



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
March 13, 2018
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. PUBLIC SAFETY WARNING: Teach children to not talk with or accept rides from strangers.
- B. Street snow removal feedback should be sent to info@cityofbirchwood.com.
- C. Warming house is closed for the season. Thanks to all the volunteers that made it a successful season!
- D. We are social, follow us on Facebook/Twitter and/or register for the email listserv.

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (p. 3)

CITY BUSINESS – CONSENT AGENDA

- A. Approval of Regular Meeting Minutes from February 13, 2018* (pp. 4-9)
- B. Approval of Treasurer's Report* (pp. 10-22)
- C. Approve BoldPlanning Cities Cooperative Agreement* (pp. 23-29)

CITY BUSINESS – REGULAR AGENDA

- A. NYFS Report – CEO Jerry Hromatka* (pp. 30-32)
- B. Parks Update* (pp. 33-36)
 - a. Survey results
 - b. Birch Rain Garden

Time Budget: 30 Minutes
- C. Second Reading Ordinance 2018-02-01 Replacing Public Lake Tracts* (pp. 37-56)
 - a. Public Hearing

- b. Council Deliberation and Approval
- c. Approve Resolution 2018-10 Summary Publication
Time Budget: 30 Minutes
- D. First Reading Ordinance 2018-02-02 Amending Fees* (pp. 57-60)
 - a. Public Hearing
 - b. Council Deliberation and Approval
 - c. Approve Amended Fee Schedule
Time Budget: 10 Minutes
- E. Second Reading Ordinance 2018-01-02 Section 301 Amendments* (pp. 61-68)
 - a. Public Hearing
 - b. Council Deliberation and Approval
Time Budget: 10 Minutes
- F. City Office Computer Upgrade* (pp. 69-70)
Time Budget: 5 Minutes
- G. Liaison Guidelines Feedback* (pp. 71-72)
 - a. Council Deliberation and Approval
Time Budget: 10 Minutes
- H. Resolution 2018-09 – WBLCD Fund Balance Level Policy* (pp. 73-77)
 - a. Council Deliberation and Approval
Time Budget: 5 Minutes
- I. Request to have Roads Committee Review Snowplow Process
Time Budget: 5 Minutes
- J. Council Member Reports:
 - a. Mayor Wingfield
 - i. Update: Dock Ladder Donation
 - ii. Barn Quilts* (p. 78)
 - iii. Mahtomedi Garden Grant Request* (pp. 79-85)
Time Budget: 10 Minutes
- K. City Administrator's Report
 - a. Liquidating Old Camera Equipment
 - b. Office Window Blinds
 - c. Comp Plan Update & SWOT Analysis* (pp. 86-87)
Time Budget: 30 Minutes

ADJOURN

MEMORANDUM

DATE: March 13, 2018

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



Birchwood Village

Dear Mayor and Council Members,

Citations for: Birchwood

2/1/2018 To 2/28/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	2/8/2018	820022803901	1202	J. Stringer	Citation		0 HALL AVE		JAY ST		Birchwood	CRIM-Possess or Sell Small Amount of Marijuana (42.5 grams or less)	152.027.4(a)

Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
FEBRUARY 13, 2018**

MINUTES

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

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

Others Present: Brian McGinnis, Alan Mitchell, Charles Kaufman and Chris Churchill.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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

APPROVE AGENDA

Mayor Wingfield: Added an agenda item to change the date for August's Regular City Council Meeting. She also added a "State of the City" address under Announcements.

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

OPEN PUBLIC FORUM

- A. Charles Kaufman (543 Wildwood Avenue):** Handed out packets containing a collection of old parks surveys and parks-related documents. He urged Council Members to review this material before making decisions regarding the Tighe-Schmitz park

ANNOUNCEMENTS

- A.** Street snow removal feedback should be sent to info@cityofbirchwood.com.
- B.** Spring newsletter deadline is the end of February.
- C.** We Are Social: follow us on Facebook and Twitter and register for the email listserv.
- D.** State of the City Address

Mayor Wingfield: Presented the State of the City address.

ADMINISTRATIVE PRESENTATION

CITY BUSINESS – CONSENT AGENDA

- A.** Approve Regular Meeting Minutes from January 9th, 2018
- B.** Approve Treasurer's Report
- C.** Reappoint Committee/Commission Members
- D.** Approve Resolution 2018-07, Summary Publication of Ordinance 2017-12-01:805, Finance/Assessment Ordinance

- E. Approve Manhole Repair Investigation
- F. Appoint WBLCD Representative – Barton Winter

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

CITY BUSINESS – REGULAR AGENDA

A. City Project No. 2017-01, Sanitary Sewer Rehabilitation Improvement

a. Assessment Public Hearing

Brian McGinnis (194 Wildwood Avenue): Disagreed with a recent property report but stated the assessment fee of \$628 is reasonable. Asserted future sanitary sewer rehabilitation be considered maintenance paid through city utility billings.

Councilmember Woolstencroft: Stated the prior council set the structure of this project including the special assessment and that future projects will likely occur on a citywide scale.

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

b. Council Deliberation and Approval of Resolution 2018-08, Adopting Assessment

Administrator Lay: Stated there is an amendment to the resolution. An amended resolution was distributed to the Council and available to the audience.

City Engineer Thatcher and Council Members: Discussed Manhole Repair Investigation while Attorney Kantrud reviewed the amended language for Resolution 2018-08.

City Engineer Thatcher: Stated he will push for opening and repair of the manhole to be free of charge if found.

Attorney Kantrud: Accepted the amendment language while noting that any payments received after November 15th will be charged for a full year of interest.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2018-08. ALL AYES. MOTION PASSED.

B. Second Reading of Ordinance 2018-01-01, Exterior Completion

a. Public Hearing

Alan Mitchell (23 Oakridge Drive): Observed the language used was similar to the City of Maplewood. Invites Council to consider adopting language similar to the City of White Bear Lake.

Brian McGinnis (194 Wildwood Ave): Favored this ordinance and commended the council. Recommends the city communicate requirements to applicants well to assure better compliance.

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

b. Council Deliberation and Approval

Attorney Kantrud: Discussed differences between the proposed language and that from the City of White Bear Lake

Mayor Wingfield: Stated the City Building Inspector has approved the language.

Mayor, Council Members and Attorney Kantrud: Discussed ordinance in detail. Councilmember LaFoy thanked Attorney Kantrud for his time and input.

Mayor Wingfield: Suggested the language be used with modifications to occur as necessary.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE ORDINANCE 2018-01-01. ALL AYES. MOTION PASSED.

C. Third Reading of Ordinance 2017-10-02, Public Right-of-Way

a. Council Deliberation and Approval

Mayor, Council Members, Administrator Lay and Attorney Kantrud: Discussed ordinance background, draft language, recent changes, recommendations, and drafting process. The version approved by the council in January contained changes of which the Council was not aware. The Council decided to proceed with the most recent version and made a few minor changes for final approval

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE ORDINANCE 2017-10-02 AS AMENDED. ALL AYES. MOTION PASSED.

b. Approve Resolution 2017-33, Summary Publication

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE RESOLUTION 2017-33, SUMMARY PUBLICATION. ALL AYES. MOTION PASSED.

D. First Reading of Ordinance 2018-02-01, Amending Public Lake Tracts

a. Dock Committee Update

Mayor Wingfield and Chris Churchill (Dock Committee): Summarized and explained the proposed ordinance language.

b. Council Deliberation and Approval

Mayor, Council Members, Attorney Kantrud and Chris Churchill (Dock Committee): Discussed the topics presented. Councilmember LaFoy noted the allotted time.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO EXTEND DELIBERATION REGARDING ORDINANCE 2018-02-01. COUNCILMEMBER LAFOY VOTES NAY. MAYOR WINGFIELD AND COUNCILMEMBER MALVEY VOTE AYE. MOTION PASSED.

Mayor, Council Members and Chris Churchill (Dock Committee): Council Members agreed to send their proposed code changes to the committee for final review. Mayor Wingfield thanked Mr. Churchill and Houstoun Clinch for their work on this Committee.

Administrator Lay and Attorney Kantrud: Corresponding changes will need to be made in code 701 Fees and the City Fee Schedule. Clarification was sought and received that the proposed ordinance would be treated as a complete repeal and replacement of existing code 617.

c. Order Public Hearing for March 13, 2018

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE FIRST READING OF ORDINANCE 2018-02-01 AS AMENDED AND ORDER THE PUBLIC HEARING FOR MARCH 13, 2018. ALL AYES. MOTION PASSED.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO SET A FIRST READING AND PUBLIC HEARING OF AMENDMENTS TO SECTION 701, FEES, FOR MARCH 13, 2018. ALL AYES. MOTION PASSED.

E. Birchwood Dock Association's (BDA) Annual Dock Permit Application

a. Discuss and Approve the BDA's Annual Dock Permit Application Package

Mayor, Council Members, Attorney Kantrud and Chris Churchill (Dock Committee): Discussed status of application, placement of docks in relation to Birch Beach, general management and status of the docks, the BDA, lift numbers and safety concerns.

b. Authorize the BDA to obtain Dock Permits with the WBLCD

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE THE BIRCHWOOD DOCK ASSOCIATION'S ANNUAL DOCK PERMIT APPLICATION.

Mayor Wingfield and Councilmember LaFoy: Mayor offered a friendly amendment to Councilmember LaFoy's motion. LaFoy rejected the offer.

Mayor, Council Members, Attorney Kantrud and Chris Churchill (Dock Committee): Discussed voting process and management of application in relation to proposed conditional amendments to a motion.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE AMENDMENT TO COUNCILMEMBER LAFOY'S MOTION; THE AMENDMENT TO BE A CONDITIONAL APPROVAL OF THE BIRCHWOOD DOCK ASSOCIATION'S ANNUAL DOCK PERMIT APPLICATION AND SUBJECT TO THE PENDING CHANGES OF CHAPTER 617 WHEN APPROVED. COUNCILMEMBERS LAFOY AND MALVEY VOTE NAY. WINGFIELD, WHITE AND WOOLSTENCROFT VOTE AYE. MOTION PASSED.

COUNCILMEMBER LAFOY'S NOW AMENDED MOTION WAS BROUGHT TO A VOTE. ALL AYES. MOTION PASSED.

F. First Reading of Ordinance 2018-01-02, Section 301 Amendments

a. Council Deliberation and Approval

b. Order Public Hearing for March 13th, 2018

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE FIRST READING OF ORDINANCE 2018-01-02, SECTION 301 AMENDMENTS AND SET A PUBLIC HEARING FOR MARCH 13, 2018. ALL AYES. MOTION PASSED.

