Figure 7-1. Municipal Public Water Supply System

**Municipal Public Water Supply System Interconnections and Management Areas  
Birchwood Village, Washington County**



## Wastewater (Sanitary) Sewer System

### System Features

The City of Birchwood Village is served by the regional sanitary sewer service. The sanitary sewer system, as shown in Figure 7-2, is owned by Birchwood and considered its own district, and it is managed by White Bear Township. Birchwood Village is located within the Metropolitan Council’s District 12. It does not have a wastewater treatment facility.

The original mains are predominately 9-inch clay pipe and installed in 1964. The system is served by three lift stations located at 1) the Dellwood Easement (north of Tighe-Schmitz Park), 2) the north west end of Wildwood Park, and 3) 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 (MCES) sewer and ultimately treated at the Pigs Eye Treatment Plant in St. Paul. The waste enters their City’s MCES system through a gravity interceptor beneath E County Line Road on the western border of the City (see Figure 7-2). A metering station is also located at this connection point denoted as meter M028A, as seen on Figure 7-3. The Metropolitan Council has the following estimations for the wastewater flow from Birchwood Village.

Table 7-1 Birchwood Village Adjusted Projections

	2020	2030	2040
Population	850	830	800
Households	351	360	360
Employment	25	30	30
Average Wastewater Flow (MGD)	0.05	0.05	0.05
Allowable Peak Flow (MGD)	0.23	0.23	0.23

Source: Metropolitan Council (Peak Flow Factor = 4.5)

### SYSTEM FLOWS AND CAPACITY

It is anticipated that the total volume of wastewater flow will not change significantly through 2040, and there will therefore be no need to upgrade existing infrastructure. All future investments for Birchwood Village’s sanitary sewer system will be in the maintenance, repair, or replacement of the existing pipes and lift stations. The sanitary sewer system must be capable of handling the anticipated peak flows, estimated by applying a peak flow factor to the average flow. The peak flow factor accounts for flow variability and includes an allowance for infiltration and inflow.

System flows have been estimated for current (2018) conditions as well as 2040 projected land use conditions. The average wastewater flow from each sanitary sewer district has been estimated by applying unit flow rates to each land use category. These estimates, along with trunk line capacities, are summarized in Tables 7-2 and 7-3. The existing trunk system shown in Tables 7-2 and 7-3 has adequate capacity for the estimated flows. [confirm]

Commented [TL3]: Check with Manship

## INFLOW AND INFILTRATION

### MCES I/I Surcharge Program

In February of 2006, Metropolitan Council instituted its Inflow/Infiltration (I/I) Surcharge Program. The fundamental policy statement summarizing this program is that Metropolitan Council “will not provide additional capacity within its interceptor system to serve excessive inflow and infiltration.” The Council establishes inflow and infiltration thresholds for each of the communities that use its system. Communities that exceed this threshold were required to eliminate this excess flow within a reasonable time-frame or pay a surcharge fee. In 2013, Metropolitan Council instituted a wastewater demand charge program for communities that did not meet their inflow and infiltration goal(s).

### Infiltration and Inflow Prevention

The City of Birchwood Village has several measures in place to prevent infiltration and inflow (I/I) 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 and prohibits the connection of sump pumps, rain leaders, and passive drain tile to the sanitary sewer system. In addition, the mains are monitored via closed-circuit television to allow the City to pinpoint areas of high infiltration and take corrective action.

Commented [TL4]: Really? Confirm with Manship or Dale

## MAINTENANCE REPORT

Birchwood Village 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. An additional section was rehabilitated in 2008, using the same method.

Commented [TL5]: Confirm with Manship. Also, what about 2008 project?

On August 30th, 2017 a closed-circuit television inspection was conducted again of on the 2,600 feet of remaining sanitary sewer lines not included in Birchwood Village the previous cured in pipe projects. It was determined from the inspection that 2,565 feet of unlined sanitary sewer needed ed to be rehabilitated with cured-in-place piping (CIPP). The CIPP project will extend the life of the pipes 50-100 years. The sections of pipe are were located in four separate areas throughout the City, and a total cost of the project is estimated at was \$95,000100. Funding for the project will be was provided half from city funds and half from assessments to the properties that benefit from the project. This proposal was approved to move forward by the City Council on November 14th, 2017 and completed in the first half of 2018.

There are three lift stations within Birchwood Village. 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.

## Maintenance Issues

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. All these mains have been reviewed as part of the televising that was completed and will continue to be monitored.

The pumps in the Birchwood Lane station have recently begun to fail. The City is working with White Bear Township to remove this station from the City's sanitary sewer system and move its service to a nearby station owned by and located in White Bear Township. The pumps in these threetwo 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 remaining three lift stations will still be necessary.

There are three lift stations within Birchwood Village. 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.

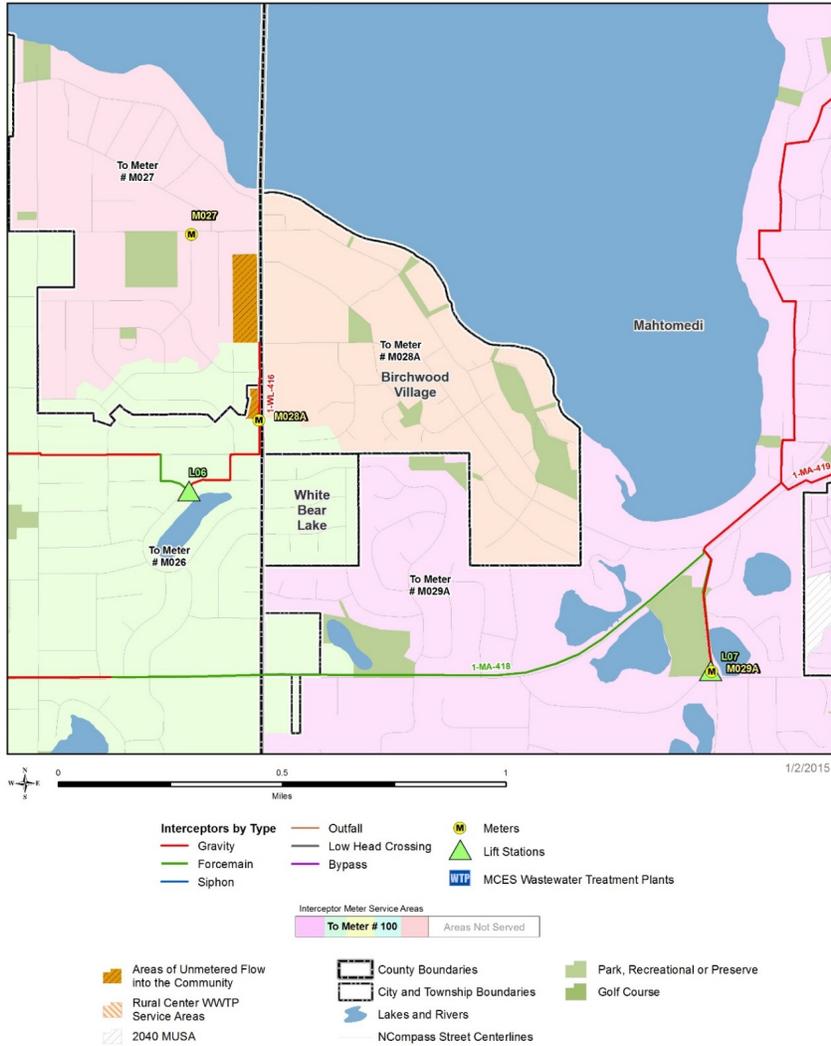
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Figure 7-3. MCES Sanitary Sewer Meter Service Areas

**MCES Sanitary Sewer Meter Service Areas  
Birchwood Village, Washington County**



## CHAPTER 8: IMPLEMENTATION

### Introduction

As a small community, the City of Birchwood Village has to be methodical and selective about which initiatives it chooses to pursue. With [both](#) limited staff resources and budget [available](#), it makes the City's relationship with adjacent municipalities and jurisdictions even more critical [in order](#) to ensure the City continues to be sustainable into its future. ~~To that end, this~~ This implementation chapter identifies strategies that the City will employ over this planning period to bring this Comprehensive Plan Update to fruition. Birchwood Village is committed to maintaining the current quality of life for its residents, so many of the strategies that are identified are meant to reemphasize the importance of continuing with current efforts, relationships and initiatives. The purpose of a Comprehensive Plan is to be aspirational, so not only do the implementation strategies identify ways to maintain the current condition of the City but identify reasonable and modest improvements that would enhance the community and make it better for generations to come.

Generally, the following Implementation Strategies are organized [according to](#) the Chapters contained within this 2040 Plan Update. The implementation strategies listed below are not prioritized, but instead are priorities that should be given equal consideration and the City will capitalize on opportunities as they are presented.

### Land Use

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 2: Land Use of this Comprehensive Plan Update.

- The City will support the Future Land Use Plan contained in this Comprehensive Plan through consistent zoning district designations and policies.
- The City will maintain an up-to-date official Zoning Map to implement this Comprehensive Plan.
- The City will review its zoning ordinance for consistency with the stated goals and objectives of this Comprehensive Plan.
- Redevelopment of existing single-family homes with major additions or teardowns will be monitored through this planning period, and appropriate review and update to existing ordinances will be performed as necessary.
- ▶ [The City will continue to follow and monitor rule changes at the Minnesota Department of Natural Resources \(MnDNR\), and the watershed districts for shoreland and wetland policies \(\[e.g.\]\(#\), setback requirements, coverage requirements, etc., for structures\) and will make appropriate changes and updates to \[ordinanceordinances\]\(#\) for consistency with regulatory agencies having jurisdiction within the City.](#)

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## Housing

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 3: Housing of this Comprehensive Plan Update.

- The City will maintain its existing neighborhood pattern and quality by limiting, and in most cases, prohibiting, any commercial or business use.
- The City will review existing nuisance and administrative ordinances for necessary updates to ensure consistency with this Comprehensive Plan.
- The City will continue to support the City's existing housing stock and neighborhoods through appropriate, and as needed, code enforcement.
- Protecting the City's housing stock through providing support through building permit review, land use application review and other permitting processes will continue to be a high priority for City Staff and resources over this planning period.

## TRANSPORTATION

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 4: Transportation of this Comprehensive Plan Update.

- The City will prepare a Capital Improvement Plan (CIP) to plan and budget for maintenance of existing roadways and transportation systems that are the responsibility of the City.
  - › The CIP will plan for a minimum of a three (3) year time period and will be updated regularly.
- The City will continue to prioritize road improvements to ensure local roadways are safe, passible and maintained.
  - › Improvements will be monitored to ensure all roadways are maintained on a regular schedule to ensure that all roads remain at a safe standard.
- The City will continue to work with regional partners including counties, adjacent jurisdictions and Metro Transit to plan for appropriate transportation improvements that will benefit the residents of Birchwood Village.

## PARKS, TRAILS AND OPEN SPACE

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 45: Parks, Trails and Open Space of this Comprehensive Plan Update.

- The City will ~~continue to~~ study opportunities to create a more complete trail system that will provide improved connections within the City and to the region.
- A Capital Improvement Plan (CIP) for the City's parks, trails and open space system will be developed to identify strategic and planned improvements to the system to ensure it is well maintained for generations to come. The City will complete a CIP that plans for a minimum of a three (3) year period, and once prepared

will continue to update the CIP ~~on an annual basis~~regularly.

- The City will continue to use existing parks and open space land for recreational, natural resource protection, and surface water management features. Given the City's small size it is important for municipal owned properties to serve a variety of functions that provide benefits to the whole community.
- ~~In a survey, most residents had concerns about the maintenance of the City parks. The City will create, maintain, implement and update a yearly maintenance plan.~~

## TRANSPORTATION

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 5: Transportation of this Comprehensive Plan Update.