Mayor and Council Members: Assigned Administrator Lay with seeking DNR's review and feedback on Ordinance 2018-01-02.

G. Planning Commission Bylaws

a. Council Deliberation and Approval

Mayor Wingfield, Councilmember Malvey, Administrator Lay and Attorney Kantrud: Discussed the proposed bylaws. Council Members decided the bylaws to be unnecessary as proposed because the rules were too limited and focused on subjects already required by state law. The Planning Commission was asked to provide more substantial bylaws for consideration.

H. Liaison Guidelines Feedback

a. Council Discussion

Mayor Wingfield: Suggested the matter be tabled until March 13, 2018. No objections.

I. Cell Tower/Signal Dead Zones

a. Council Discussion

Mayor Wingfield: Stated no cell service provider is willing to help. No action to take at this time.

J. Council Member Reports

None.

K. City Administrator's Report

a. Lift Station Generator Maintenance

Administrator Lay: Updated Council on finding bidders to maintenance the generator. Bids to be presented to the Council in March or April.

b. Comcast Franchise Extension

Administrator Lay: Requested Council approve the Extension Agreement in the packet to allow more time for the Cable Commission to negotiate the renewal of the Franchise Agreement with Comcast.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE THE EXTENSION AGREEMENT. ALL AYES. MOTION PASSED.

K. August's Regular City Council Meeting

Mayor, Council Members and Administrator Lay: Discussed reason for rescheduling and posed other possible meeting dates.

Mayor and Council Members: Agreed to schedule the meeting for Wednesday August 15th, 2018. This date will again be confirmed in June's Regular City Council Meeting Agenda.

ADJOURN

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

ATTEST:

**Mary Wingfield
Mayor**

**Tobin Lay
City Administrator - Clerk**

For the Period : 2/13/2018 To 3/13/2018

Cash Control Statement

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$625,542.58	\$2,150.08	\$31,652.71	\$596,039.95
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$4,460.00	\$0.00	\$0.00	\$4,460.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$3,664.59	\$100.00	\$220.00	\$3,544.59
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab 2008 Debt	\$13,220.20	\$0.00	\$0.00	\$13,220.20
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$42,161.43	\$0.00	\$4,693.05	\$37,468.38
Sewer	\$72,934.73	\$6,911.30	\$7,161.04	\$72,684.99
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$820,972.18	\$9,161.38	\$43,726.80	\$786,406.76

City of Birchwood Village

Receipts Register

3/13/2018

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
02/15/2018	Hough, Megan & Douglas	171734263*	Animal License	(02/15/2018) -	N Animal Licenses	100-32240-	\$ 10.00
02/15/2018	Parker, Lydia	171734264*	Sewer Lining Assessment - 2017	(02/15/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
02/15/2018	Ramsey/Washington Cable Commission	171734265*	Redistribution Payment	(02/15/2018) -	N Cable Comm. Grant	100-33625-	\$ 1,305.51
02/15/2018	McCarthy, Justin & Jessa	171734266*	Animal License x2	(02/15/2018) -	N Animal Licenses	100-32240-	\$ 20.00
02/15/2018	Potter, Cassandra	171734267*	Animal License x2	(02/15/2018) -	N Animal Licenses	100-32240-	\$ 20.00
02/15/2018	Hoffman, Thomas & Amy	171734268*	Animal License	(02/15/2018) -	N Animal Licenses	100-32240-	\$ 10.00
02/15/2018	Rollinger, Christopher & Mary	171734269*	Animal License	(02/15/2018) -	N Animal Licenses	100-32240-	\$ 10.00
02/18/2018	Simmons, Mary	171734270*	Animal License	(02/18/2018) -	N Animal Licenses	100-32240-	\$ 10.00
02/18/2018	Woolstencroft, William & Mary	171734271*	Sewer Lining Assessment 2017	(02/18/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
02/22/2018	Stockwell, Jim	171734272*	Sewer Lining Assessment 2017	(02/22/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
02/22/2018	Manke, Kathleen	171734273*	City Hall Rental	(02/22/2018) -	N City/Town Hall Rent	100-34101-	\$ 25.00

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
02/22/2018	Kolcinski, Bruce	171734274*	Animal License	(02/22/2018) -	N Animal Licenses	100-32240-	\$ 25.00
03/08/2018	Anderson, Gregory & Maureen	171734275*	Sewer Assessment 2017-01	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
03/08/2018	Mitchell, Alan	171734276*	Sewer Lining Assessment 2017	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
03/08/2018	Malles, R. or K.	171734277*	Canoe/Kayak Permit 2018	(03/08/2018) -	N Kayak/Canoe Permits	100-32212-	\$ 10.00
03/08/2018	Cornerstone Construction & Migt Inc	171734278*	Building Permit 2018-7	(03/08/2018) -	N Building Permits	100-32211-	\$ 331.25
03/08/2018	MN Management & Budget	171734279*	Court Fines	(03/08/2018) -	N Fines	100-35105-	\$ 53.32
03/08/2018	Greseth, Mark & Jill	171734280*	Boat Lift Storage	(03/08/2018) -	N Dock/Lift Permit Fee	210-32260-	\$ 53.32
03/08/2018	Brunstad, Anthony & Peyton	171734281*	City Hall Rental	(03/08/2018) -	N City/Town Hall Rent	100-34101-	\$ 25.00
03/08/2018	Sheldon, Patricia & Bruce	171734282*	Sewer Lining Assessment - 2017	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 25.00
03/08/2018	Dabruzzi, Anthony	171734283*	Animal License	(03/08/2018) -	N Animal Licenses	100-32240-	\$ 628.30
03/08/2018	Simanski, Mark & Julie	171734284*	Sewer Lining Assessment - 2017	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
03/08/2018	Cummins, Robert & Mary	171734285*	Sewer Lining Assessment - 2017	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
03/08/2018	David Prunty & Dennis Hayden	171734286*	Sewer Lining Assessment - 2017	(03/08/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
03/12/2018	Sorenson, Christopher & Mary	171734287*	Variance Request	(03/12/2018) -	N Zoning App Fee	100-32280-	\$ 300.00
03/12/2018	Nietz, Arleen & David	171734288*	Sewer Lining Assessment - 2017	(03/12/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
03/12/2018	Sikorski, William	171734289*	Sewer Assessment - 2017	(03/12/2018) -	N SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
Total for Selected Receipts							\$ 9,161.38

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/15/2018	Payroll Period Ending 02/16/2018	29970	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,968.57
	Total For Check	29970					\$ 1,968.57
02/21/2018	Payroll Period Ending 02/16/2018	29971	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 110.00
	Total For Check	29971					\$ 110.00
02/21/2018	Payroll Period Ending 02/16/2018	29972	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 292.35
	Total For Check	29972					\$ 292.35
02/21/2018	Payroll Period Ending 02/16/2018	29973	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 124.67
	Total For Check	29973					\$ 124.67
02/21/2018	Payroll Period Ending 02/16/2018	29974	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 172.70
	Total For Check	29974					\$ 172.70
02/21/2018	Payroll Period Ending 02/16/2018	29975	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 120.00
	Total For Check	29975					\$ 120.00
02/21/2018	Payroll Period Ending 02/16/2018	29976	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 28.00
	Total For Check	29976					\$ 28.00
02/21/2018	Payroll Period Ending 02/16/2018	29977	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 102.00
	Total For Check	29977					\$ 102.00
02/21/2018	Payroll Period Ending 02/16/2018	29978	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 90.00
	Total For Check	29978					\$ 90.00
02/21/2018	Payroll Period Ending 02/16/2018	29979	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 130.00
	Total For Check	29979					\$ 130.00
02/21/2018	PERA	EFT022118A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 1,388.00
	Total For Check	EFT022118A					\$ 1,388.00
02/22/2018	Quality Flow Systems, Inc.	29980*	Lift Station Inspection/Repair	N	Sewer Utility	605-43190-380-	\$ 52.98
	Total For Check	29980					\$ 52.98
02/22/2018	Office Depot	29981*	Envelopes, Clasps & Tax Forms	N	Office Operations Supplies	100-41911-200-	\$ 16.14
	Total For Check	29981					\$ 16.14
		29981*					\$ 69.12
	Total For Check	29981					\$ 69.12

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
02/22/2018	Steve Dean Tree Trimming	29982*	Storage - water main break materials	N	Wtr/Swr Emergency	601-43185-220-	\$ 400.00
Total For Check 29982							\$ 400.00
02/22/2018	City of White Bear Lake	29983*	Fire Services - Feb 2018	N	Fire	100-42201-314-	\$ 1,694.75
Total For Check 29983							\$ 1,694.75
02/22/2018	Toshiba Business Solutions, USA Inc	29984*	Maintenance	N	Office Operations Supplies	100-41911-314-	\$ 42.98
Total For Check 29984							\$ 42.98
02/22/2018	Birch	29985*	For Service 12/15/17 & 01/10/18	N	Ice and Snow Removal	100-43125-314-	\$ 810.00
Total For Check 29985							\$ 2,396.25
Total For Check 29985							\$ 3,206.25
02/22/2018	Xcel Energy	EFT022218A*	Electric Utility - Street Lights - 01/03 to 02/02/18	N	Street Lighting	100-43160-380-	\$ 1,247.83
Total For Check EFT022218A							\$ 1,247.83
03/02/2018	Payroll Period Ending 03/02/2018	29986	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
Total For Check 29986							\$ 1,817.66
03/02/2018	Payroll Period Ending 03/02/2018	29987	Administrator - Insurance	N	Clerk - Treasurer	100-41401-100-	\$ 420.12
Total For Check 29987							\$ 420.12
03/06/2018	Payroll Period Ending 03/02/2018	29988	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 60.00
Total For Check 29988							\$ 60.00
03/06/2018	Payroll Period Ending 03/02/2018	29989	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 45.00
Total For Check 29989							\$ 45.00
03/06/2018	Payroll Period Ending 03/02/2018	29990	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 132.00
Total For Check 29990							\$ 132.00
03/06/2018	Payroll Period Ending 03/02/2018	29991	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 24.00
Total For Check 29991							\$ 24.00
03/06/2018	Payroll Period Ending 03/02/2018	29992	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 95.00
Total For Check 29992							\$ 95.00
03/06/2018	Payroll Period Ending 03/02/2018	29993	Ice Rink Attendant	N	Parks	100-45207-100-	\$ 111.75
Total For Check 29993							\$ 111.75

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/06/2018	Payroll Period Ending 03/02/2018	29994	Ice Risk Attendant	N	Parks	100-45207-100-	\$ 27.70
	Total For Check	29994					\$ 27.70
03/06/2018	Payroll Period Ending 03/02/2018	29995	Ice Risk Attendant	N	Parks	100-45207-100-	\$ 1,073.19
	Total For Check	29995					\$ 1,073.19
03/06/2018	Payroll Period Ending 03/02/2018	29996	Ice Risk Attendant	N	Parks	100-45207-100-	\$ 99.00
	Total For Check	29996					\$ 99.00
03/06/2018	PERA	EFT03062018	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT03062018					\$ 350.00
03/08/2018	Payroll Period Ending 02/28/2018	29997	Treasurer/Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 618.12
	Total For Check	29997					\$ 618.12
03/08/2018	MN Dept of Health	29998	Community Water Supply Service Connection Fee - 01/01/2018 - 03/31/2018	N	Water Utility	601-43180-437-	\$ 562.00
	Total For Check	29998					\$ 562.00
03/08/2018	SL - serco	29999*	Hours - Meter Repair (2017)	N	Water Utility	601-43180-314-	\$ 1,185.00
	Total For Check	29999					\$ 1,185.00
03/08/2018	St. Anthony Village	30000*	Q1 2018 UB Admin	N	Financial Administration	601-41501-314-	\$ 1,876.05
	Total For Check	30000					\$ 1,876.05
03/08/2018	Tennis Sanitation, LLC	30001*	Recycling Contract: Jan - Feb 2018	N	Recycle	100-43300-314-	\$ 1,656.00
	Total For Check	30001					\$ 1,656.00
03/08/2018	Allstream	30002*	Analog Phone Line 02/23/18 to 03/22/18.	N	General Government Buildings and Plant	100-41940-320-	\$ 45.91
	Total For Check	30002					\$ 45.91
03/08/2018	White Bear Lift & Dock, Inc.	30003*	Step Ladders - x4	N	Parks	210-45207-999-	\$ 220.00
	Total For Check	30003					\$ 220.00
03/08/2018	Metropolitan Council Env. Service	30004*	Wastewater Service - Apr 2018.	N	Sewer Utility	605-43190-217-	\$ 4,411.24
	Total For Check	30004					\$ 4,411.24
03/08/2018	AirFresh Industries, Inc.	30005*	Rental Monthly Unit (1) - Mar 2018	N	Parks	100-45207-314-	\$ 81.25

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check					81.25
03/08/2018	White Bear Township	30005	PW Maintenance OT Labor + Equip Truck - 01/03/2018.	N	Sewer Utility	605-43190-314-	227.50
		Total For Check					227.50
03/08/2018	Washington County	30006*	Snowplow Materials & Ice Control - 01/22/2018	N	Ice and Snow Removal	100-43125-210-	232.97
		Total For Check					232.97
03/08/2018	Leeves, Robert	30007*	Council Meeting Recording - 02/13/2018.	N	Cable Eqpmt and Service	100-41950-314-	80.00
		Total For Check					80.00
03/08/2018	City of White Bear Lake	30008*	Fire Services - Mar 2018.	N	Fire	100-42201-314-	1,694.75
		Total For Check					1,694.75
03/08/2018	TSE, INC	30009*	Janitorial Services - Feb 2018.	N	General Government Buildings and Plant	100-41940-314-	25.00
		Total For Check					25.00
03/08/2018	Rydeen, Jim	30010*	Reimbursement - Gas, Parks & Ice Risk Supplies	N	Parks	100-41940-314-	50.00
		Total For Check					50.00
03/08/2018	Wingfield, Mary	30011*	Reimbursement for Supplies - Stamps - 02/06/2018.	N	Postage/Postal Permits	100-45207-220-	59.62
		Total For Check					85.36
03/08/2018	Birch	30012	For Service Dates: 02/02, 02/03,02/07,01/21,01/22,01/24,01/27,01/31 & 02/16/2018.	N	Ice and Snow Removal	605-41430-200-	258.00
		Total For Check					258.00
03/08/2018	City of Roseville	30013*	Phone & IT Services - Jan & Feb 2018	N	General Government Buildings and Plant	100-43125-314-	2,962.50
		Total For Check					4,982.50
		Total For Check					1,757.50
		Total For Check					262.50
		Total For Check					4,982.50
03/08/2018	City of Roseville	30014*		N		100-41940-320-	62.12
		Total For Check					366.00
		Total For Check					62.12
		Total For Check					366.00

Fund Name: All Funds

Date Range: 02/13/2018 To 03/13/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
03/08/2018	Press Publications	30014	Legal Notice Publications - Feb 2018	N	Ordinances and Proceedings	100-41130-351-	\$ 156.80
		30015*				100-41130-351-	\$ 70.56
		30015*				100-41130-351-	\$ 109.76
		30015*				100-41130-351-	\$ 47.04
		30015*				100-41130-351-	\$ 47.04
		30015*				100-41130-351-	\$ 47.04
		30015*				100-41130-351-	\$ 94.08
		30015					\$ 572.32
03/08/2018	Xcel Energy	EFT030818A*	Gas for generator: 01/18/2018 - 02/19/2018.	N	Sewer Utility	605-43190-383-	\$ 28.02
		EFT030818A					\$ 28.02
03/08/2018	Xcel Energy	EFT030818B*	Electric Utility Charges: 01/18/2018 - 02/19/2018.	N	General Government Buildings and Plant	100-41940-380-	\$ 284.32
		EFT030818B*			Parks	100-45207-380-	\$ 114.74
		EFT030818B*			Sewer Utility	605-43190-380-	\$ 256.82
		EFT030818B*				605-43190-380-	\$ 162.01
		EFT030818B*				605-43190-380-	\$ 429.45
		EFT030818B					\$ 1,247.34
03/12/2018	Payroll Period Ending 03/16/2018	30016	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
		30016					\$ 1,817.66
03/12/2018	IRS - US Treasury	EFT031218A	Q1 2018 - Feb Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,279.68
		EFT031218A					\$ 1,279.68
03/13/2018	Manship Plumbing & Heating Inc	30017	Monthly Standby/Water Testing	N	Water Utility	601-43180-314-	\$ 670.00
		30017					\$ 670.00
03/13/2018	Birch	30018*	For Service Dates: 02/27,02/28,03/02,03/06 2018.	N	Ice and Snow Removal	100-43125-314-	\$ 1,117.50
		30018*				100-43125-314-	\$ 1,997.50
		30018					\$ 3,115.00
03/13/2018	AirFresh Industries, Inc.	30019	Rental Monthly Unit (1) - Dec 2017	N	Parks	100-45207-314-	\$ 81.25
		30019					\$ 81.25
		30019					\$ 43,726.80

Total For Selected Checks

As on 3/13/2018

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	100.00	100.00
Total Acct 322	0.00	100.00	100.00
Total Revenues	0.00	100.00	100.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Parks			
Misc	0.00	220.00	(220.00)
Total Acct 452	0.00	220.00	(220.00)
Total Disbursements	0.00	220.00	(220.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		3,664.59	
Total Receipts and Other Financing Sources		100.00	
Total Disbursements and Other Financing Uses		220.00	
Cash Balance as of 03/13/2018		3,544.59	

As on 3/13/2018

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Sources:			
Total Other Financing Sources	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Disbursements:			
Total Disbursements	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Other Financing Uses:			
Total Other Financing Uses	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		<u>0.00</u>	
Cash Balance as of 03/13/2018		66,233.91	

As on 3/13/2018

Water	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	13,380.16	13,380.16
Penalty - Late Water/Sewer	0.00	68.44	68.44
State and Misc fees	0.00	395.79	395.79
Total Acct 341	0.00	13,844.39	13,844.39
Water Main Break	0.00	2,492.29	2,492.29
Total Acct 349	0.00	2,492.29	2,492.29
Total Revenues	0.00	16,336.68	16,336.68
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	3,752.10	(3,752.10)
Total Acct 415	0.00	3,752.10	(3,752.10)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	176.36	(176.36)
Contracted Services	0.00	12,202.14	(12,202.14)
Fees	0.00	562.00	(562.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	10,749.90	(10,749.90)
Total Acct 431	0.00	24,090.40	(24,090.40)
Total Disbursements	0.00	27,842.50	(27,842.50)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		48,974.20	
Total Receipts and Other Financing Sources		16,336.68	
Total Disbursements and Other Financing Uses		27,842.50	
Cash Balance as of 03/13/2018		37,468.38	

As on 3/13/2018

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Sewer			
Receipts:			
Penalty - Late Water/Sewer	0.00	87.69	87.69
Sewer Fee	0.00	20,175.22	20,175.22
Total Acct 341	0.00	20,262.91	20,262.91
SPECIAL ASSESSMENTS	0.00	10,052.80	10,052.80
Total Acct 361	0.00	10,052.80	10,052.80
Total Revenues	0.00	30,315.71	30,315.71
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	473.60	(473.60)
Total Acct 414	0.00	473.60	(473.60)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,110.00	(4,110.00)
Total Acct 416	0.00	4,110.00	(4,110.00)
Utility Locates			
Contracted Services	0.00	55.40	(55.40)
Total Acct 428	0.00	55.40	(55.40)
Sewer Utility			
Sewer - Wastewater Charge	0.00	13,233.72	(13,233.72)
Contracted Services	0.00	663.75	(663.75)
Utility Services (381 through 389)	0.00	4,006.23	(4,006.23)
Utility Services: Gas Utilities	0.00	84.59	(84.59)
Total Acct 431	0.00	17,988.29	(17,988.29)
Total Disbursements	0.00	22,627.29	(22,627.29)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		30,315.71	
Total Disbursements and Other Financing Uses		22,627.29	
Cash Balance as of 03/13/2018		72,684.99	

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: BoldPlanning Cities Cooperative Agreement



Birchwood Village

Dear Mayor and Council Members,

In January, Council Member LaFoy updated the Council on a cooperative agreement between Washington County and the cities of Washington County (including Birchwood) to have access to an emergency operations planning software called BoldPlanning. He informed the Council of his attendance at an introduction meeting on the topic and recommended the City proceed with this agreement.

Although the Council agreed with LaFoy's recommendation at that time, Washington County was still in the negotiation stage so the agreement was not ready to be approved and signed.

Washington County has now completed the negotiations and has provided the enclosed Cooperative Agreement for your review and approval.

Attorney Kantrud has already reviewed the agreement. He and Council Member LaFoy is present tonight to answer questions.