- ~~The City will prepare a Capital Improvement Plan (CIP) to plan and budget for maintenance of existing roadways and transportation systems that are the responsibility of the City.~~
  - ↳ ~~The CIP will plan for a minimum of a three (3) year time period and will be updated on an annual basis.~~
- ~~The City will continue to prioritize road improvements to ensure local roadways are safe, passible and maintained.~~
  - ↳ ~~Improvements will be monitored to ensure all roadways are maintained on a regular schedule to ensure that all roads remain at a safe standard.~~
- ~~The City will continue to work with regional partners including the Countycounties, adjacent jurisdictions and Metro Transit to plan for appropriate transportation improvements that will benefit the residents of Birchwood Village.~~

## SURFACE WATER RESOURCES

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 6: Surface-Water Resources of this Comprehensive Plan Update.

- The City will continue to work with the Rice Creek Watershed District on implementation of its requirements and standards within the City.
- The City will cooperate with the Rice Creek Watershed District on any significant regional improvements that may affect the City of Birchwood Village.
- The City will prepare a CIP to implement this Comprehensive Plan and will address surface water related improvements. The CIP will identify projects on a minimum of a three (3) year basis, and the City will work with Rice Creek Watershed District to identify key priorities and any potential grant opportunities.

## WATER SUPPLY & SANITARY SYSTEMS

The following Implementation Strategies are provided to support the goals and objectives contained within Chapter 7: Water Supply & Sanitary Systems of this Comprehensive Plan Update.

- The City's sanitary sewer is currently monitored and managed through an intercommunity agreement with White Bear Township. The City will maintain this agreement and work cooperatively with the Township on any future improvements to the system.
- The City's water supply is currently monitored and managed through an intercommunity agreement with the City of White Bear Lake. The City will maintain this agreement and will work cooperatively on any future improvements to the system.
  - › The City will continue to defer billing responsibility to the City of St. Anthony Village, which manages billing for municipal water and sewer services ~~from the City of White Bear Lake~~. Birchwood Village will provide assistance as needed.
  - › The City will work collaboratively with the City of White Bear Lake on any issues regarding the Water Supply Permit with the MnDNR, or any required permits, to ensure safe and reliable drinking water is available to the City's residents.
- ~~The City recently entered into an agreement to purchase solar power from a local entity that will ensure at least a portion of the City's power consumption is from a renewable resource.~~

# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2019-01-02, Animals

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Hello Mayor and Council Members,

Last month the Council held a second reading of Ordinance 2019-01-02, Animals and made changes to proposed amendment language for Section 605. The Council also approved a public hearing for this Ordinance along with its final reading in March.

Enclosed is the most current draft of Ordinance 2019-01-02. This draft includes all of the changes made during last month's meeting EXCEPT for the amendment to the Quarantine definition. The Council favored using "impoundment" for this definition but did not decide on how that language should read.

**Request/Recommendation**

Staff requests Council:

- 1) Hold the public hearing scheduled for this topic at this meeting;
- 2) Discuss additional amendments to Ordinance 2019-01-02, including the definition of Quarantine; and
- 3) Approve third reading and adopt enclosed Ordinance 2019-01-02 as amended.

Thanks!

Regards,  
Tobin Lay  
City Administrator

**ORDINANCE 2019-01-02**  
**CITY OF BIRCHWOOD VILLAGE**  
**WASHINGTON COUNTY, MINNESOTA**

**AN ORDINANCE AMENDING**  
**ANIMAL PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 605 (Animals) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

**SECTION 605: ANIMALS**

605.010. **DEFINITIONS.** For the purpose of this Chapter, terms defined herein shall have the following meaning ascribed to them:

1. Animals

Domestic-House Pet: For the purposes of this code, a domestic house pet shall be defined as those animals such as dogs, cats and birds which can be contained within a principal structure throughout the entire year, provided that containment can be accomplished without special modification to said structure requiring a building permit from the City.

Domestic-Farm: Animals which are kept outside the home for purposes of food or pleasure such as cattle, hogs, horses, sheep, llamas, goats, chickens (*Gallus gallus domesticus*), birds, such as emus and pigeons, and similar animals.

2. Animal Control Authority. The provisions of this Code shall be enforced by the Council.

3. Animal Control Officer. The person or persons employed by the Council as its enforcement officer.

4. Animal Shelter. Any premises designated by action of the City for the purpose of impounding and caring for all animals found in violation of this Code.

5. At Large. Any animal which is not effectively restrained within a fenced area or any animal which is permitted to be on any unfenced area or lot abutting upon a street, alley, public park, public place or upon any other private land without being effectively restrained from moving beyond such unfenced area or lot, or any animal which is permitted to be on any street, public park, or public place without being effectively restrained by chain or leash shall be deemed to be running at large.

6. Dog. Means any living domesticated canine or canid-cross animal. Exposed to

~~Rabies. A dog has been exposed to rabies within the meaning of this Code if it has been bitten by, or been exposed to, any animal known to have been infected with rabies~~

7. Kennel. The keeping of more than three (3) dogs of age 6 months or greater on any premises.

8. Owner. Any person, group or persons, or corporation owning, keeping, or harboring an animal or animals for three (3) or more consecutive days.

9. Restraint. On a leash of not more than six (6) feet in length or on a leash which can be retracted to a length of six (6) feet or less, and in the custody of a person of sufficient age to adequately control the animal; in a vehicle; or confined to the owner's property by enclosure or fencing (electronic or physical barrier).

~~10. Quarantine. The strict confinement of an animal in a manner that precludes direct contact with other animals not concurrently in quarantine or persons other than the caretaker. The quarantine shall be conducted under an order issued by the City Administrator or law enforcement official designating the specific place, manner, and provisions of the quarantine.~~

~~11. Veterinary Hospital. Any establishment maintained and operated by a State-licensed veterinarian for the purposes of diagnosing and treating animal disease, trauma and/or maintaining good health, e.g., vaccinations.~~

~~12. Spayed Female. Any bitch which has been operated upon to prevent conception.~~

~~13. Wild Animal. Shall mean and include any animal, amphibian, or reptile which is of a species which is wild by nature or of a species which, due to size, vicious nature or other characteristic is inherently dangerous to human beings. Examples of wild animals considered capable of inflicting severe bodily harm to humans include but are not limited to:~~

- a. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.
- b. Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.
- c. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.
- d. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.
- e. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.

**Commented [TL1]:** Feb Council discussion favored "impoundment" for quarantine purposes, with owner responsible for impoundment fees. Is that still the Council's pleasure? How do you want that stated?

f. Any skunk, raccoon, fox, or ferret, unless certified by a veterinarian to be free of rabies, and kept pursuant to a valid DNR permit, said certification to be obtained within seven (7) days of receipt of the animal.

g. Any bear, ape, gorilla, monkey, or badger.

h. Any other animal or reptile which is commonly considered wild and not domesticated.

605.020. **DOGS.** Rules and regulations relating to permits and humane treatment. The council shall promulgate regulations governing the issuance of permits, and such regulations shall include requirements for humane care of the owner's dogs and for compliance with all sections of this article and other applicable state and local laws. The council may amend such regulations from time to time as it deems desirable for the public health and welfare and to protect dogs from cruelty.

1. Limitation on number for each dwelling unit in residential zones. No more than three dogs over six months of age shall be housed or be kept on any one residential site in any area of the city.

2. Enforcement. Officers designated by the city administrator ~~manager~~ and approved by the council shall have police powers in the enforcement of this article; and no person shall interfere with, hinder or molest any such officer in the exercise of such powers.

a. Any person violating any of the sections of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished in accordance with section ~~1-15.~~

b. If any person is found guilty by a court of violation of section ~~10-1~~, his permit to own, keep, harbor or have custody of dogs shall be deemed automatically revoked; and no new permit may be issued for a period of one year.

605.021. **PERMIT.**

1. Required; exceptions. No person shall, without first obtaining a permit in writing from the city administrator, own, keep, harbor, or have custody of any dog over six months of age. However, this section shall not apply to the keeping of small caged birds or aquatic and amphibian animals solely as pets or for police canines of any political subdivision.

a. Upon a showing by any applicant for a permit required under this division that he is prepared to comply with the regulations promulgated by the council, a permit shall be issued following payment of the applicable fee, as follows:

(1). For each dog, the fee is as may be imposed, set, established and fixed by the city council, by resolution, from time to time.

(2). No fee or permit shall be required of any Humane Society or veterinary hospital.

b. No permit shall be granted for a dog which has not been vaccinated against rabies as provided in this section on such date, but and when not more than two years will have elapsed from the date of such vaccination to the time of the expiration of the permit to be issued, unless stated upon the certificate that the vaccination is effective for at least three years. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the state in which the dog is vaccinated, and the applicant shall present an original certificate from a qualified veterinarian showing that the dog to be permitted has been given a vaccination against rabies and the date on which the vaccination was administered.

2. Term; renewal; late penalty charge. A new permit shall be obtained each even year by every owner and a new fee paid. A permit, if not revoked, shall be valid until the end of the permit period. Renewal permits must be obtained prior to the expiration date, and there shall be a late penalty charge on all renewal permits issued after the expiration date.

The city ~~manager~~ administrator may revoke any permit issued under this division if the person holding the permit refuses or fails to comply with this article, any regulations promulgated by the council pursuant to this article, or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept or harbored by such person; and no part of the permit fee shall be refunded.

3. Tags. Upon issuing a permit to keep any dog under this division, the city administrator shall issue to the owner a metallic or durable plastic tag stamped with an identifying number and with the month/date/year of expiration and so designated that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times. The city administrator shall maintain a record of the identifying numbers and shall make this record available to the public.

4. Exemptions from division. The sections of this division requiring a permit shall not apply to owners of certified seeing eye and other handicapped-aid dogs, owners and handlers of bona fide working dogs (guard dogs, search dogs, etc.) and nonresidents of the city who are keeping only domestic pets, provided that domestic pets of nonresident owners shall not be kept in the city longer than 30 days annually and the animals shall be kept under restraint.

605.022. **RUNNING AT LARGE; NUISANCE.**

1. Restraint. All dogs shall be kept under restraint at all times in the city.

2. Duty of owners.

a. No owner or custodian of any dog, whether permitted or unpermitted, shall allow such dog to run at large. It shall be the obligation of the owner or custodian of any dog in the city, whether permanently or temporarily therein, to prevent any such dog at anytime to be on any street, public park or public place without being effectively restrained by a chain or leash not exceeding eight feet in length.

b. Any person having custody or control of any dog shall have the responsibility for cleaning up any feces of the dog and disposing of such feces in a sanitary manner. It shall furthermore be the duty of each person having the custody and control of any dog to have on such person possession of a device or equipment for picking up and removal of animal feces. This subsection shall not apply to a guide dog accompanying a blind person or to a dog when used in police or rescue activities.

c. Owners or custodians of dogs are hereby charged to prevent their dogs from barking or making other noises which unreasonably disturb the peace and quiet of any person. The phrase "unreasonably disturb the peace and quiet" includes, but is not limited to, the creation of noises, by such dogs, audible to a peace officer or animal control officer outside the building or premises where the dogs are being kept and which noise occurs repeatedly over [a] five-minute period with a time lapse of one minute or less between repetitions over a five-minute period. Failure on the part of the owner or custodian to prevent a dog from committing such acts shall be guilty of a misdemeanor.

3. Female dogs in heat. Every female dog in heat in the city shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog, except for planned breeding.

4. Duty of temporary visitors to city. It shall be unlawful for any person temporarily in the city, while staying at any private home to have a dog running at large or to permit his dog at any time to be upon the street or in any public or private place unless firmly upon a leash at all times.