Request/Recommendation

Council Member LaFoy recommends Council:

- 1) Review and approve the enclosed cooperative agreement with Washington County for BoldPlanning software.
- 2) Authorize Mayor Wingfield and Administrator Lay to endorse the agreement.

Thanks!

Regards,
Tobin Lay

WASHINGTON COUNTY
Contract # 11607
Dept Sheriff
Term: 2/27/18 - 12/31/40

**COOPERATIVE AGREEMENT BETWEEN
WASHINGTON COUNTY AND VARIOUS MUNICIPALITIES WITHIN THE COUNTY
FOR THE PURPOSE OF ALLOWING SAID MUNICIPALITIES ACCESS TO AND
UTILIZATION OF BOLDPLANNING SOFTWARE**

This Joint Powers Agreement is entered into by and between the County of Washington, State of Minnesota (hereinafter "County") and the undersigned cities and towns in the County (hereinafter "municipality or municipalities") in order for the County to provide access to BoldPlanning software to the municipalities.

WHEREAS, the County has a contract with BoldPlanning to utilize their software for hosting the Washington County Continuity of Operations Plan (COOP) and the Emergency Operations Plan (EOP); and

WHEREAS, the County contract with BoldPlanning lists thirty-one cities and townships in Washington County in order to provide an opportunity for the cities and townships listed to host their Continuity of Operations Plans (COOP) and Emergency Operations Plans (EOP) within the software; and

WHEREAS, the use of the software by the municipalities will enhance the health, safety and welfare of its residents and, therefore, serves a public purpose; and

WHEREAS, the undersigned cities and towns in Washington County wish to avail themselves of said software; and

NOW, THEREFORE, the County and Municipalities (hereinafter "Parties") agree as follows:

I. PURPOSE

- A. The purpose of the Joint Powers Agreement is to allow municipalities within Washington County the ability to utilize the BoldPlanning software while Washington County pays for the annual fees associated with that access.

II. TERM OF AGREEMENT

- A. Notwithstanding any provision to the contrary, the County may terminate this Agreement by giving the municipalities 30 day written notice if one or more of the following events occur:
 - 1) If the county is terminating the Agreement, notice will be sent to the City Administrator in the case of the Cities and Town Board Supervisor in case of the towns.
 - 2) If a municipality withdraws, the dated withdrawal letter or email shall be sent to the Washington County Emergency Services Manager, or designee.
- B. This Agreement shall commence on March __, 2018 notwithstanding the date of any of the municipalities signature and shall terminate pursuant to section VII.A. and shall terminate pursuant to paragraph VI.A. of this Agreement.

III. COUNTY RESPONSIBILITIES

The County will assume the following responsibilities:

- A. The County shall through its contract with BoldPlanning provide each individual Municipality a subscription to BOLDplanning's EOP and COOP software and services in order that each Municipality may upload and/or enter data relevant to its jurisdiction's COOP and/or EOP.
- B. The County shall provide a designated Emergency Manager for each Municipality with at least "Viewer" access to the Washington County EOP.

- C. The County shall ensure at least one representative from each Municipality has “Admin” level access to the Municipality’s specific COOP and/or EOP site.
- D. The County shall ensure that technical assistance is provided through BoldPlanning by identifying this as part of BoldPlanning’s contract with the County.

IV. MUNICIPALITIES RESPONSIBILITIES

Each municipality shall be responsible for the following under this agreement:

- A. Each municipality shall provide a current primary contact person’s name and contact information for the County. This individual shall be available to answer questions regarding each municipality’s plans and use of the BoldPlanning site.
- B. Each municipality shall provide the following County staff positions with, at minimum, “User” level access to their jurisdiction’s information within BoldPlanning: Emergency Management Director, Emergency Management Deputy Director, Emergency Management Specialist, a designated acting County EOC Manager, and the County’s BoldPlanning Site Administrator and backup Site Administrator.
- C. Each municipality shall certify by January 31st of each year that the plan(s) located within the BoldPlanning software are being kept up-to-date.
- D. Each municipality shall be responsible for entering the applicable information for their Continuity of Operations Plan (COOP) and/or Emergency Operations Plan (EOP) and making any applicable changes to their plans annually, as needed.

E. Each municipality shall send at least one representative to an introductory training session regarding BoldPlanning's COOP and EOP software.

V. LEGAL REPRESENTATION

The County shall not be responsible to provide the City with legal advice concerning questions of documents within BoldPlanning, and the City will seek such legal advice from its City Attorney.

A. The County Attorney shall advise and represent the County in its performance of this Agreement.

VI. COST

The County through the Washington County Sheriff's Office - Emergency Management will utilize FEMA Urban Area Security Initiative (UASI) funds to pay BoldPlanning under its contract with BoldPlanning that portion of the County's total annual cost which relates to the municipalities utilization of the BoldPlanning system.

A. As a condition subsequent to this Agreement, this Agreement may terminate should any one or more of the following events occur:

1. If the UASI funding allocated to Washington County is reduced to \$100,000 or less;
2. If the Washington County Emergency Management Director finds that the number of communities actively utilizing the BoldPlanning software is such that it does not warrant the continuing use of FEMA grant funding to pay the annual BoldPlanning fees. This may be determined by the population served or the number of communities utilizing the BoldPlanning software, or

3. If for any reason, the County contract with BoldPlanning is terminated.
- B. The County will utilize FEMA Urban Area Security Initiative (UASI) funds to pay BoldPlanning to provide related training once in 2018 or 2019. If after this aforementioned training is provided, additional cities or townships choose to participate in this joint powers endeavor, Washington County will not be obligated to pay for additional training through BoldPlanning.

VII. TERMINATION

Upon termination of this Agreement, all property held pursuant to the Agreement shall be distributed to the Party providing the property.

VIII. DATA PRACTICES

All data created, collected, received, maintained or disseminated for any purpose in the course of this Agreement is governed by the Minnesota Data Practices Act, MINN. STAT. CHAPT. 13, or any rules adopted to implement the Act, and any other applicable state or federal law relating to data privacy.

IX. INDEMNIFICATION

The parties; total liability under this agreement shall be governed by Minnesota Statute 471.59, subd. 1a.

- A. Each party agrees that it will be responsible for the acts or omissions of its officials, agents, and employees, and the results thereof, in carrying out the terms of this agreement, to the extent authorized by law and shall not be responsible for the acts/omissions of the other parties and the results thereof. For the purposes of determining total liability for damages, the participating governmental units are considered to be a single governmental unit, the total

liability of which shall not exceed the limits for a single governmental unit as provided in Minnesota Statute 466.04, subd. 1.

X. ENTIRE AGREEMENT

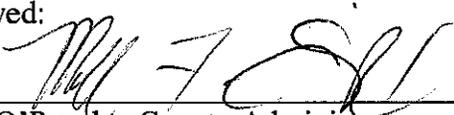
It is understood and agreed that the entire agreement of the Parties is contained herein and that this Agreement supersedes all oral agreements and negotiations between the Parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the parties have subscribed their names as of the date first written above.

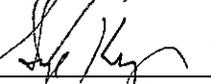
WASHINGTON COUNTY

By: 

Gary Kriesel, Chair
Washington County Board of Commissioners

Approved:
By: 

Molly O'Rourke, County Administrator

By: 

Assistant County Attorney

Recommended:
By: _____
Sheriff, Washington County Sheriff's Office



Northeast Youth & Family Services
Transforming Lives
Celebrating 40 Years

February 6, 2018

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

Dear Tobin:

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

Enclosed is a copy of a report outlining the services provided in 2017 up through this most recent quarter. Contract services are those outlined in our agreement. These services are assured to all community residents regardless of their ability to pay. Non-contract services represent those received by your residents through other programs at NYFS. Taken together, this report demonstrates how your partnership helps leverage resources for all services received by your residents. To compliment the hard statistics we like to provide a success story which brings those numbers to life.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Jerry Hromatka', written in a cursive style.

Jerry Hromatka
President & CEO

City of Birchwood Village
Report Period: January 1, 2017 to December 31, 2017

NE Youth & Family Services

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

Annual City Contract for Service 2017	\$1,429
Total cost of all services through December 31	\$0

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

Services Provided	City Totals		
	# of Clients	Hours	Service Cost
Contracted Services			
Mental Health			\$ -
Diversion Services			\$ -
Senior Chore			
Youth			
Seniors			
Total for Contracted Services	0	0	\$ -
Non Contracted Services			
Totals for all Individual Services	0	0	\$ -

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

NYFS Success Stories:

The following contains one story from NYFS' Diversion Programs respectively in order to give you a personal perspective of how lives are changed through your partnership with Northeast Youth and Family Services.

William was referred to Diversion in October. Our Diversion Coordinator met with him and his mother at their apartment due to lack of transportation on their part. He was in a very difficult family situation and had been expelled from his school due to the incident that brought him to Diversion. Our Coordinator developed a close relationship with him through this process. In mid-November we learned they were going to be evicted from their apartment in Roseville. They found temporary shelter at the Days Inn in Roseville while they tried to find a more permanent solution. During this time Diversion Services helped them by obtaining gift cards for food. They were able to find an apartment in Vadnais Heights that was going to provide some stability for them. Our Diversion Coordinator went to work contacting potential schools and finding resources to get William back into school, even setting up initial meetings with the WBL school district. In the meantime, we have a contact at the Roseville Police Department who called us to see if we had any families in need during the Holiday season they might possibly be able to help out. We connected him with William's family who still had major needs even though the housing crisis had been solved for the time being. William was sleeping on the floor, which was very cold and the family had almost no pots or pans to cook with. We informed the Officer of the needs and amazingly he and his family bought William a new bed with sheets and blankets, pots and pans for their kitchen and a \$300 gift card to Walmart for food. The Roseville Police Department were the ones who initially referred William to Diversion. Even though William has completed Diversion we continue to stay in close contact with him.

Parks Survey 2 Results

Voting Report

Voting Sheets Submitted: 95 (60 paper, 35 online, 11 online with no code)

Suggestions	Votes	Suggestions	Votes
Maintenance	28	Porta-Potties	8
New Walking Trails	27	Cutting Garden	7
Preservation	26	Sledding Hill	7
Safe Biking-Walking	20	Roaming Cats	7
Beautify	18	Status Quo	6
Invasive Species	18	Teen Activities	6
Cull Deer	18	Universal Design	6
Beach Sand	17	Walking Trails Map	6
New Equipment	15	Tighe-Schmitz Loop	6
Canoe Racks	14	Poop Bags	6
Basketball	12	Apiary	5
Picnic Tables	12	Natural Playground	5
Pleasure Skating	11	T-Court Surface	4
Raft - Buoys	10	Volunteers	4
Music Electricity	10	Improve Signage	4
Family Movies	10	Art in the Park	3
Adult-Youth Games	10	Band Shell	3
Tighe-Schmitz Flood	10	Parking	3
Covered Picnic	9	Off-Leash Dogs	3
Halls Marsh	8	Young Kids Games	2
T-Court Backboard	8	Destination Equip.	2
Trash & Recycling	8	Swimming Pool	1

Leave Well Enough Alone	Vote
<i>Status Quo:</i> Keep things as is. Yes-vote here implies NO votes below.	6

Natural Areas/Amenities	ONLY FIVE (5) VOTES	Vote
<i>Preservation:</i> Preserve the natural beauty and comfortable nature of Birchwood.		26
<i>Beautify Our Village:</i> Plant wildflowers, plantings in parks, ornamental trees. Do more tree trimming.		18
<i>Vegetable-Flower Cutting Garden:</i> Establish community vegetable and flower cutting garden at Tighe-Schmitz.		7
<i>Apiary:</i> Provide apiary and beehives.		5
<i>Invasive Species:</i> Encourage residents to eliminate invasive plants from their properties: e.g. buckthorn and garlic mustard.		18
<i>Halls Marsh:</i> Build a '20' to 30' dock' into Hall's Marsh and explain its geology/plant/animal life to walkers.		8
Beaches/Docks		Vote
<i>Beach Sand:</i> Add fresh sand for beach goers to enjoy.		17
<i>Swim Out Raft-Buoys:</i> Add a raft and buoys at swimming beaches.		10
<i>Kayak/Canoe Racks:</i> Provide more kayak/canoe racks and make them more accessible.		14
<i>Swimming Pool:</i> Provide a pool or pond.		1
Parks/Playgrounds		Vote
<i>Music in the Parks Electricity:</i> Provide accessible electricity at Birch-Dellwood & Tighe-Schmitz for "Music in the Parks"/other.		10
<i>Family Movie Night at the Park:</i> Initiate family movie night, like music in the park, but Saturday evenings at dusk.		10
<i>Art in the Park:</i> Initiate art classes & plein air painting for adults and kids as a complement to the music in the park series.		3
<i>Covered Picnic Area:</i> Build a large, covered picnic area with fireplace.		9
<i>Band Shell:</i> Build a band shell.		3
<i>Tennis Court Surface:</i> Provide a real court surface for the tennis courts, not the current sport court.		4
<i>Tennis Court Backboard:</i> Install tennis wall to hit against at the tennis courts.		8
<i>Basketball:</i> Provide new backboards, nets, rims, and paint basketball court lines on hockey rink.		12
<i>Adult-Youth Games:</i> Provide horseshoe pits, pickle ball courts, bocce or boule balls courts.		10
<i>Teen Activities:</i> Provide climbing wall, Frisbee golf, skateboard park.		6
<i>Young Kids Games:</i> Provide tether ball, gaga pit ball, second hockey rink		2
<i>Pleasure Skating Rink:</i> Provide a rink for those who do not play hockey.		11

Natural Playground: Create natural playground features in Wildwood Park like at Wildwood Elementary School (Mahtomedi).	5
Destination Playground Equipment: Designate parks as destination playgrounds (with equipment to support a single purpose).	2
Winter Sledding Hill: Turn the hill connecting upper-lower Birch St into a park and maintain/light it for winter sledding.	7
New Playground Equipment: Upgrade playground equipment for all ages – young to older kids and improve safety.	15
Universal Design Elements: Encourage incorporating universal design elements in parks so children and adults of all abilities can play together without barriers. Example: an inclusive playground built in Portland: http://harpersplayground.org/	6
Tighe-Schmitz Flooding: Investigate feasibility of a raised soccer field with return of portions of park to a natural wetland.	10
Walking Trails, Biking Trails, and Roads	Vote
Walking Trails Map: Identify walking options in Birchwood and nearby communities.	6
Open New Walking Trails: Develop city's easements and right of ways into more walking paths. Make gems available for use.	27
Safe Biking-Walking Paths: Provide safe, striped paths along dangerous roads, so people can safely get to parks & easements.	20
Tighe-Schmitz Loop: Create paved path around edge of Park as safe place for strollers, bikes, scooters, & people.	6
Parking: Clarify and make consistent Birchwood parking tickets - 9pm vs 2am.	3
Animals	Vote
Poop Bags: Place dog poop bags dispensers in all parks and easements and along the walk areas.	6
Off-Leash Dogs: Review and improve rules.	3
Deer: Cull deer.	18
Cats: Ban roaming cats. Insist cat owners keep them inside.	7
Other	Vote
Maintenance: Develop maintenance plan aimed at keeping parks, easements, trails, and equipment in excellent condition.	28
Maintenance Volunteers/Communications: Communicate with potential volunteers with clearly defined tasks and times.	4
Improve Signage: Identify clearly our parks, easements, and trails with nicer and more natural looking signs.	4
Picnic Tables & Benches: Install a picnic table and bench at each easement.	12
Trash & Recycling Bins: Install trash & recycling bins at each resource.	8
Outhouses-Porta-Potties: Provide decent outhouses as we improve our parks and easements.	8
Write-In Option (Write in item if we missed it.)	Vote
Numerous suggestions were submitted under this heading. They are presented on a following page.	

Write-In Suggestions

West End Swimming Beach: For swimming only like Kay Beach. Birch Beach is candidate.
Birch Beach Improvement: Stronger, wider dock with sturdier bench.
Improve Street Lighting:
Tree Trimming: Overhanging trees/limbs on Hall/Cedar need to be cut back.
Public Health Hazard: Our deer population is a hazard. Each lawn passed by deer leaves ticks carrying virus, of which one is fatal to humans & animals. They feed on garden plants, leave poop, & urine on lawns. This is not healthy for people or animals.
Deer: Destroy bushes, trees, flowers 24/7 and breed endlessly.
WiFi for Whole City:
Raise Soccer Field: Use soil from baseball field. Create a small wetland area where ball field was.
Dangerous Docks: Docks are old and dangerous!! FIX DOCKS!!
Safety: Repair or replace all unsafe docks. Birch dock collapsed twice last year. Safety should be top priority moving forward for all walkers, bikers, kids at playgrounds, and for beach goers.
Porta-Potties: By playground!!
Private Property Beach Sand: Add fresh sand for “all” beachgoers to enjoy – including “all” lakeshore property owners.
Maintenance: Put money into keeping all parks mowed, trimmed, & weed-free. Should be ongoing & should not be voted on.
Tighe-Schmitz Flooding: Getting rid of Tighe-Schmitz flooding should be automatic.
T-Court Backboard: Backboard was put in 20-30 years ago. It was very annoying to neighbors, so was taken out.
T-Court Surface: Surface is relatively new. People can’t keep changing their minds at other’s expense.
Over-Citification: Don’t over-citify the village. Its charm is that it is a bit rustic. Most have cars, so don’t build facilities that will get very limited use or require lots of maintenance.
Nordling Park: Monitor drain & clean regularly.
Pesticides, Poisons, Acids: Notify residents when these are sprayed into yards & enter homes through vents/windows.
WiFi Pollution: Protect residents from powerful WiFi routers/transmitters going through yards, homes, people.
Toxic Fumes: Obnoxious fumes emitted from garages into yards need to have filters to block them, like O’Leary’s body shop.

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Ordinance 2018-02-01 Replacing Public Lake Tracts



Birchwood Village

The Dock Committee has been meeting the last couple of months to address concerns about the city Public Lake Tract code. A number of changes were considered. The proposed language has been modified for clarification and simplicity. The final draft addresses the goal to have the Dock Association manage the Docks and the Boat Slip permits, while the City is responsible for maintaining the Wait List. It also lets the Dock Association take responsibility for collections and proof of insurance as those were two problem areas. We also have revamped the Dock Slip Permit Application and Wait List Application so residents have a clear understanding of the process without having to read the code. Copies of those applications are attached.

Finally, we addressed what would be a fair fee. It is recognized that all real properties benefit from the availability of lake access. This adds value to our homes here. In addition, all residents now have absolute access to all docks. Under the circumstances, collecting market value boat fees charged by other communities is inappropriate.

It is recommended the City collect one fee from the Dock Association by way of a Dock permit fee. The committee recommends that fee be set at \$350 per boat (no separate lift storage fee) to be paid in full by the Dock Association by April 1 and before any docks are installed. The number of boats will be the actual number of slip permits issued and will not be less the number of boat slip permits that were useable at the end of the previous season. Accordingly, Code 701 needs to be amended to add this change.

The committee is an ongoing body that will continue to work on issues as the new code is applied. It is appropriate that the council add another member-at-large be added this spring.

The Dock Committee was dedicated in addressing concerns and did so efficiently and with mutual agreement. Everyone made time during the busy holiday season to make meetings and continually review the various drafts. Thank you to Chris and Houston! I look forward to continuing the conversation.

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MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2018-02-01 Replacing Public Lake Tracts



Birchwood Village

Dear Mayor and Council Members,

The enclosed Ordinance and applications are presented to you for the following actions:

Ordinance 2018-02-01

- 1) Public hearing
- 2) Review and enact by approving the second reading
- 3) Approve Resolution 2018-10 Summary Publication

Dock Waitlist Application & Boat Permit Application

- 1) Review and discuss any desired changes.

Thanks!

Regards,
Tobin Lay

ORDINANCE 2018-02-01

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

**AN ORDINANCE REPEALING AND REPLACING PROVISIONS FOR MAINTAINING
AND IMPROVING PUBLIC LAKE TRACTS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 617 (Public Lake Tracts) of the Municipal Code of the City of Birchwood Village is hereby repealed and replaced as follows:

CHAPTER 617: PUBLIC LAKE TRACTS

617.100 DEFINITIONS AND PURPOSE:

617.110 DEFINITIONS. As used in this chapter, the terms defined in this section shall have the following meanings.

617.111 “Public Lake Tract” is defined as and shall mean each tract of land running to and abutting the shoreline of White Bear Lake, which lands are owned by the City, subject to the right of the City residents to use same for access to White Bear Lake. The Public Lake Tracts are Curt Feistner Beach, Ash Beach, Birch Beach, Elm Beach, Dellwood Beach and Kay Beach. Said properties are sometimes referred to elsewhere in the City’s code as “lake tract easements”, “public easements”, or “lake easements” and such terms shall be considered to be synonymous with “Public Lake Tract”.