605.023. **IMPOUNDMENT.**

1. Authority; notice to known owners; reclamation by owners; humane disposal of unclaimed dogs. Unrestrained dogs running at large in the city may be taken by police, the animal control officer or the Humane Society and impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than five days, unless reclaimed by their owners. If by a permit tag or by other means the owner can be identified, the animal control officer shall immediately, upon impoundment, notify the owner by telephone or mail of the impoundment of the dog.

A dog not claimed by its owner within five days shall be humanely disposed of by an agency delegated by the council to exercise that authority.

2. Fees; additional penalties. Any owner reclaiming a dog under this article, which has been impounded for any reason, shall pay a fee as set by council resolution from time to time for all costs of impoundment. The owner may also be proceeded against prosecuted for violation of this article, and his permit may be revoked.

3. Return to owner of dog found at large. Notwithstanding the sections of this division, if a dog is found at large in the City but is properly tagged and current on rabies vaccination and its owner can be identified and located, such dog need not be impounded and shall instead be delivered to the owner.

#### 605.024. DANGEROUS DOGS.

1. Dangerous/potentially dangerous dogs. The provisions of Minn. Stats. §§ 347.50—347.56, inclusive, are hereby adopted as the potentially dangerous and dangerous dog regulations for the City of Birchwood Village. Where a conflict exists between the provisions of the City Code and the provisions of Minn. Stats. §§ 347.50—347.56, inclusive, the provisions of the Minnesota Statutes shall apply.

Definitions. For the purpose of this section, the terms defined have the meaning given to them:

a. Dangerous dog. Means any dog that has:

(1). Without provocation, inflicted substantial bodily harm on a human being on public or private property; or

(2). Killed a domestic animal without provocation while off the owner's property; or

(3). Been found to be potentially dangerous, after the owner has notice that the dog is potentially dangerous, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.

b. Great bodily harm. Has the meaning given it under Minn. Stats. § 609.02, subdiv. 8.

c. Owner. Means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having care, custody, or control of a dog.

d. Potentially dangerous dog. Means any dog that:

(1). When unprovoked, inflicts bites on a human or domestic animal on public or private property; or

(2). When unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or

(3). Has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals, or

e. Proper enclosure. Means securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping and providing protection from the elements for the dog. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which the windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

f. Provocation. Means an act that an adult could reasonably expect may cause a dog to attack or bite.

g. Substantial bodily harm. Has the meaning given it under Minn. Stats. § 609.02, subdiv. 7a.

2. Initial determination. The city's designated animal control authority shall be responsible for initially determining (initial determination) whether a dog is a potentially dangerous dog or a dangerous dog. The animal control authority may retain custody of a dog which has been initially determined to be a dangerous dog pending the hearing as hereinafter provided. The initial determination shall be conclusive unless the owner appeals the initial determination as hereinafter provided.

3. Notice of initial determination. The notice of initial determination shall be personally served on the owner of the dog or on a person of suitable age at the residence of such owner. The notice of initial determination shall describe the dog deemed to be potentially dangerous or dangerous, shall identify the officer making the initial determination and shall inform the owner of the owner's right to appeal the initial determination.

4. Request for hearing and hearing. An owner may appeal the initial determination by filing a request and payment of the applicable fee for the hearing with the city administrator ~~manager~~ within five days of the owner's receipt of the notice of initial determination. A hearing shall be held within seven days after the city's receipt of the request for hearing. The city ~~manager~~ administrator shall assign a hearing officer, who shall not be the person who made the initial determination. At the hearing, the hearing officer shall consider the reports and comments of the animal control authority, the

testimony of any witnesses, witness statements and the comments of the owner of the dog. After considering all of the evidence submitted, the hearing officer shall make written findings and shall determine whether the dog is a potentially dangerous dog or a dangerous dog (final determination). The findings shall be made within five days of the date of the hearing and shall be personally served upon the owner of the dog or upon a person of suitable age at the residence of the owner.

5. Seizure of dangerous dog or potentially dangerous dog. The animal control authority shall immediately seize any dangerous or potentially dangerous dog if, within 14 days after the service of the notice of final determination declaring a dog to be a dangerous dog:

a. The owner has not registered the dog in compliance with the provisions of this subsection.

b. The owner does not secure the proper surety bond or liability insurance pursuant to this subsection.

c. The dangerous or potentially dangerous dog is not maintained in a proper enclosure.

d. The dangerous dog is outside a proper enclosure and not under the physical restraint of a responsible person.

6. Reclaiming a dangerous dog or potentially dangerous. A dangerous or potentially dangerous dog may be reclaimed by the owner of the dog upon payment of the impounding and boarding fees and upon presentation of proof to the animal control authority that the requirements of subsection 10-189(8)a. or (10)a. have been satisfied. A dangerous or potentially dangerous dog not reclaimed under this provision within seven days may be disposed of as provided in Minn. Stats. § 35.71, subd. 3, and the owner shall be liable to the animal control authority for costs incurred in confining and disposing of the dangerous dog.

7. Substantial/great bodily harm. Upon a final determination and notwithstanding the provisions of ~~subsections 605.024.2—6,~~ a dangerous dog that inflicted substantial bodily harm or great bodily harm on a human being on public or private property without provocation may be destroyed in a proper and humane manner by the animal control authority.

8. Dangerous dog restrictions.

a. Registration required. No person may keep a dangerous dog in the City of Birchwood Village unless the dog is registered with the city administrator as provided in this section. The city administrator shall issue a certificate of registration to the owner of the dangerous dog if the owner presents the following information:

(1). Proper enclosure. A proper enclosure exists for the dangerous dog and there is a posting on the premises with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property.

(2). Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 payable to any person injured by the dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog.

(3). Microchip. The owner has had a microchip identification implanted in the dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

(4). Warning symbol. The owner has posted a warning symbol to inform children that there is a dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

(5). Tag. The dangerous dog must have a standardized, easily identifiable tag identifying the dog as dangerous and containing the uniform dangerous dog symbol affixed to the dog's collar at all times. The design of the tag must have been approved by the Minnesota Commissioner of Public Safety.

(6). Photograph. The owner of the dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

(7). Proof of disclosure. The owner of a dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

#### 9. Dangerous dog regulations.

a. Annual fee. The owner of a dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b. Annual renewal. The owner of a dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a dangerous dog in its new jurisdiction.

c. Death/transfer from city. The owner of any dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d. Notice to landlord. The owner of a dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior to entering into the lease agreement, and at the time of any lease renewal, that the person owns a dangerous dog that will reside at the property.

e. Sale. The owner of a dangerous dog must notify the purchaser that the animal control authority has identified the dog as a dangerous dog. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

f. Muzzling. If the dangerous dog is outside a proper enclosure, the dog must be muzzled and restrained by substantial chain or leash and be under the physical restraint of a reasonable person. The muzzle must be made in a manner that will prevent the dog from biting any person or animal but that will not cause injury to the dog or interfere with its vision or respiration.

g. Sterilization. The animal control authority may require a dangerous dog to be sterilized at the owner's expense. If the owner does not have the dangerous dog sterilized, the animal control authority may have the animal sterilized at the owner's expense.

#### 10. Potentially dangerous dog restrictions.

a. Registration required. No person may keep a potentially dangerous dog in the City of Birchwood Village unless the dog is registered with the city administrator as provided in this section. The City ~~clerk~~ Administrator shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner presents the following information:

(1). Microchip. The owner has had a microchip identification implanted in the potentially dangerous dog, and the name of the microchip manufacturer and identification number of the microchip must be provided to the animal control authority. If the microchip is not implanted by the owner, it may be implanted by the animal control authority with the costs borne by the dog's owner.

(2). Warning symbol. The owner has posted a warning symbol to inform children that there is a potentially dangerous dog on the property. The design of the warning symbol must have been approved by the Minnesota Commissioner of Public Safety.

(3). Proper enclosure. A proper enclosure exists for the potentially dangerous dog, and there is a posting on the premises with a clearly visible warning sign, including a warning symbol, to inform children that there is a potentially dangerous dog on the property.

(4). Bond/insurance. A surety bond issued by a surety company authorized to conduct business in the State of Minnesota in a form acceptable to the animal control authority in the sum of at least \$300,000.00 payable to any person injured by the potentially dangerous dog, or a policy of liability insurance issued by an insurance company authorized to conduct business in the State of Minnesota in the amount of at least \$300,000.00 insuring the owner for any personal injuries inflicted by the potentially dangerous dog.

(5). Photograph. The owner of the potentially dangerous dog shall make the dog available to be photographed for identification by the animal control authority at a time and place specified by the animal control authority.

(6). Proof of disclosure. The owner of a potentially dangerous dog who rents property from another where the dog will reside must submit proof of disclosure from the property owner that the property owner was notified, prior to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

#### 11. Potentially dangerous dog regulations.

a. Annual fee. The owner of a potentially dangerous dog shall pay an annual fee as determined by council ordinance, in addition to any regular dog licensing fees, to obtain a certificate of registration for a dangerous dog under this section.

b. Annual renewal. The owner of a potentially dangerous dog must renew the registration of the dog annually until the dog is deceased and pay the annual renewal fee as determined by city council ordinance. If the dog is removed from the city, it must be registered as a potentially dangerous dog in its new jurisdiction.

c. Death/transfer from city. The owner of any potentially dangerous dog must notify the animal control authority in writing of the death of the dog, of its transfer to a residence outside of the city or of its transfer within the city within 30 days of the death or transfer.

d. Notice to landlord. The owner of a potentially dangerous dog who rents property from another where the dog will reside must disclose to the property owner, prior

to entering into the lease agreement and at the time of any lease renewal, that the person owns a potentially dangerous dog that will reside at the property.

e. Sale. The owner of a potentially dangerous dog must notify the purchaser that the animal control authority has identified the dog as potentially dangerous. The seller must also notify the animal control authority in writing of the sale and provide the animal control authority with the new owner's name, address, and telephone number.

12. Annual review requests. If there are no additional reports of the behavior described in subsection (1)a. or (1)b. of this section within a 12-month period from the date of the designation as a dangerous dog or a six-month period from the date of the designation as a potentially dangerous dog, the dog's owner may request a review, in writing, of the declaration designation. The owner must provide documented evidence for review that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factor. The review request and supporting documentation must be submitted to the City of Birchwood Village Animal Control Authority, which shall rule on the review request based on the record. The owner of the dog shall be notified in writing of the review results within ten business days of receipt. An administrative fee shall be paid prior to the review. In cases where the owner has successfully completed a training program approved by the animal control authority, the administrative fee may be reduced or waived. The fees for such review shall be imposed, set, established and fixed by the city council, by resolution, from time to time.

#### 605.020. LICENSING:

605.021. No persons shall own, keep or harbor any dog over six months (6) old within the City unless such dog is licensed as herein provided. Written application for such license shall be made to the City Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The application must be accompanied by a certificate from a qualified licensed veterinarian certifying that the dog has been vaccinated against rabies on a date that is not more than 36 months prior to the expiration date of the license to be issued. The license fee shall be paid at the time of making application and a numbered receipt given to the applicant. The City Clerk shall keep and maintain an accurate record of identifying numbers.

605.022. The license fee shall be as established from time to time and set forth in Chapter 701.

605.023. All dog licenses shall be issued for the license term as established from time to time by City Council resolution. Applications for licenses may be made prior to and for 30 days after the start of the licensing term without penalty, but when application is made after 30 days of the licensing term has elapsed, the applicant shall be assessed a penalty 50 percent of the license fee, which amount shall be added to and collected with the regular license fee, provided, however, if the dog did not become subject to licensing until after the start of the licensing term, then no penalty shall be assessed if application is made within 30 days after becoming subject to licensing.

~~605.024. In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of a fee to be set by the City Council.~~

~~605.025. If there is a change in ownership of a dog during the license term, the new owner may have the current license transferred to his name upon application and the payment of transfer fee to be set by the City Council.~~

~~605.026. No person shall use for any dog a license receipt or license tag issued for another dog, or counterfeit or attempt to counterfeit license tags.~~

605.028. **CHICKENS.**

1. Chickens may be kept within the City limits on residential properties subject to the following conditions:

a. A maximum of six (6) hen chickens or pullets are permitted.

b. Roosters are prohibited.

c. The butchering of chickens is prohibited.

d. Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner's premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

(1). All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.

(2). Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.

e. Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.

(1). Fencing must not exceed six (6) feet in height and must be built according to the zoning code.

(2). Chickens are restricted to the rear yard.

(3). Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.

f. Food Storage. Food materials that are stored outside shall be in closed containers with lids.

g. Manure Removal. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.

h. Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.

i. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.

2. License. No person shall keep, maintain or breed chickens on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the City Clerk-Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of two years.

b. Upon completion of the application form and receipt of the license fee, the City Clerk-Administrator shall cause a license to be issued to the applicant.

3. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where chickens are kept for the purpose of making an inspection to determine compliance with this Chapter.

605.029. **MINIATURE VIETNAMESE POT-BELLIED PIGS.**

1. Restrictions. Miniature Vietnamese Potbellied Pigs may be kept within the City limits if it is kept as a “Domestic-House Pet” as defined in Code 605.010 (1), and shall be subject to the following conditions:

a. The possession of a Vietnamese Potbellied Pig is limited to two (2) per residence.

b. Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.

c. Adult Vietnamese Potbellied Pigs shall not weigh more than 120 pounds or stand more than 22 inches at the shoulders.

d. Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.

2. Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within 100 feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right-of-way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants or property located on the opposite side of the street or right-of-way.

3. License. No person shall keep, maintain Vietnamese pot-bellied pigs on property located within the City of Birchwood Village unless a license is obtained pursuant to the provisions stated herein. Application shall be made on a form provided by the city Clerk-Administrator. The fee shall be established from time to time by resolution as set forth in Chapter 701.

a. A license shall be issued for a period of two years.

b. Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk Administrator shall cause a license to be issued to the applicant.

4. Inspection. The Animal Control Officer shall, at any reasonable time, be permitted upon the premises where Vietnamese pot-bellied pig(s) are kept for the purpose of making an inspection to determine compliance with this Chapter.

~~605.030. TAG AND COLLAR.~~

~~605.031. Upon complying with the provisions of 605.020 of this Code, there shall be issued to the applicant a numbered metallic tag stamped with the number and the year issued and labeled "LICENSED CITY OF BIRCHWOOD VILLAGE".~~

~~605.032. Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar, or harness of durable material which must be worn by the dog at all times.~~

~~605.033. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.~~

~~605.040. RESTRAINT. The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large off the premises or property of the owner.~~

~~605.041. ANIMALS AT LARGE. No animal shall be allowed to be at large in the City.~~

~~605.042. The owner of a dog which habitually chases vehicles or chases or threatens pedestrians shall keep his dog under restraint at all times.~~

~~605.043. No person in custody of any animal shall permit said animal to enter and remain in any public building. Dogs in a public park or on any Public Lake Tract must be kept under restraint.~~

~~605.044. REMOVAL OF ANIMAL FECES. Any person having ownership, custody or control over an animal on any property within the City shall immediately remove, and dispose of in a sanitary manner, all animal feces produced by such animal. If such feces are not removed, then the person in ownership, custody, or control of the animal shall be deemed in violation of this Code.~~

~~EXCEPTIONS. Requirements of immediate animal feces removal shall not apply to:~~

- ~~a. Visually impaired persons using certified guide animals; or~~
- ~~b. Disabled persons using service animals; or~~
- ~~c. Trained police animals utilized in connection with police activities; or~~
- ~~d. Animal feces produced within the limits of the private property of the animal's owner.~~

~~605.050. ANIMAL NOISE. No person shall own, keep or harbor any animal which shall by any noise, unreasonably disturb the peace and quiet of any person in the vicinity. The phrase "unreasonably disturb the peace and quiet" shall include, but is not limited to, the creation of any noise by any animal which can be heard by any person, including a law enforcement officer or animal control officer, from a location outside of the building or off of the premises where the animal is being kept and which noise occurs repeatedly over at least a 5 minute period of time with one minute or less lapse of time between each animal noise during the 5 minute period.~~

605.055. **ODOR.** Persons who keep animals within the City shall not allow any odors which are offensive to the people inhabiting the City such that they constitute a nuisance as defined in Chapter 606, entitled "Public Nuisance," of the City Code.

~~605.060. IMPOUNDMENT.~~

~~605.061. Unlicensed dogs, or animals found running at large, or being kept or harbored any place within the City contrary to the provisions of this Code, shall be taken up by the agents of the City Council and impounded in the shelter designated as the Animal Shelter and there confined in a humane manner for a period of not less than five business days, and may thereafter be disposed of in a humane manner subject to Minnesota Statutes, Section 35.72, Subd. 3, if not claimed by their owners. Dogs and other animals not claimed by their owners before the expiration of five business days shall become the property of the City and be disposed of at the discretion of the City Council subject to Minnesota Statutes, except as hereinafter provided in the cases of certain dogs and animals.~~

~~605.062. The City Council may upon request therefor transfer title of all animals held by it at its animal shelter to the University of Minnesota, or as otherwise provided by Minnesota Statutes, after the legal detention period has expired and the animal has not been claimed by its owner.~~

~~605.063. When animals are found running at large, and their ownership is known to the agents of the City Council, such animals need not be impounded, but the agent may at his discretion, cite the owners of such animals to appear in court to answer to charges of violation of this Code.~~

~~605.064. Immediately upon impounding dogs or other animals, the agents of the City Council shall make every possible effort to notify the owners of such dogs or other animals so impounded and inform such owners of the conditions whereby they may retain custody of such animals.~~

~~605.065. Animals other than dogs or cats or those licensed under Chapter 605, shall be impounded when found running at large within the City limits and disposed of in accordance with law.~~

~~605.066. UNSPAYED FEMALE STRAY DOGS. No unspayed female dog which has been impounded by reason of its being a stray shall be allowed to be adopted from the animal shelter unless the prospective owner shall agree to have such female spayed, or the Humane Society agrees to do so, and said prospective owner shall present to the Animal Control Officer within ten days after such adoption a certificate from a veterinarian attesting that such dog has been spayed.~~

**605.067. ANIMALS WHICH CANNOT BE IMPOUNDED.**

1. If an animal is known to be vicious, dangerous, rabid or exposed to rabies and such animal cannot be impounded after all reasonable effort or cannot be impounded without serious risk to the persons attempting to impound, such animal may be immediately killed.

2. When an animal cannot be impounded and is in violation of any part of this part of this chapter, the owner, as defined herein, shall be issued a citation.

~~605.070 REDEMPTION OF IMPOUNDED ANIMALS.~~

~~605.071 The owner shall be entitled to resume possession of any impounded animal, except as herein provided in the cases of certain dogs, upon compliance with the license provisions of 605.020, 605.028 or 605.029 of this Code and the payment of impoundment fees set forth herein.~~

~~605.072. Any other animal impounded under the provisions of this Code may be reclaimed by the owner upon the payment of impoundment fees set forth herein.~~

~~605.073. Any animal impounded under the provisions of this Code and not reclaimed by its owner within five business days may, subject to the provisions of Minnesota Statutes, be humanely destroyed by the Animal Control Officer or placed in the custody of some person deemed to be a responsible and suitable owner who will agree to comply with the provisions of this Code and such other regulations as shall be fixed by the City Council; provided, however, if the animal is one as~~

~~to which the respective rights of the owner and the person in possession or custody are determined by State Law, such law shall be complied with.~~

~~605.074. Notwithstanding this section, the owner shall remain subject to penalties for violation of this Code.~~

~~605.080. IMPOUNDMENT FEES. Any animal impounded hereunder may be reclaimed as herein provided upon the payment by the owner to the Animal Control Officer of the sums for impoundment and daily care as established from time to time by City Council resolution. Impoundment fees as established by resolution shall be collected by the Animal Control Officer and such additional sums as provided for keeping animals shall be collected by the Animal Control Officer and retained by it to help defray the cost of keeping such animals.~~

~~605.085. REGULATION OF DANGEROUS DOGS. The city shall, by reference, adopt the provisions of Minnesota Statute 347.50-347.565 with respect to the regulation of dangerous dogs. Where statute makes reference to "county" regulating authority it is the intention of the city to adopt a reference to "city" regulating authority.~~

~~605.090. CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS.~~

~~605.091. The owner shall confine within a building or secure enclosure, every fierce, dangerous or vicious animal, and not take such animal out of such building or secure enclosure unless such animal is securely muzzled or under restraint as appropriate.~~

~~605.092. Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.~~

~~605.093. To protect the health, safety and welfare of the citizens of the City, it shall be unlawful to keep any wild, dangerous or undomesticated animal within the corporate limits of the City, except as permitted pursuant to the provisions of this Ordinance. MOVED TO 605.110.~~

~~605.094. Any animal described in the foregoing sub-sections of 605.090 of this Code, found at large, shall be impounded by the Animal Control Officer and may not be redeemed by owners, unless such redemption be authorized by court having jurisdiction.~~

~~605.095. Any dog, cat or other animal, impounded for being a public nuisance may not be redeemed unless such redemption is authorized by any court having jurisdiction.~~

~~605.096. When in the judgment of the City Council, or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.~~

605.100. **DISEASE CONTROL.**

- 605.101. **RABIES CONTROL.** The Minnesota State Health Laws and Regulations pertaining thereto shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.
- 605.102. **BITING ANIMALS TO BE QUARANTINED.** Whenever any animal has bitten a person or whenever a known or suspected rabid animal is picked up by the animal warden, such animal shall be kept in confinement for a period of ten (10) days after the occurrence ~~provided that the owner or custodian of such animal, after having been so notified either orally or in writing, shall have the right to direct where the animal will be quarantined provided that the location has proper State approved facilities for such quarantine.~~ Upon reasonable belief that the animal may be rabid, the animal shall be subjected to the tests necessary to establish the same by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing and treatment expenses, in addition to all other expenses incurred as the result of ~~a~~**an** animal biting a person, shall be the expense of the owner of the animal.
- 605.103. **REPORTS OF BITE CASES.** It shall be the duty of every physician or other practitioner to report to the Animal Control Officer and the City Council names and addresses of persons treated for bites inflicted by animals, together with as much as other information as will be helpful in rabies control.
- 605.104. **RESPONSIBILITIES OF VETERINARIANS.** It shall be the duty of every licensed veterinarian to report to the City Council his diagnosis of any animal observed by him as a rabies suspect.
- 605.110. **KEEPING OF ANIMALS.** To protect the health, safety and welfare of the citizens of the City, it shall be unlawful to keep any wild, dangerous or undomesticated animal within the corporate limits of the City, except as permitted pursuant to the provisions of this Ordinance.
- 605.111. **FARM ANIMALS.** Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, goat or other farm animal or any other fowl, including emus or pigeons, upon any lot or property within the City of Birchwood Village.
- 605.112. **CRUEL TREATMENT.** No person shall treat an animal in a cruel or inhumane manner, or willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.
- 605.113. **DOG KENNELS.** No person shall operate a dog kennel or permit a dog kennel to be on his premises within the City.
- 605.114. **MANNER OF KEEPING.** No person shall keep any dog, cat or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

605.120. **EXEMPTIONS.** The licensing and vaccinations requirements of this Code shall not apply to any animal belonging to a non-resident of the City and kept within the City for not longer than thirty days, provided all such animals shall at all times while in the City be kept within a building, enclosure or vehicle, or be under restraint by the owner.