617.112 “Dock Association” is defined as a private entity incorporated as non-profit organization whose membership is limited to City of Birchwood Village residents or property owners, and that may be issued a Dock Permit by the City to install and maintain a private dock on one or more of the Public Lake Tracts subject to the rights of the City to permit and regulate the use of the dock.

617.113 “Boating Season” is defined as April 1 through November 15 of each year.

617.114 “Install” is defined as placing within the physical boundaries of a Public Lake Tract or in its associated authorized dock use area.

617.115 “Quiet Activities” are defined as activities that do not generate loud noises.

617.116 “~~Dock Association Permit fees~~Fees” are fees set by the Dock Association to pay for dock association approved dock maintenance and capital improvement expenditures.

617.117 “WBLCD” shall mean the White Bear Lake Conservation District.

617.118 “Boat Slip Permit” shall mean a permit issued by the Dock Association granting the holder the opportunity to install and use a boat on a particular dock at one of the City’s Public Lake Tracts during a Boating Season. Such permit is subject to the payment of the appropriate fee set by the Dock Association and in compliance with all provisions of this ordinance. Such permits shall not be considered a sale or other transfer of the City’s underlying riparian rights, of which the City shall retain ownership.

617.119 “Dock Permit” shall mean a permit issued by the City to a Dock Association to allow the installation of a dock on a Public Lake Tract. Such permit is subject to the payment of the appropriate fee as set forth in Chapter 701 and in compliance with all provisions of this ordinance. Such permits shall not be considered a sale or other transfer of the City’s underlying riparian rights, of which the City shall retain ownership.

617.120 “Applicant” is defined as a resident or property owner of Birchwood who makes application to the City to be placed on the ~~Dock Association~~Boat Slip Waitlist and has paid the applicable refundable deposit.

617.150 **PURPOSE:** The purpose of Chapter 617 is to maintain and improve the Public Lake Tracts in a manner that promotes the following objectives:

- (1) Ensure the availability of proper facilities to serve all residents. In development of its facilities, Birchwood shall strive to maintain a balance of suitable recreational activities for all persons within the municipality.
- (2) Strive to improve the Public Lake Tracts and their use and availability to all residents of Birchwood, and the fair and equitable use of docks installed thereon.
- (3) Upgrade the Public Lake Tracts, as necessary, to ensure the health, safety and general well being of the residents with respect to the use and enjoyment of those facilities.
- (4) Provide for multiple uses in keeping with the character and physical layout of each Public Lake Tract and the residential character of the neighborhood.

617.200 **GENERAL PUBLIC REGULATIONS:** The Public Lake Tracts shall be subject to the following rules and regulations:

617.210 **Public Property.** All Public Lake Tracts are public property and are open to general recreation.

617.215

Small Craft.

- (1) Storage. Only Birchwood residents or property owners may store canoes, kayaks, and other small non-motorized watercraft on racks located at City Easements. Residents may not rent their small craft to non-residents. Small Craft shall be stored on a Public Lake Tract only during the Boating Season and the owner shall remove such during the non-boating season. Owners of small craft must not leave any chains or locks on the racks at the end of each Boating Season. As a matter of courtesy, families who own more than one small craft are encouraged to place both on the same rack.
- (2) Permit required. Residents must purchase a permit from the City Clerk to store small craft on racks at City Easements. The cost for each permit is as set forth in Chapter 701. A sticker accompanying the permit must be placed on each small craft registered with the City. When purchasing a permit, the small craft owner must show proof of ~~ownership and~~ residency.
- (3) Penalty for Violation. The owner of a small craft determined to not have a valid permit will be charged a fee as set forth in Chapter 701. If, after notice, a small craft without a sticker remains on a rack, the city reserves the right to remove the small craft and charge the owner a removal cost as set forth in Chapter 701.

~~“AMENDED BY ORDINANCE 2015-02-01; March 10, 2015”~~

617.220

Structures. Structures may not be placed on public property without City Council approval.

617.225

Posted Regulations. All persons using a Public Lake Tract shall comply with the following regulations:

- Docks are private property
- Public Lake Tract closed at 9:30 PM to 6:00 AM
- Quiet Activities only from 6:00 AM to 8:00 AM
- No Alcoholic Beverages
- No vehicle assisted Boat Launching allowed
- No all-terrain vehicles or snowmobiles allowed
- No glass containers allowed
- VIOLATORS SHALL BE PROSECUTED

617.230

Signs. The city shall post the regulations set forth in Section 617.225 on a sign at the entrance of each Public Lake Tract

617.235

No Use as Boat Launch. No person shall launch or land any trailered watercraft on or from any shoreline of a public Lake Tract.

617.240 **No Dock Without a Permit.** No docks shall be installed on any Public Lake Tract unless:

- (1) A Dock Permit for the dock has been issued by the City Council; and
- (2) A WBLCD dock license application for the dock is first approved by the City Council and then the same application is submitted to and approved by the WBLCD; and
- (3) All applicable Chapter 701 Dock ~~Association Dock~~ Permit Fees and WBLCD dock license fees have been paid.
- (4) Vehicle and Trailer Parking Prohibited. No person shall park or cause to be parked any house, hauling or boat trailer upon any Public Lake Tract. The City Council may adopt such parking regulations as vehicles thereon as it may deem necessary. Unless such regulations are adopted, parking of vehicles on any Public Lake Tract shall be prohibited.
- (5) Storage Prohibited. No person shall store or allow to remain on any Public Lake Tract any personal property such as boats, oars, motors, boat hoists, or other equipment for any period of time other than when in actual use unless such storage has been authorized by the City.

617.250 **Fees.** A charge of \$25 per day will be assessed for each day the boat that is not removed from the Public Lake Tract by the end of the Boating Season.

617.255 **Obstructions Prohibited.** No person shall deposit or construct any object upon any Public Lake Tract which shall obstruct access to the lake, docks, or other facilities.

617.260 **Proper Attire.** No person shall voluntarily enter the water of any Public Lake Tract without being garbed in a bathing suit sufficient to cover his or her person and equal to the standards generally adopted and accepted by the public.

617.300 **DOCK ASSOCIATION REGULATIONS:** A Dock Association requesting to install its private dock(s) on any Public Lake Tract is subject to the following regulations.

617.310 **Dock Association Memberships.**

- (1) Dock Association memberships shall be open to all residents or property owners of the City, with a limit of one membership per dwelling.
- (2) Members of the Dock Association shall have equal voting status. Voting status defined in the By-Laws of the Dock Association.

- (3) Dock Association Membership and its privileges are not transferable.
- (4) All residents and property owners shall have access and full use of all Dock Association docks without obligation of membership or payment of fees.

617.320 **Dock Association Meetings.**

- (1) The Dock Association shall hold a minimum of one meeting per year.
- (2) The Dock Association shall provide written notice of its meetings by providing such notice to the city clerk and to neighboring lakeshore property owners within 200 feet of a Public Lake Tract's side boundaries. Such notice shall be provided at least one week prior to the meeting and shall contain at a minimum the time, date, location, and purpose of the meeting.
- (3) The City shall post a notice at City Hall and on the City's website inviting the general public to the Dock Association's meetings, to be posted at least four (4) days prior to the meeting.
- (4) The meetings shall be open to the public.

At a minimum, the meeting shall address the following:

- (a) The proposed length of each of the Dock Association's docks from the water's edge.
- (b) The proposed configuration of each of the Dock Association's docks, including number and location of boat slips, lifts, and shore ramps.
- (c) The proposed location and orientation of each of the Dock Association's docks and shore ramps on the Public Lake Tract relative to the shore line and property boundaries.
- (d) The Dock Association shall include in its Dock Permit Application Package that is submitted to the City Council the minutes of the BDA annual meeting. The minutes shall include the persons in attendance, issues discussed, areas of agreement, and unresolved issues.

617.330 **Dock Association Fees, Dues and Assessments.**

- (1) Dock Association fees, dues, and assessments shall not be set or used to limit or exclude membership.
- (2) The Dock Association may only assess, in accordance with its bylaws, dues and fees to its members to generate monies for operating costs, general liability

insurance coverage, routine dock maintenance, capital improvements, and other dock association expenses.

617.340 **Single Dock Association.** The City shall allow only one Dock Association to operate all docks on the Public Lake Tracts. If multiple Dock Associations apply for the position, the City Council has discretion as to which association may be granted a Dock Permit.

617.350 **Dock Permit Application Package.** Each year, a Dock Association desiring to install its private dock(s) on any of the Public Lake Tracts shall submit a complete Dock Permit Application Package to the City no later than ten (10) days before the day and time set by the City Council for its annual Dock Permit application review meeting. The Dock Permit Application Package shall include copies of the following:

- (1) Completed Dock Permit Application Package Checklist,
- (2) Dock Association's bylaws, if not previously submitted, and any proposed amendments to the Dock Association bylaws to be considered if the original bylaws are already on file with the City.
- (3) Dock Association's current treasurer's report.
- (4) Minutes of the Dock Association's meeting(s) for the past year.
- (5) The following lists:
 - (a) Dock Association officers including telephone and email contact information.
 - (b) Dock Association membership initiation fees, dues, other charges, and dock maintenance fees.
 - (c) Current Dock Association members indicating total ~~years—boating~~ seasons of association membership.
 - (d) The identification of and the contact information for the Dock Association member designated to receive complaints against the Dock Association.
 - (e) Planned repairs or improvements to the Dock Association's dock(s) or any other equipment. The list shall address when and how the repairs and improvements shall be accomplished.
- (6) Scale drawings for each proposed dock showing the dock configuration and placement, boat slip placement, neighboring property lines, shore ramps, and the area of each affected Public Lake Tract available to maintain a balance of suitable recreational activities for all residents.

- (7) Plans for winter storage of Dock Association lifts, docks or other property on the Public Lake Tract if such storage is requested.
- (8) A completed WBLCD dock license application regarding each dock for which the Dock Association requests a Dock Permit.
- (9) The Dock Association Boat Slip permit holders for each dock for the past and following boating season.
- (10) Any other information requested by the City Council.

617.360 **Dock Permits.** The City may issue a Dock Permit to the Dock Association authorizing the Dock Association to install and operate a private dock(s) on the Public Lake Tracts subject to the following:

- (1) Compliance with all requirements set forth in this code and the WBLCD ordinances.
- (2) No Dock Permit issued by the City is valid unless and until the WBLCD approves the associated permit.
- (3) The Dock Association shall pay all dock permit fee(s) set forth in Chapter 701.
- (4) Failure to pay by April 1 shall result in revocation or denial of such permit(s).