~~605.130. **INVESTIGATION.** For the purpose of discharging the duties imposed by this Code and to enforce its provisions, any agent of the City Council or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such a dog or the license for such dog. It is further provided that any agent of the City Council may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment.~~

~~605.135. **REVOCAION:**~~

~~1. An animal permit or license may be revoked if:~~

- ~~A. The person holding the permit or license refuses or fails to comply with the provisions of this Chapter, any other regulations promulgated by the City or any state or local law governing cruelty to animals or the keeping of animals;~~
- ~~B. An owner fails to provide the animal with necessary food, water, shelter, veterinary care, or humane care and treatment;~~
- ~~C. An owner overdrives, overloads, overworks, tortures, ill-treats, torments, neglects, or unjustifiably injures, maims, mutilates or cruelly works an animal when unfit for labor, or otherwise abuses any animal;~~
- ~~D. An owner causes or permits any dog fight, cock fight, or other combat between animals or between animals and humans;~~
- ~~E. An owner violates the terms of this Chapter three (3) times within a one (1) year period.~~

~~2. Any person whose permit or license is revoked shall, within fifteen (15) days, remove such animal(s) permanently from the City or humanely dispose of the animal(s) cited in the violation as being owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. In addition, the owner may be liable to court action under this Code, State Statutes and local laws for any of the actions cited above.~~

~~3. If a permit or license is revoked, no new permit or license may be issued for a period of one (1) year from date the permit or license is revoked.~~

605.140. **INTERFERENCE.** No person shall interfere with, hinder, or molest any agent of the City Council in the performance of any duty of such agent, or seek to release any animal in the custody of the City Council or its agents, except as herein provided.

605.150. **RECORDS.**

1. It shall be the duty of the ~~Animal Control Officer~~City Administrator to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into his custody.

2. It shall be the duty of the ~~Animal Control Officer~~City Administrator to keep, or cause to be kept, accurate and detailed records of all bite cases reported to him, and his investigation reports of these cases, and of all reports of alleged violations and actions taken thereon.

605.160. **ENFORCEMENT.** The provisions of this Code shall be enforced by the ~~Animal Control Officer~~City Administrator (or their designee), City Police Officers, Deputy Sheriffs of Washington County or any other person or persons designated by the City Council.

605.170. **PENALTIES FOR VIOLATION.** Any person violating any of the provisions of this Code shall be judged guilty of a misdemeanor.

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

Adopted by the City of Birchwood Village City Council this 12<sup>th</sup> day of March, 2019

Attest:

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

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

# MEMORANDUM



**Birchwood Village**

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2019-01-01 Easement Usage

---

Hello Mayor and Council Members,

Last month the Council held a second reading of Ordinance 2019-01-01, Easement Usage. The purpose of this Ordinance is to protect the public easements by regulating the private use of them. The Council discussed the proposed Ordinance and also a draft written by a resident. Council also scheduled a public hearing on this topic for this meeting.

The Council asked City Attorney Kantrud to make the changes to the Ordinance. At the time this packet was assembled, this update was not yet available. Accordingly, hardcopies will be handed out during the Council meeting.

**Request/Recommendation**

Staff requests Council:

- 1) Hold the public hearing that was scheduled for this topic at this meeting;
- 2) Review and discuss the proposed Ordinance and public comments; and
- 3) Approve the third reading as amended.

Thanks!

Regards,  
Tobin Lay  
City Administrator



# MEMORANDUM



**Birchwood Village**

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Road Escrow/Bond Requirement

---

Hello Mayor and Council Members,

Per the Council's request, the Planning Commission reviewed at their last meeting the Roads Committee's recommendation for a road escrow to apply to City permits. The Planning Commission approved the language as written.

Additionally, two Roads Committee members have submitted suggestions for your consideration (see enclosed email).

**Request/Recommendation**

Staff requests Council:

- 1) Hold the public hearing that was scheduled for this topic at this meeting;
- 2) Review and discuss the proposed road escrow/bond; and
- 3) Approve the first reading as amended.

Thanks!

Regards,  
Tobin Lay  
City Administrator

## Permit requirements.

Unless otherwise specifically provided, the following are required for ~~both demolition permits and building~~ all activity in the City that requires a permit to be issued to conduct the activity:

(1) **Certificate of insurance; coverage.** The applicant must furnish the city with a certificate of insurance evidencing the following required coverage: a. Commercial general liability, including XCU (explosion, collapse and underground) coverage. 1. Bodily injury. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 aggregate products and completed operations. 2. Property damage. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 aggregate. b. Comprehensive automobile liability (owned, nonowned, hired). 1. Bodily injury. (i) \$1,000,000.00 each occurrence. (ii) \$1,000,000.00 each accident. 2. Property damage. Property damage: \$1,000,000.00 each occurrence.

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

(2) **Cash escrow.** The applicant must furnish the city a cash escrow as required in section \_\_\_\_ of the City Code. A single escrow is required for both a demolition permit and building permit. The city may draw on the cash escrow to reimburse the city for the repair of damage to public property or to remedy permit violations. If the city draws on the cash escrow, upon the city's demand the permit holder must deposit in escrow additional funds to restore the escrowed amount set forth in section \_\_\_\_\_. The cash escrow must remain in place until the work under the permit for which the escrow was made has been completed. (3) Soils investigation report and shoring plan. Based upon soil types, topography, the location of adjacent structures and other pertinent information, the building official shall determine if a soils investigation report and/or shoring plan is necessary. If the building official determines that a soils report is necessary, the applicant shall have a soil report prepared and signed by a licensed professional soil scientist or licensed professional engineer. If the building official determines a shoring plan is necessary, the applicant must provide a detailed plan to ensure that adjacent property will not be damaged by reducing lateral support for driveways, foundations, fences or lawns caused by excavation, demolition or construction activity. The soils report and shoring plan must be approved by the building official. The permit holder must adhere to the approved plan(s). (4) Existing condition of property. Before a permit is issued, the building official must photograph the existing condition of the property, curbs, sidewalks, streets, boulevard and trees adjacent to the property. (5) Written notification of demolition. For a demolition permit, at least 15 calendar days before demolition commences, the permit holder must provide written notification to all property owners within 300 feet of the perimeter of the demolition site notifying the property owners of the proposed demolition and building plans, if

applicable, and invite them to a neighborhood meeting. The neighborhood meeting must be held at least five days before demolition commences. A sign must also be posted on the demolition site at least five days before demolition commences identifying the nature of the demolition, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until the completion of demolition. (6) Signage of construction. For a building permit, a sign must be posted on the permit site at least five days before construction commences identifying the nature of the construction, the permit holder, a contact name and phone number, and the site address. The sign must also provide a city phone number to call with any questions, complaints or concerns. The dimension of the sign must be between five and six square feet. The sign and the content of the sign must be visible from the street. The sign must be kept in place until a certificate of occupancy has been issued. (7) Stormwater and erosion control plans. For a building permit, the applicant must submit stormwater and erosion control plans prepared and signed by a licensed professional engineer. The plans must be approved by the city engineer and the permit holder must adhere to the approved plans. The stormwater management plan must detail how stormwater will be controlled to prevent damage to adjacent property and adverse impacts to the public stormwater drainage system. The erosion control plan must document how proper erosion and sediment control will be maintained on a continual basis to contain on-site erosion and protect on- and off-site vegetation. Permit holder must protect all storm drain inlets with sediment capture devices at all time during the project when soil disturbing activities may result in sediment laden stormwater runoff entering the inlet. The permit holder is responsible for preventing or minimizing the potential for unsafe conditions, flooding, or siltation problems. Devices must be regularly cleaned out and emergency overflow must be an integral part of the device to reduce the flooding potential. Devices must be placed to prevent the creation of driving hazards or obstructions.

**Sec. \_\_\_\_ - Permit standards for both demolition permits and building permits.**

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

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

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

(d) The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places: (1) On a boulevard between the sidewalk and roadway; (2) Within five feet of the intersection of any public or private driveway or alley with any street or highway; (3) Where the vehicle will block a fire escape or the exit from any building; (4) Where temporary signs prohibit parking. Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. ~~On collector and arterial roadways, a minimum of 22 feet must be open for the traveled portion of the road.~~ Off-street and off-site parking for on-site workers is required to the extent practicable. ~~City parks and open spaces shall not be used for any parking or storage of any materials or equipment. Any violation shall be prosecuted as a misdemeanor offense.~~

Police officers, community service officers, parking monitors and the residential redevelopment coordinator of the city shall be responsible for enforcing the parking requirements and parking regulations of this section.

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

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

(g) Dust control is the responsibility of the permit holder. As weather permits, materials subject to demolition shall be thoroughly dampened with water so as to prevent dust. The permit holder must eliminate dust problems immediately upon receiving notice from the building official that there is a dust problem.

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

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

**Tobin Lay**

---

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

Hey Tobin.

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

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

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

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

John Anderson

†\*\*\*\*\*  
,,,,,,

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

Hey Gene.

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

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

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

Need to mention this.

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

**Deliveries of heavy materials that need to be unloaded from a truck and transported to the project site will be done so with care and consideration of the pavement surface. Protection for repeated trips with a tractor or forklift and heavy loads could consist of heavy plywood or boards laid out to protect the pavement and removed after the load has been transferred. This also applies to trailers parked temporarily on roads or streets to unload equipment - ALL activity associated with the project will be the responsibility of the Permit Holder. The Permit Holder will be responsible for any and all damage to**

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



# MEMORANDUM



**Birchwood Village**

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Special Assessment Policy

---

Hello Mayor and Council Members,

Last month the Council continued discussing the Special Assessment Policy that was recommended by the Roads Committee in January. The Council discussed some changes and scheduled a public hearing on this topic to take place at this meeting.

**Request/Recommendation**

Staff requests Council:

- 1) Hold the public hearing that was scheduled for this topic at this meeting;
- 2) Review and discuss the proposed special assessment policy; and
- 3) Approve the second reading and adopt enclosed special assessment policy as amended.

Thanks!

Regards,  
Tobin Lay  
City Administrator

# **Special Assessment Policy City of Birchwood Village**

Roads Committee Draft

**Special Assessment Policy – City of Birchwood Village**

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## **1.0 POLICY GOALS**

### **Birchwood Village's special assessment policies are written to:**

- 1) Provide a comprehensive, well-constructed and well maintained infrastructure system for current and future users.
- 2) Provide a stable source of funding for infrastructure needs that is cost-effective for the City, and fair and consistent for all property owners.
- 3) Follow MN Statutes, Chapter 429 Local Improvements, Special Assessments.

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## **2.0 INTRODUCTION**

A special assessment is a levy on a property for a particular improvement that benefits the property. The authority is provided to cities through MN Statutes, Chapter 429. Special assessments assign a portion of the cost of the improvement to those receiving a direct benefit from the public improvement, thereby reducing the reliance on the general tax levy.

Assessment amounts are based upon the value(s) of the benefits conferred to an individual parcel or parcels as a result of the particular improvement and are allocated by the Council as guided by this policy. The amount assessed against any particular parcel is required to be not greater than the increase in the market value of the property attributable to the improvement. This can be determined by benefit appraisals completed prior to and after the public improvement. Even though the special assessment goals, policies, and procedures are identified in this document, the City Council has the authority to deviate from this policy as deemed appropriate by the Council or when the law requires such a deviation. When the City deviates from the policies identified in this document, it will attempt to identify the reasons for the deviation in the feasibility report or at the public hearings associated with the public improvement.

Some examples for deviation from this policy would be assessment differences due to varying lot sizes, dimensions, multiple frontages and odd shaped lots.

The type of improvement, such as a road could be dependent on the type of road and it's use (either collector or street) or the type of project and the number of residences that would benefit from it.

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**13.0 -POLICY DEFINITIONS**

**Adjacent/Abutting Property:** Property directly adjacent to, provided access to or served by public improvements.

**Access:** Properties shall be considered to have access to public street improvements when they may enter onto the improvement from their own private driveway, private road, common driveway, shared easement, alley (improved or unimproved), or public street. Properties shall be considered to have access to underground or above ground utility improvements when they are within 150 feet of the utility. When distance is greater than 150 feet an administrative review will determine feasibility of access.

**Adjusted Frontage:** The assessable front footage of a benefited property that has been modified by an adjustment factor to more accurately represent the true benefit that property receives from an improvement in comparison to other properties in the assessment area. The adjustment will be based on factors that are applicable to that parcel, as approved by the City Council. Parameters that may be used to determine the adjustment factor include, but are not limited to: lot area comparison to surrounding lots based on odd shape, lot size, corner lots or those with multiple frontages, cul-de-sac lots as well as those adjacent lots owned by the city. Adjustments may be made to more fairly reflect an assessment that would more fairly distribute the cost of a special assessment.

**Assessed Cost:** Those costs of public improvements that have been determined to benefit specific properties. The amounts included in these costs include, but are not limited to engineering, legal, finance charges, land acquisition, demolition, construction, and administration.

**Assessable Area:** The assessable area is the total area of all of the benefiting properties, when using an area based method.

**Assessable footage:** The assessable footage is the total area of all the benefiting properties, when using the front footage method of assessment.

**Assessment Method:** The way an improvement is paid for as determined by the City

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Council. The Council may adopt a front footage rate which is associated with the front lot length of a single building lot as defined by City Code, or it may use the 'Per Unit' rate which divides the cost of the project up among the total number of homes in that area which would benefit more or less equally from the improvement.

**Assessment Rate:** The amount assessed to each property by the city based on either per frontage foot or per unit.

**Benefit:** The increase in property value as a result of a public improvement such as, but not limited to, a street, sidewalk, trail, curb and gutter, water main, sanitary sewer, storm sewer, park, or street landscaping

**Collector:** Those main streets leading into and out of Birchwood, fed by smaller 'destination' streets. These collectors are used by almost all residents to access their homes. Birchwood has two collector streets: Cedar St/Hall Avenue from County Line road to the Mahtomedi border and Wildwood Avenue, from County Line Road to where it meets Hall Avenue near the Mahtomedi border. Also sometimes referred to as 'Feeder' streets.

**Deferment:** A process of postponing the collection of the cost of a public improvement with the intention of collecting at a later date.

**Destination Street:** Those smaller streets off of the collectors that are used by residents to access their homes.

---

**Driveway Approach:** That which lies between the pavement and the right-of-way line, curb cut to curb cut.

**Front Footage:** The distance measured along the right-of-way line that directly abuts an improvement. This measurement can be adjusted as described above to more fairly reflect an equitable distribution of costs for a particular project as pertaining to benefits realized per individual property values.

**Improvement:** The act of making a modification to the original design thereby changing the dimensions, structure or makeup as well as the appearance or functionality of existing infrastructure. As examples, widening a street or adding curbs, gutters or sidewalks would be improvements. Repaving, seal-coating, crack-filling or other routine maintenance repairs not changing the original function of a street would generally not merely be considered assessable repairs or maintenance.

**Lot Definitions:**

1. **Corner Lot:** A lot located at a street intersection having both front and side-lot footage.

~~2.~~

~~3-2.~~ **Double Frontage Lot:** A lot with access to two separate non-intersecting or intersecting streets but not a corner lot.

~~4.~~

~~5-3.~~ **Irregularly Shaped Lot:** Those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot lines.

~~6.~~

~~7-4.~~ **Rectangular Lot:** A lot with less than five feet of difference in length between the front and back lot lines.

~~8.~~

~~9-5.~~ **Special Case Lot:** A lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be accessed.

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**Maintenance:** The repair and upkeep of infrastructure, including but not limited to streets, sewers, utilities, parks and other within the city that are used by all residents. Maintenance keeps things in the state that- they were originally designed and built in, and as maintenance projects do not change appearance, dimensions, or function they are not considered improvements. Maintenance is budgeted for and -funded through general tax revenue or other source(s) of funds.

**Public Improvement:** See “Improvement” definition above. Would include changes in or new infrastructure as defined above including but not limited to street, sidewalk, trail, curb and gutter, water main, sewers, park, or landscaping improvements.

**Special Assessment:** A legal process whereby the benefited property is charged for all or a portion of the cost of a public improvement which in turn increases the value of the assessed property.

**Storm Water:** Storm water runoff project funding will be considered in conjunction with street repairs.

**Street:** All public ways designed as a means of access to the adjoining properties. ~~The definition of street includes 'Feeder' streets used by residents to gain access to their lots as well as 'Collector' or 'Feeder' streets (those used by most residents to access their 'Destination' streets) — these would have more than one access point to or from the city. In Birchwood we have two main collector routes, Cedar Street/Hall Avenue (from County Line Road to the Mahtomedi border) and Wildwood Avenue from County Line Road to it's junction with Hall Avenue near the Mahtomedi border. These are used by every resident to gain access to their lots and as such warrant special consideration. All the remaining 'destination' streets are used mainly by those residents living on those streets.~~

### Street Treatment Definitions:

**-Seal Coat:** Involves filling cracks with bituminous patch, spraying the road surface with oil and covering it with a layer of small rock or crushed granite. Seal coating is considered maintenance and as such, will not be assessed.

**-Mill and Fill:** Involves milling out larger cracks and filling these as a more effective and longer lasting method of repair. Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.

**-Mill and Overlay:** Consists of grinding off the upper layer of asphalt and replacing it with a new layer. ~~Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.~~

**-Roadway Reclamation:** Consists of grinding up the existing asphalt surface completely and mixing it with a portion of the gravel base. This combination is then used as the new upper road base. ~~Considered maintenance, it will not be assessed unless the physical characteristics of the street are changed, widened or otherwise altered. If changes are made, it could be eligible for funding by special assessment.~~

**-Reconstruction:** Includes complete pavement removal, subgrade correction as needed, as well as elevation and width corrections, surface material, and other changes to the original design. This is often considered and done in conjunction with utility repairs/replacement. ~~Reconstruction is usually considered an improvement as the roadbase and grade are usually changed, altering the appearance and functionality of the street. If this is the case it would be a candidate for a special assessment. If not altered, could be funded with allocated monies from general revenue.~~

**System Cost:** That portion of the assessable cost that benefits properties whose assessments are deferred because they are located outside of the City limits, or are unable to make use of the improvements due to factors beyond their control. An example would be street assessments for those properties along County Line Road, although these residents could derive some use from use of these streets. The City Council would need to make a special determination during the assessment stage of planning to allow for funding of anomalies such as these.-

**Unit:** A unit for definitions of assessment may include, but is not limited to: a household; a parcel/lot or a residence. ~~In some cases (such as dead end streets and Cul-de-sacs the fairest way to pay for improvement projects would be to simply divide the cost by the number of homes (units) on that street (cost per unit method)~~

**Unit Share:** That portion (or share) of the cost of an improvement project that is or will

be assessed to a particular residence is considered the unit share. ~~This can be estimated as a percentage of the total cost of the project or as a percentage of the percentage of a lot based on the frontages, lot type, and situation as would benefit the value of the unit within the project area.~~ One unit is assessed no more than one share. If on a corner or odd shaped lot the unit may be assessed less than one share based on the frontages as accounted for in 'Methods of Assessment'.

~~**Water Service:** The City is responsible for all water service along the street or public utility easement, including the watermain, and water service up to and including the curb stop. The homeowner is responsible for everything beyond this point, from the curb stop to the home.~~

**Yard, Front:** A yard extending across the front of the lot between the side yard lines and lying between the front street line of the lot and the nearest line of the building.

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#### ~~4~~ -METHODS OF ASSESSMENT

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**All Residential properties within Birchwood Village will be assessed by the Unit method whenever a special assessment is needed unless not feasible due to special conditions.**

**Residential Unit Method:** This method is used for single dwelling residential properties. A unit shall be defined as one buildable lot consistent with the City of Birchwood Village's building ordinances. ~~The cost of the improvement is simply divided by the number of units fronting that improvement, either city or private property.~~ The types of lots listed reflect variations of computing unit shares to make the outcome more fair for differences in lot shape and frontage.

~~1.~~ **Corner Lot:** A lot located at a street intersection having both front and side-lot footage shall be assessed per unit. If a driveway abuts both streets and only one street is being improved then the lot will be assessed 50% of the per unit basis. ~~General revenue funding will pick up the balance up to the one unit amount.~~

~~2.~~ 1.

~~3.~~ **Multiple Frontage Lot:** A lot with access to two separate non-intersecting or intersecting streets but not a corner lot may be assessed 50% of the per-unit basis for any street improvement that it has direct access to.

~~4.~~ Three sides would be 33.33%. This way the property will never be assessed more than one complete unit for all improvements it contacts. ~~General revenue funding will~~

~~pick up the balance up to the one unit amount.~~

~~5.2.~~

~~6. Irregularly Shaped Lot:~~ Those lots abutting curved streets, cul-de-sacs, or other lots where there is more than five feet of difference in length between the front and back lot shall be assessed as one unit

~~7.3.~~

~~8. Rectangular Lot:~~ A lot with less than five feet of difference in length between the front and back lot lines shall be assessed as one unit.

~~9.4.~~

~~10. Special Case Lot Residential:~~ A lot which may not directly abut the improvement shall be assessed on a per unit basis if the improvement can be accessed. If not, the city council may make a case-by-case assessment taking exception in whole or part depending on the portion of use that the petitioning unit receives from the improvement.

~~5.~~

- ~~1. Lots on streets with partial municipal property: If the City owns a portion of the property frontage on a street where an improvement is being considered the city will pay for through general revenue the portion of the proposed area that is not assessed private property. An example would be along Lake Avenue opposite Tighe Schmitz park or opposite Hall's Marsh, where the city would assume costs for that portion not inhabited by residential dwellings. A number of shares equal to those across the street to be improved by measured linear footage would be funded by the city with General revenue. Another example would be the park in the center island of Wildwood Avenue if one side or the other was being improved individually, with the city picking up the opposite side shares OR if both sides are improved simultaneously then the units on each side would assume their respective shares with the city picking up 50% for their center area.~~
- ~~2. In cases such as Nordling park, the Tennis Court property frontages or the lake easements, general revenue would pay for that portion of the shares not inhabited by residential home units.~~

~~7~~

**Lot Frontage Method:** This method assesses residences based on the length in front footage of the lot abutting the proposed improvement. While used by other cities utilize this method as calculations can be more difficult, it is less fair as it penalizes residents with longer lots, corner or odd shaped lots, lots with multiple access sides and other anomalies. As our city is made up of a wide diversity of old and new lots of many sizes and shapes, the best choice will be the unit method. If necessary, the City Council can override that and choose to use a frontage method, and if so it will be based on the total cost of the improvement considered divided by the total frontage of the units involved. Consideration should be made for corner or multiple lots as in points 1-6 in the unit method above whenever possible. Frontage measurement must take into account the

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easements (subtracting these from the frontage) as well as the type of street being improved (see special considerations).