617.365 **Dock Permit Review Process.**

- (1) The City shall review and consider the Dock Permit Application(s) at the City's annual Dock Permit Review meeting.
- (2) The City Council shall hold its annual Dock Permit Application Review Meeting on a date and at a time set by the City Council sufficient to timely submit an application to the WBLCD.
- (3) The purpose of the meeting shall be to review submitted Dock Permit Application Packages for compliance with the provisions of this Chapter and determine whether to issue Dock Permits to an applicant Dock Association for the next Boating Season, and all issues related thereto.

617.370 **Boat Slip Permits.** Use of a boat slip on a Public Lake Tract shall require a Dock Association Boat Slip Permit. The Dock Association shall manage the assignment of Boat Slip Permits on docks installed on its Public Lake Tracts as follows:

- (1) On November 15 of each year, the Dock Association shall determine if each boat slip permit holder is eligible for a boat permit slip for the following year, and if so, send written notice to each permit holder to renew their permit for the next boating season. Failure to reply and pay the Boat Slip permit fee and provide proof of insurance by December 15 of that same year will result in forfeiture of any remaining Boating Seasons for such permit holder.
- (2) The Dock Association shall assign any Boat Slip Permits that are not renewed by December 15, shall be filled according to the provision set out in 617.400 ~~410~~ by March 1 for the following boating season.
- (3) Boat Slip permits shall be assigned by Dock Association by March 1 of each boating season and shall be valid for the boating season if the requisite fee has been paid and proof of insurance in compliance with 617.390(2) are provided to the Dock Association.
- (4) Boat Slip Permits are not transferable or assignable by the holder.
- (5) Boat Slip Permits may not be used for any commercial purpose.
- (6) No person or household shall be permitted more than one (1) boat slip on the Public Lake Tracts.
- (7) The maximum number of years an individual or household may use a Boat Slip Permit is six (6) continuous Boating Seasons. A Boat Slip permit holder may begin another six year period if no other applicants on the Boat Slip Wait List desire that assigned boat slip.
- (8) The Dock Association shall maintain an up-to-date list of individuals assigned a Boat Slip Permit that includes their accrued number of years of use and provide that list as part of its yearly Dock permit application.
- (9) Upon a Dock Association member reaching the maximum number of years of Boat Slip Permit, said Dock Association member shall relinquish his or her Boat Slip Permit, and his or her years of accrued use shall be set back to zero years. Thereafter, said Dock Association member may submit an application for the Boat Slip Waiting List pursuant to the provisions of Section 617.400.
- (10) An individual may voluntarily relinquish their Boat Slip Permit at any time but shall be required to reapply to be added to the Boat Slip Waiting List pursuant to Section 617.410 to regain a Boat Slip Permit.
- (11) The Dock Association shall have the discretion to determine the physical boat slip to be used by each individual who has a valid Boat Slip Permit. The Dock Association shall assign slips as to maximize the useable number of boat slips. The City reserves the right to monitor the Dock Association's boat slip

assignment process and to recommend changes to the Dock Association's boat slip assignment process.

- (12) The maximum number of boat slips that can be approved by the City for each of its Public Lake Tracts is as follows:
- a. Curt Feistner Beach – 0
 - b. Ash Beach – 8
 - c. Birch Beach – 10
 - d. Elm Beach – 6
 - e. Dellwood Beach – 8
 - f. Kay Beach – 0

617.380 **Docks, Boat Slips and Boats.**

- (1) Docks, boat slips, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.
- (2) Docks shall be installed and configured such that:
- a. Boat slips shall not extend beyond the end of the dock.
 - b. A dock's location shall not unreasonably impede the non-boating beach use.
 - c. Boat slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.
- (3) Docks shall not exceed the length specified in the WBLCD approved dock license. Dock length shall be consistent with other docks in the vicinity.
- (4) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.
- (5) The City retains the right to inspect all Dock Association docks and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being. The City shall forward all dock safety concerns or deficiencies to the Dock Association's complaint via the Dock Liaison for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.
- (6) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length

on all other Public Lake Tracts. ~~(As amended via Ord. 2011-01, 04-12-11)~~

- (7) Boat length and width shall be determined by one of the following methods.
 - a. First, by the manufacturer's specification, which shall be used without regard to motors, swim platforms or other appurtenances that add to the dimensions, or
 - b. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.
- (8) The City Council in its discretion may allow winter storage of boat lifts on a Public Lake Tract. Storage shall require pre-approval by the City Council. The slip fee shall include the cost of winter lift storage.
- (9) Installation and removal of all docks and lifts at any Public Lake Tract shall be in compliance with all applicable Minn. Department of Natural Resources Rules.
- (10) Boat canopies shall not be allowed on any boat lift installed or stored on any Public Lake Tract.

617.390

Dock Association and Boat Owner Insurance.

- (1) The Dock Association shall maintain and provide written proof of commercial general liability insurance coverage for the docks of at least \$2,000,000.00 per occurrence, and shall name the City of Birchwood Village, including its elected and appointed officials, employees, and agents, as an additional insured. ~~Written proof~~A certificate of insurance shall be submitted by March 1 for the next boating season and shall include: name of insurance company, policy number, policy limits, dates of coverage; and certification by the Dock Association that the policy shall remain in full force and effect for the duration of the Boating Season. The Dock Association's insurance shall be primary insurance and non-contributory to any other valid and collectible insurance available to the City with respect to any claim arising out of the docks. To the fullest extent permitted by law, the Dock Association shall defend, indemnify and hold harmless the City, and its elected and appointed officials, employees, and agents, from and against all claims, actions, damages, losses and expenses, including reasonable attorney fees, arising out of the Dock Association's negligence or the Dock Association's performance or failure to perform its obligations under this Ordinance.
- (2) Prior to receiving a Boat Slip Permit, each boat owner shall provide the Dock Association with a ~~copy of his/her excess personal liability insurance policy covering their boat and lift (if one is used) with a minimum coverage of \$1,000,000.00 per occurrence and \$300,000.00 per individual~~Certificate of Insurance showing proof of liability insurance in the minimum amount of \$1,000,000 per occurrence, covering bodily injury and property damage related to the boat and boat lift (if applicable). An umbrella or excess liability

insurance policy may be used to supplement the boat owner's policy limits to satisfy the full policy limits required by this section. The boat owner shall certify the policy will remain in full force and effect for the duration of the Boating Season. Any boat slip permit without valid insurance is void and the next eligible boat slip permit applicant shall be offered the boat slip.

~~(3) Any boat slip permit without valid insurance is void and the next eligible boat slip permit applicant shall be offered the boat slip.~~

~~(4)~~(3) The boat must be registered and insured to the person holding the permit.

~~(5)~~(4) The Dock Association shall keep on file all boat slip users' insurance policies. The city may review all insurance records kept by the Dock Association at any time.

617.400 **BOAT SLIP WAIT LIST:** The City shall maintain the Boat Slip Wait List for all Birchwood residents who desire a Boat Slip Permit for a Public Lake Tract.

617.410 **Boat Slip Waitlist.** The City and Dock Association shall use the following procedures to maintain and implement the Boat Slip Wait List:

- (1) Any Birchwood resident or property owner requesting a boat slip shall submit a complete application to the City for the Boat Slip Wait List and pay a deposit of \$200 payable to the dock association.
- (2) The Dock Association shall hold the \$200 deposit and apply the deposit to the first year's dock permit slip fee, or return the deposit in full if the applicant rescinds their application prior to being awarded a dock slip permit.
- (3) Current boat slip holders cannot apply to be placed on the Waitlist until the last day of their lease.
- (4) Applicants must declare which Public Lake Tract Dock they are requesting. More than one dock location may be selected. Only one slip permit per application will be awarded.
- (5) Only one application per household is allowed.
- (6) Places on the Boat Slip Wait List are not transferable or assignable.
- (7) The City shall add names to the Boat Slip Wait List in the order received.
- (8) If there is a boat slip opening for the upcoming boating season, the Dock Association shall offer a boat Slip Permit in descending order to the applicant(s) on the Boat Slip Wait List until all Boat Slip Permits are assigned or until all applicants on the Boat Slip Wait List have been offered and have declined a boat slip permit.

- (9) An applicant may decline and remain in the same position on the Boat Slip Wait List until the applicant has been offered a Boat Slip permit at each of the Public Lake Tracts selected on the application. Once an applicant has declined an offer at each one of their Public Lake Tracts they will no longer be eligible for a Public Lake Tract boat slip unless they resubmit a Waitlist application for consideration.
- (10) If a boat slip becomes available during the boating season, the Dock Association shall offer the slip to the next applicant on the Wait List in descending order. If accepted, the associated Boat Slip Permit Fee shall be prorated based on the number of months remaining in the current Boating Season.
- (11) Within ten days of issuance of a Boat Slip Permit, the Dock Association shall notify the city of acceptance of a boat slip application, and confirm the applicant has provided valid insurance. The City shall then remove the applicant's name from the Wait List.

617.420. **Low-water Boat Slip Privileges.** The Dock Association shall use the following process to maximize the use of temporary boat slips during periods of low water levels:

- (1) The Dock Association shall review the applications of the individuals on the Boat Slip Waiting List in priority order and offer a temporary Boat Slip Permit to individuals who may be able to use the available boat slip. If an applicant accepts and uses the temporary Boat Slip Permit, at the end of the Boating Season, the Boat Slip Permit rights revert back to the individual who relinquished them due to inability to use them based on the low water level. The individual that used the temporary Boat Slip Permit shall retain his/her place on the Boat Slip Waiting List. The temporary boat slip user shall be charged with a pro rata amount of Boat Slip Permit use.
- (2) An individual who cannot use his/her Boat Slip Permit for an entire Boating Season due to low water level shall be charged with a pro rata amount of accrued Boat Slip Permit use and may resume using his/her Boat Slip Permit the following Boating Season if the individual is still eligible to do so.

617.430 **Submission of Application to WBLCD.** If the City Council approves the Dock Permit Application, it shall issue the applicant a Dock Permit for the dock(s) and forward the approved WBLCD dock license application to the WBLCD for further approval. The City Council may designate a City Council member to represent the City approved WBLCD dock license application at the appropriate WBLCD meeting.

617.440 **Installation of Dock.** If the WBLCD approves the license application(s), the Dock Association may install its dock(s) on or after the start of the Boating Season, but only as approved in the application and only after providing a copy of its

requisite insurance policy, paying the City the total applicable Dock Permit Fees listed in Chapter 701 and certifying all slip users are licensed and insured as required pursuant to 617.390(2).