**Note: These assessment methods and notes are shown for guidance purposes only. Prior to a public improvement project a “benefits appraisal” shall be conducted to determine the actual special assessment based on the benefit received by the subject property/properties.**

## **5.0 ASSESSMENT CONSIDERATIONS:**

### **Special considerations:**

~~Of the two types of streets we have in Birchwood village, the collector streets see far more traffic (up to 100 times more) per day. Cedar Hall sees over 2000 cars per day (with many non-residents passing through Birchwood as a short-cut) and Oak Ridge maybe sees fifty or sixty. As a result, these collector streets wear out much faster and require more maintenance than the other streets in Birchwood. As these Collector streets are used by all residents to get in and out of our city, most or all such expenses for improvements as needed should be borne more equitably by all residents of the city. As such, General revenue funding for most or all maintenance and resurfacing may be appropriate for pavement improvements on our collector streets (Cedar St/Hall Ave and on Wildwood Avenue).~~

~~If a per unit method would be used, it may be appropriate to consider a one unit assessment on each of the abutting units with direct driveway access to these collector streets, with the remainder being covered by budgeted general tax revenue. It may also be considered to assess some corner lots with no access from these streets a smaller share (10-20%) with the remainder covered by general revenue. In this way those who live on these streets are still responsible for a portion of the assessment but the larger amount goes to all in the city who use these streets daily.~~

### **Other considerations:**

~~1) All properties benefiting from improvements are subject to the special assessment.~~

~~2) The project types to be assessed are not limited to those explicitly described in this policy. The City Council reserves the right to consider additional infrastructure improvements on a case by case basis for assessment, including but not limited to storm drainage improvements, street lights, walls, noise walls, boulevard trees, and sidewalks (both new and replaced).~~

~~2) Prior to assessment/adoption the special assessment levy, benefit shall may be verified by an appraiser at the discretion of the City Council. The Council may consider~~

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assessing up to 100% of total project costs or proven benefit, whichever is less, when such cases are warranted. The council may consider any other calculation method for assessments based on lot size or linear footage of the property in a project area. The council shall articulate its methodology in its feasibility study.

~~4) The city may want to consider adopting a 'Pay Once' policy wherein a resident could only be assessed for a given improvement once during the time they are a resident of Birchwood.~~

8

## + 6.0 POLICY REVIEW SCHEDULE

The City of Birchwood Village will review this special assessment policy annually and make adjustments to assessment methods and unit rates as deemed appropriate.

## 7.0 PAYMENT OF ASSESSMENTS

~~1) 1~~ Assessments for single family residential and multi-family (four units and less) will be made payable on a ~~815~~ year repayment schedule or as determined by the City Council on a per project basis following public input at the improvement or assessment hearings. Interest rates vary based on project financing, but are set no more than 2% above the City's rate on the sale of bonds or prime if the project is financed with general fund dollars.

~~2) 2~~ Assessments for commercial, institutional and multi-family (five-units or greater) property can be paid for up to ~~87~~ years as determined by the City Council on a per project basis through certification to property taxes as a special assessment. Interest rates vary, but are set no more than 2% above the City's rate on the sale of bonds or prime if the project is financed with general fund dollars.

~~3) 3~~ Property owners can pay the entire assessment within 30 days following the adoption of the assessment roll  
~~with no interest charged. Property owners may also make an interest free partial payment within 30 days,  
but the minimum partial payment is 25%. All unpaid balances will be certified to Ramsey County for  
payment with property taxes after October 1 of the year in which the assessment hearing was conducted.  
Interest will start accruing on all unpaid amounts 30 days after the assessment hearing.~~

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## **8.0 DEFERRED ASSESSMENTS**

MN Statutes § 435.193 to 435.195 authorize City Councils to allow certain deferrals. All deferrals are subject to the interest as stated in this policy and become due upon the death of the owner (if the spouse is not otherwise eligible for the deferral); the sale, transfer or subdivision of any part of the property; loss of homestead status on the property; or the council's determination that immediate or partial payment would impose no hardship.

The City Council may, at its discretion, defer the payment of an assessment of any homestead property owned by a person for who it would be a hardship to make the payment if the owner is one of the following:

- A person who is 65 or older - A person who is retired by virtue of a permanent and total disability - A member of the Minnesota National Guard(or other military reserves) ordered into active military service - A person unable to meet the payment obligations due to proven financial hardship

Determining a financial hardship shall be completed by the city council's review of the applicant's income statement. A financial hardship deferral is automatically met if the household adjusted gross income is at or below 125% of the most recent Federal Poverty Line.



# MEMORANDUM



**Birchwood Village**

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

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Hello Mayor and Council Members,

The Parks Committee has made the following recommendations for your consideration:

**City Cleanup Day**

The Parks Committee requests Council approval to hold a City-wide cleanup day, in conjunction with Earth Day, April 27<sup>th</sup>. Committee members are willing to run the operation but ask that the City supply gloves, garbage bags, waivers, and allow the filled bags be disposed of in the City garbage cans.

**Park Improvement Plan**

One of the first assignments the City Council gave the new Parks Committee was to work on a Parks Improvement Plan (PIP). The Parks Committee is close to completing this assignment and may even have it ready for dissemination at this meeting. If ready, please review and schedule for public hearing.

**Music in the Park**

The Parks Committee is in favor of continuing the popular Music-in-the-Park program this summer but recommends the Council create a new committee to run it or have staff do so.

**Request/Recommendation**

Parks Committee Members recommend and requests Council:

- 1) Authorize Parks Committee to hold and operate a City-wide cleanup day on April 27<sup>th</sup> and authorize the City to purchase related supplies;
- 2) Review and schedule a public hearing on the Parks Improvement Plan, if/when available; and
- 3) Create a new committee or authorize staff to run Music-in-the-Park this summer.

Thanks!

Regards,  
Tobin Lay  
City Administrator

Park Committee Meeting 2/27/19

Called to order 7:02pm

Member present: Houstoun Clinch, Ana Vang, Judy Walker

Approved 1/22/18 meeting minutes

Earth Day 4/22/19 - recommend Birchwood Cleanup Day 4/27/19 9-11am

City provide gloves, garbage bags, waiver - PC will staff/provide direction and hand out above materials. Drop off garbage bags in city cans around town

Brief discussion of a proposed horseshoe pit. Tabled to next month when we should have cost estimates.

Reviewed the Park Improvement Plan. Ana will clean up and email out to committee before 3/10/19

Music in the Park - recommend it have its own committee or be run by Birchwood Village staff

City Comp Plan - will review and submit notes to Ana who will compile and get to City before 3/11/19

Agenda for 3/26/19:

- City Update
- Horseshoe pit
- Rearrangement of picnic tables
- ADA tables
- Map of City

Adjourned at 7:44pm

**Tobin Lay**

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**From:** Pharis, Kelly (DNR) <kelly.pharis@state.mn.us>  
**Sent:** Monday, January 14, 2019 8:35 AM  
**To:** Tobin Lay; TARA FERNHOLZ  
**Cc:** Noland, Scott (DNR)  
**Subject:** RE: Wolf prints?

Hi Tobin,

Fox tracks are smaller than coyote tracks and also look a little different.

Sincerely,  
Kelly

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**From:** Tobin Lay [mailto:Tobin.Lay@cityofbirchwood.com]  
**Sent:** Friday, January 11, 2019 2:28 PM  
**To:** Pharis, Kelly (DNR) <kelly.pharis@state.mn.us>; TARA FERNHOLZ  
**Cc:** Noland, Scott (DNR) <scott.noland@state.mn.us>; MN\_Info (DNR) <info.dnr@state.mn.us>  
**Subject:** Re: Wolf prints?

Thank you for this info! We have a family of foxes in Birchwood. Could one of them have gotten big enough to make these prints?

Regards,  
Tobin

----- Original message -----

From: "Pharis, Kelly (DNR)" <[kelly.pharis@state.mn.us](mailto:kelly.pharis@state.mn.us)>  
Date: 1/11/19 2:12 PM (GMT-06:00)  
To: TARA FERNHOLZ, Tobin Lay <[Tobin.Lay@cityofbirchwood.com](mailto:Tobin.Lay@cityofbirchwood.com)>  
Cc: "Noland, Scott (DNR)" <[scott.noland@state.mn.us](mailto:scott.noland@state.mn.us)>, "MN\_Info (DNR)" <[info.dnr@state.mn.us](mailto:info.dnr@state.mn.us)> Subject: RE: Wolf prints?

Hi Tara and Tobin,

Thank you for contacting the DNR and forwarding along the photos. The tracks in the photos are canine. Cats have retractable claws so typically don't register in tracks. The toes and heel pads are also consistent with canine. Size is hard to determine in the photos. The photo with the hand for scale is covering the detail in the track, so it is tough to gauge. The largest track in the photos looks like it is a track on top of a track, which makes them appear larger. It looks like that is the track that may have the hand for scale. **The tracks were most likely left by a coyote or a large dog.** Though you are a bit out of the known **wolf** range, it is possible one could pass through. **In order to keep unwanted critters from frequenting your yard, clean up any food source you can, secure garbage cans, and feed pets indoors. Keep an eye on**

**your pets when outdoors or stay with them. Haze unwanted wildlife that doesn't run from people. If there is ever an immediate public safety issue you can contact the local police department.**

If you find more tracks or scat that you would like us to take a look at, feel free to send along. Placing an object in the photo for scale, as you did, next to the track is helpful for size. Here is a link to the DNR website on coyotes <https://www.dnr.state.mn.us/mammals/wolves/mgmt.html> and wolves [https://www.dnr.state.mn.us/livingwith\\_wildlife/coyotes/index.html](https://www.dnr.state.mn.us/livingwith_wildlife/coyotes/index.html)

Feel free to follow up with additional questions.

Have a good weekend.

Sincerely,  
Kelly

*Kelly Lynch Pharis*

Assistant Area Wildlife Manager | Division of Fish and Wildlife

**Minnesota Department of Natural Resources**

1200 Warner Road

St. Paul, MN 55106

Phone: 651-539-3308

Email: [kelly.pharis@state.mn.us](mailto:kelly.pharis@state.mn.us)

[mndnr.gov](http://mndnr.gov)



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**From:** TARA FERNHOLZ  
**Sent:** Tuesday, January 08, 2019 11:19 PM  
**To:** MN\_Info (DNR) <[info.dnr@state.mn.us](mailto:info.dnr@state.mn.us)>  
**Subject:** Wolf prints?

Hello,

We live in Birchwood Village (White Bear lake)

I recently spotted some large paw prints in our yard. They look too big to be coyote and seeing the claws in the print as well we are not sure if it's a large cat.

Do you have any idea's of what this animal is?

We have a dog and are worried if we should be worried. Or, if they are just a large dog in the neighborhood. The village we live in does not allow off leash dogs and we haven't seen any big enough to make the tracks.

Thanks,  
Tara and Aaron



Photos A-D: coyote or wolf prints

Photo E: fox





# MEMORANDUM



**Birchwood Village**

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

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Hello Mayor and Council Members,

We have received the following letters of interest for open commission/committee seats:

- Suburban Cable Commission (SCC): Randy LaFoy
- White Bear Lake Conservation District (WBLCD): Susie Mahoney
- Water/Utility Committee: None
- City Hall Improvement Committee: None

**Request/Recommendation**

Staff requests Council:

- 1) Review enclosed letters of interest and
- 2) Select and appoint a candidate for the SCC and WBLCD.

Thanks!

Regards,  
Tobin Lay  
City Administrator

**Tobin Lay**

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**From:** Randy LaFoy  
**Sent:** Friday, March 1, 2019 1:09 PM  
**To:** Tobin Lay  
**Subject:** SCC appointment

Tobin,

I am VERY interested in continuing as th SCC representative on the SCC Board.

Currently, I am the Chair of the Operations, and the Legal/Franchise Commitees.

I enjoy serving and have built a track record of attending meetings and promoting Birchwood at the Commission.

Randy LaFoy

**Tobin Lay**

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**From:** Susie Mahoney  
**Sent:** Friday, January 11, 2019 1:08 PM  
**To:** Tobin Lay  
**Subject:** Re: WBLCD Appt

**Follow Up Flag:** FollowUp  
**Flag Status:** Completed

Tobin, I will continue to serve for the time being.  
Susie

On Tue, Jan 8, 2019 at 10:33 PM Tobin Lay <[Tobin.Lay@cityofbirchwood.com](mailto:Tobin.Lay@cityofbirchwood.com)> wrote:

Hello Susie,

I just noticed that your term on the WBLCD expired last Aug. Are you interested/willing to serve another 3 year term if Council approves such?

Tobin Lay

City Administrator-Clerk

City of Birchwood Village, MN

office: (651) 426-3403

fax: (651) 426-7747

email: [tobin.lay@cityofbirchwood.com](mailto:tobin.lay@cityofbirchwood.com)

website: <http://www.cityofbirchwood.com/>





# MINNESOTA Boating Guide 2019



Life jackets save lives. Wear it!

## **Mooring Buoys – Buoys**

designed for mooring boats are all-white with a blue stripe midway between the top and the waterline. A minimum of 16 square inches of white reflector, part of which must be visible from any direction, is required on all mooring buoys. (Obtain a permit from the county sheriff before placing a mooring buoy in the water.)



### **Here are some tips on waterway markers:**

- Waterway markers, especially buoys can move off station due to wind, waves, current, ice or other reasons.
- Buoys and other waterway markers may not be present outside of the normal boating season. Check locally before heading out.
- Red and green channel markers may be numbered: green (odd) and red (even).
- **Size specifications for buoys:**
  - For all buoys except mooring buoys, the minimum height above water is 36 inches and the minimum diameter is 9 inches.
  - For mooring buoys the maximum size is 24 inches in diameter, if spherical, or a maximum of 24 inches wide if some other shape. Mooring buoys must extend at least 8 inches above the water.

## **ON THE WATER LAWS AND RULES**

### **It's against the law:**

- To operate a watercraft in a careless or reckless manner.
- To operate a watercraft so its wash or wake endangers, harasses, or interferes with any person or property.

For current information, see the DNR publication “Docks and Access in Public Waters” by checking the DNR website: [mndnr.gov/publications/waters](http://mndnr.gov/publications/waters) or contacting the DNR Information Center at 651-296-6157 or 888-646-6367. (There may be local ordinances on docks.)

Structures such as swimming rafts, boat lifts, buoys, slalom courses, ski jumps, etc., which do not extend from shore, cannot be in the water between sunset and sunrise unless allowed under permit issued by county sheriff.

All structures placed under a permit must have the permit number painted on them. In addition, the structure or buoy must either have a light visible in all directions or be reflectorized to reflect light from all directions.

Persons placing structures on joint federal-state waters may need a permit from the U.S. Army Corps of Engineers.

## SPECIAL EVENTS

Persons holding regattas, races, tournaments, or other competition or exhibition events on the water must first obtain a permit for the event from the county sheriff.

Those holding events on commercially-navigable, joint-jurisdictional waters (primarily Lake Superior, the Mississippi River downstream from St. Anthony Falls, the Minnesota River east of Shakopee, and the St. Croix River from Stillwater downstream) must obtain a marine event permit from the U.S. Coast Guard.





# 2019 Safety & Loss Control Workshops



**LOCATIONS & DATES:**

March 27—Mahnomen  
March 28—Alexandria  
April 3—Redwood Falls

April 4—Mankato  
April 9—Rochester  
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Questions: Call Chris White at (651) 215-4069 / (800) 925-1122 or email [cwhite@lmc.org](mailto:cwhite@lmc.org)

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MORNING AGENDA

ADMINISTRATIVE TRACK



8:30 – 9:30

**We've Got Your Back**

It takes a lot to run a city! Learn ways the League is here for you at the State Capitol, when you've got a tricky problem, when disaster strikes, or when you need to know more.

EO HR SC

9:45 – 10:45

**ADA Accessibility on the Web: What Your City Needs to Know**

The Americans with Disabilities Act (ADA) requires electronic information be available to the public in accessible formats. Cities' digital content often lacks the functions or design needed to be navigated by people with disabilities. Learn best practices for making access equitable.

EO SC

10:45 – 11:30

**Why Should I Care About Computer Security?**

Hear stories from other local units of government about their experiences during security incidents and data breaches. Understand the impact of an incident and learn from colleagues what they might have done differently.

EO SC

11:30 – 12:15

45-Minute Lunch Included

POLICE TRACK



**Police Property Room Management: The Good, The Bad, and the Ugly**

Property and evidence room management can be complicated, time-consuming, and challenging for police departments. Learn about police liability problems, best practices, and recommended training for property room management, while hearing about real-life examples. Receive additional resources, including a self-inspection checklist.

SC

**"Same Same but Different"—Emerging Trends for Police**

From technology to liability, discover what changing police trends lie ahead, what remains the same, and what tools you will need to manage them.

HR

**Three Critical Insurance Issues for Police Departments**

**Joint Powers:** Find out which agreements require additional liability coverage, and learn about new language in mutual aid agreements related to police liability claims.

**PTSD:** Review the new post-traumatic stress disorder (PTSD) presumption for public safety workers, and understand how LMCIT's coverage applies to PTSD claims.

**Filing Workers' Compensation Claims:** Explore the who, what, when, and why of work comp claims filing, including PTSD claims.

HR

45-Minute Lunch Included

PUBLIC WORKS / PARKS & REC



**All About Playgrounds**

Discuss some of the hot topics related to providing a safe and fun place to play, including playground inspections, playground equipment to avoid, nature-based play, and an update on playground requirements in the Americans with Disabilities Act.

SC

**Silica: Don't Be Left in the Dust**

Do you repair roads? Fix sidewalks? If so, OSHA's new silica standard applies to you. Hear from Janet Keyes, an industrial hygienist who has been working with governmental agencies since 1985. Receive an introduction to the standard, find out when you need to be concerned about employee exposure to silica, and learn the basics of how to comply.

SC

**Facilities Manager Guide: The Benefits of Infrared Testing**

Electrical hotspots, mechanical breakdowns, roof leaks, and mold intrusion—facility managers face these problems and more! Learn how infrared thermography can be a valuable tool to help manage your facilities. Plus, get a copy of a facilities manager guide that includes various inspection and maintenance checklists.

EO SC

45-Minute Lunch Included

AFTERNOON AGENDA

ADMINISTRATIVE TRACK



12:15 – 1:15

**Small Cell, Big Issues**

Small cell technology is here to stay. Understand your city's authority over small cell wireless facilities and managing rights of way. Learn best practices for cities to follow as they plan for small cell deployment. Get sample language for telecommunications contracts and permits.

EO SC

1:15 – 1:45

**Short Shots: Painless Updates in City Regulation**

Briefly review best practices in city regulation for a variety of trending issues, including:

- Dockless bikes and scooters
- Transportation network companies (such as Uber)
- Drones
- Sex offender residential restrictions
- Bidding purchases and projects
- Collecting development fees

EO SC

2:00 – 2:30

**Short Shots: Painless Updates in City Regulation *continued***

Are you regulating telecom companies' use of the public right of way? What's the difference between a service animal and an emotional support animal? You'll learn about recent law changes in both areas, and find out how to manage challenges facing cities.

EO SC

2:30 – 3:30

**Dais of Our Lives, Common Meeting Trip-Ups**

Mismanaged meetings can lead to conflict. Learn about common meeting practices, and get tips and resources for running effective meetings, dealing with challenging personalities, and navigating common issues with the Open Meeting Law.

EO SC

**CALLING ALL AGENTS!** Join police for "Three Critical Insurance Issues for Police Departments" at 10:45 a.m.

POLICE HR BOOT CAMP



**Keep Zombies and Vampires from Sucking the Life Out of Your Workplace**

There is a very real threat impacting our workforces: the "working zombies" (physically present, but mentally absent) and "vampires" (employees sucking the life out of your operation). These "monsters" can infect others in working teams, rapidly creating an epidemic of dissatisfaction that can lead to a dysfunctional work environment. Supervisors need to be vigilant, and assessment is key in determining appropriate protocols to keep this insidious invasion out of your department.

This afternoon session will help you learn how to assess your zombie and vampire infection risk, as well as develop strategies to keep your police departments functioning as high-performance teams.

Areas that will be covered include best practices for getting the right people on your teams (including a social media background check toolkit), best practices in performance management, and knowing the legal landscape for your staff to thrive, including legal rights for pregnant officers, Tennessees and Garrity warnings, and much more.



HR

INSURANCE AGENTS TRACK



**Property Appraisal Program**

Get all your appraisal questions answered! Learn about the LMCIT property appraisal process and the importance of this service.

SC

**LMCIT Updates**

Don't miss these important LMCIT updates! Learn about recent coverage and rate changes, as well as other updates in our property/casualty and workers' compensation programs.

EO

**Agent/City Connection**

LMCIT is here to make your insurance needs easy and painless. Hear about the importance of good communication between the agent, your city, and your LMCIT underwriter.

EO

**Workers' Comp Payroll Classifications and Premium Audit**

Review common questions. Also, learn about the documentation you need to have available and much more regarding the workers' compensation audit process.

EO Also suggested for elected officials

HR Also suggested for human resources staff

SC Also suggested for small cities staff

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- Hear the latest news that impacts the work you do for your city
- Get tips and tricks for managing risk and common safety challenges
- Learn about new regulations and laws that affect you
- Network with peers from neighboring cities

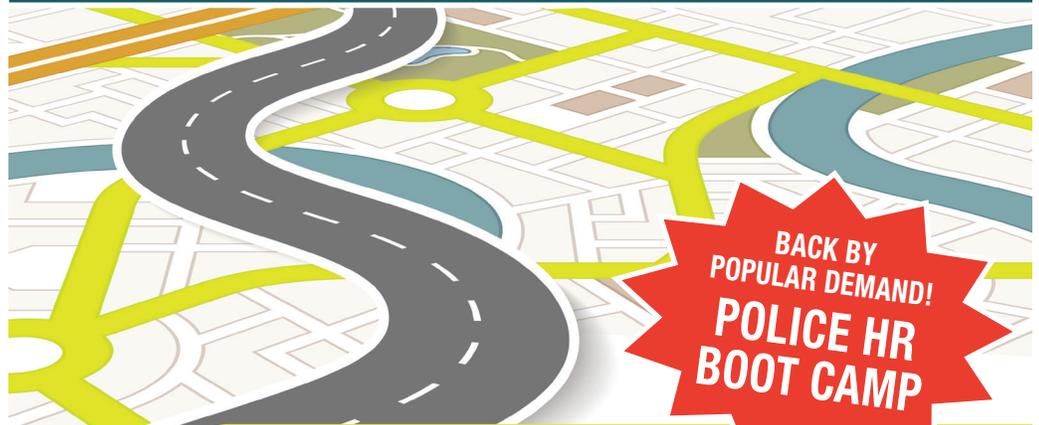
**WHO SHOULD ATTEND?**

- Administrators/clerks
- Agents working with cities
- Elected officials
- Human resources professionals
- Parks & rec professionals
- Peace officers
- Public works professionals
- Staff from small cities
- Technology professionals

**CONTINUING EDUCATION CREDITS/  
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**805 PUBLIC IMPROVEMENTS FINANCING AND ASSESSMENT ORDINANCE**

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

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

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

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

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

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

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

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

805.050. CALCULATION OF ASSESSMENT ON THE BASIS OF FRONT FOOTAGE. An assessment for abutting property shall be determined by dividing the total cost for each project by the assessable front feet. The cost per front foot is then multiplied by the

number of lineal feet of each lot to determine the assessment. The assessment shall not exceed the benefit conferred to the property.

805.060. SPECIAL RULES.

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

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

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

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

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

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

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

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

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

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

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

**(FORMERLY TITLED SECTION 612) “AMENDED BY ORDINANCE 2004-3 AND 2004-4; MARCH 9, 2004.”**

**(CHANGING NUMBER TO 805) “AMENDED BY ORDINANCE 2012-09, May 8, 2012”**

**AMENDED BY ORDINANCE 2017-12-01, January 9, 2018.**