617.450 **Dock Association Liaison.** The City Council shall assign a City Council member to serve as its liaison with the Dock Association.

(1) The designated Liaison shall facilitate communications between the Dock Association and the City Council and review Dock Association Compliance with this ordinance.

(2) The designated Liaison shall assist in resolving or arbitrating complaints filed against the Dock Association or its members.

617.460 **Complaint Processing and Resolution.** The City shall use the following procedures for the resolution of complaints made against the Dock Association or any of its members.

(1) The complainant shall first present his/her complaint in writing to the Dock Association's designated complaint contact person and provide a copy of the written complaint to the City, who shall file it.

(2) The Dock Association shall respond to the written complaint within 7 days of receipt. The Dock Association response shall be written and shall document actions done or planned to resolve the complaint. The response shall be presented to the complainant with a copy provided to the City, who shall file it with the original complaint.

(3) If the Dock Association's response does not satisfy the complainant, the complainant may then file a formal written complaint with the City. The formal complaint shall be accompanied by any additional documentation of the complainant's attempt(s) to resolve the complaint with the Dock Association, including the Dock Association's response(s).

(4) Upon receiving a formal complaint with any supporting documentation, the City shall forward copies of the documents to the City Council Dock Association Liaison.

(5) The Dock Association Liaison shall review the documentation and arrange for a meeting to be attended by the Dock Association Liaison, the complainant and the Dock Association's president. The objective of the meeting is to facilitate resolution that is acceptable to both the complainant and the Dock Association.

(6) If the complaint is satisfactorily resolved, the Dock Association Liaison shall document the resolution and provide it to the City to be filed with the original formal complaint.

(7) If the complaint is not resolved, the Dock Association Liaison shall provide the City with written documentation of the unresolved issues and the City shall place the matter on the agenda for resolution by the City Council.

(8) If the City Council determines that a violation of City Code has occurred, the City Council, in its discretion, shall determine the appropriate remedy. If the party who is the subject of the complaint is a holder of a Boat Slip Permit, the City Council may, in its discretion, revoke such permit from that party or their household. Upon a finding of noncompliance with the ordinance, if the party who is the subject of a complaint is on the Boat Slip Waiting List, the City Council may, in its discretion, remove that party or their household from the Waiting List.

617.500 ENFORCEMENT:

617.510 **Compliance with Posted Rules.** No person shall disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located at any Public Lake Tract.

617.520 **Misdemeanor.** Any person, firm, association, or entity violating any of the provisions of this Chapter 617 by doing any act or failing to do any act which constitutes a breach of any section of this ordinance is guilty of a misdemeanor.

617.540 **Revocation of Boat Slip Permit.** Any person violating any provision of this Code Chapter 617 who holds a Boat Slip Permit may have such permit temporarily or permanently revoked by the City based upon such violation, and shall be required to remove his or her boat from such slip.

617.550 **Revocation of Dock Permit.** The City may deny or revoke a Dock Association Dock Permit if the City Council determines that the Dock Association:

(1) Misrepresented information in its Dock Permit Application Package or its WBLCD dock license application; or

(2) Violates any provision set forth in this Chapter 617.

617.560. **Civil Action.** Separate from and in addition to the foregoing remedies, the City may commence a civil action in District Court to remedy any violation of any provision of this Chapter 617, including seeking any and all available forms of legal, equitable, or injunctive relief.

617.600 SEPARABILITY: Should any section, subsection, clause, or other provision of this ordinance be declared by a court of competent jurisdiction to be invalid, such provision shall be severed from the rest and such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

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

Adopted by the City of Birchwood Village City Council this 13th day of March, 2018.

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk



CITY OF BIRCHWOOD VILLAGE BOAT SLIP WAITLIST APPLICATION

Please place my name on the waiting list for a Boat Slip Permit at:

- check only the Public Lake Tract you would consider for a Boat Slip Permit
- maximum boat length for all slips is 19 feet, except at Birch, which is 22 feet

Ash Birch Elm Dellwood

Refundable Waitlist Fee is \$200 payable to the dock association.

First Name _____ Last Name _____

Address _____

Phone _____ E-Mail Address _____

I own a boat at this time Yes No

If YES, list Boat Length, Boat Width and Boat Model

Boat Length _____ft. Boat Width _____ft. Boat Model _____

Note: Boat length and width are determined one of two ways per 617.380(7) – First, by the manufacturer’s specification, which shall be used without regard to motors, swim platform, or other appurtenances that add to the dimensions. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.

I have read and understand the following regulations:

1. A resident/family is allowed to rent only one Boat Slip Permit.
2. Resident may not sub-lease their Boat Permit Slip.
3. The Boat Permit Slip is for the boat listed on the application only.
4. The boat cannot be used or rented for commercial purposes.
5. The holder of a boat permit slip must report any change of status to the City within ten days of that change. If the renter's address changes to one outside the City of Birchwood Village, the renter must forfeit the Boat Slip Permit.
6. No person shall build, construct or erect any wharf, boathouse or other structure on or over the dock or slide. Anchor posts may be installed in the water only by permission of the City.
7. Rental fees must be paid in full to the Birchwood Dock Association at the time of the Boat Slip Permit assignment, along with a copy of insurance pursuant to Birchwood Code 617.390(2).
8. Failure to abide by all applicable terms of Birchwood Code 617 could result in revocation of the Boat Slip Permit.

The information being collected is to evaluate your application. You are not legally required to provide any or all of the requested information. Refusing to provide any or all of the requested information may, however, result in denial of your application. The data you provide may be provided to City staff, consultants, and city council members who have a bona fide need to review the information in the course of evaluating your application

By signing below, you hereby authorize the inspection and gathering of data retained by any agency, individual or institution that is deemed necessary to determine whether you are prohibited by Minnesota Statute and/or City of Birchwood Village Ordinance Codes from obtaining the license(s) or permit(s) for which you applied. Failure to complete and sign this release of information form will result in the inability to process this license application(s). You may be asked at a future date to sign additional release of information forms if it is deemed necessary.

Date: _____ Signature _____

**BIRCHWOOD DOCK ASSOCIATION
BOAT SLIP PERMIT**

First Name _____ Last Name _____

Address _____

Phone _____ E-Mail Address _____

Name of Insurance Company _____

Policy Number _____

Boat Length _____ft. Boat Width _____ft. Boat Model _____

Note: Boat length and width are determined one of two ways per 617.380(7) – First, by the manufacturer’s specification, which shall be used without regard to motors, swim platform, or other appurtenances that add to the dimensions. Second, by physical measurement of the boat. Length shall be measured at the longest part and width measured at the widest part of the vessel.

Note: The Dock Association shall have the discretion to determine the physical boat slip to be used by each individual who has a valid Boat Slip Permit. The Dock Association shall assign slips as to maximize the useable number of boat slips.

Total slip fees Due: \$1,000

Note: Total slip fees include Dock, City, and boat lift storage fees for the dock season.

SUBMIT your completed application form, verification of residency, a copy of your liability insurance per Birchwood Code 617.390(2), and payment in full by **December 1** to:

Birchwood Dock Association
c/o 700 Hall Ave, Birchwood MN 55110
e-mail: [Birchwooddocks@gmail.com](mailto: Birchwooddocks@gmail.com)

The information being collected is to evaluate your application. You are not legally required to provide any or all of the requested information. Refusing to provide any or all of the requested information may, however, result in denial of your application. The data you provide may be provided to City staff, consultants, and city council members who have a bona fide need to review the information in the course of evaluating your application

By signing below, you hereby authorize the inspection and gathering of data retained by any agency, individual or institution that is deemed necessary to determine whether you are prohibited by Minnesota Statute and/or City of Birchwood Village Ordinance Codes from obtaining the license(s) or permit(s) for which you applied. Failure to complete and sign this release of information form will result in the inability to process this license application(s). You may be asked at a future date to sign additional release of information forms if it is deemed necessary.

Date: _____ Signature _____

For Office Use Only

Fee: _____ Cash__ Check # _____ Receipt#: _____
Insurance Copy _____ Verified By: _____ Dock Assigned: _____
Notes: _____

RESOLUTION 2018-10

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

**A RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE
NO. 2018-02-01, AN ORDINANCE REPEALING AND REPLACING SECTION 617
MAINTAINING PUBLIC LAKE TRACTS**

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

WHEREAS, the City has adopted Ordinance No. 2018-02-01, which repeals and replaces City Code Section 617 maintaining public lake tracts; and

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

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

1. Because the terms of Ordinance 2018-02-01 are lengthy, the City may publish the attached summary of the Ordinance as allowed by statute, and need not publish the entire ordinance. The attached summary clearly informs the public of the intent and effect of the Ordinance. Summary publication has been approved by at least a 4/5 vote of the City Council.
2. The effective date of the Ordinance amendments shall be upon their publication by summary as required by law.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 13th day of March, 2018.

Mary Wingfield, Mayor

Attest:

Tobin Lay, City Administrator-Clerk

*****SUMMARY LANGUAGE WILL BE PRESENTED DURING THE MEETING*****

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2018-02-02 Amending Fees



Birchwood Village

Dear Mayor and Council Members,

The enclosed Ordinance and Fee Schedule are presented to you for the following actions:

Ordinance 2018-02-02

- 1) Public hearing
- 2) Review and approve the first reading (second reading in April)

Amended Fee Schedule

- 1) Review and discuss any desired changes (approval in April).

Thanks!

Regards,
Tobin Lay

ORDINANCE 2018-02-02

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

AN ORDINANCE AMENDING FEES IN CITY CODE

The City Council of the City of Birchwood Village hereby ordains that Chapter 701 (Fees) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 701: FEES

701.005. The City of Birchwood Village is authorized to impose fees, rates, or charges.

701.010. **Fee Schedule.** A schedule of fees shall be established by resolution of the City Council, and may be amended from time to time by the City Council.

701.020. **Fee Required.** Every person or organization applying for a permit or license or other action from the City shall pay a fee as indicated in the fee schedule.

701.030. **Payment of Fee.** The fee shall be paid at the time of application of the permit or license. The City will not process the permit or license application until the appropriate fee has been paid, nor will the City issue the permit or license until the fee has been paid.

701.040. **Refunds.** ~~Except for permits relating to dock and boat permits~~Upon a request from an applicant rescinding their request for a permit or license, the City will refund one-half (1/2) of the fee for the permit or license if the applicant requests a refund within fifteen (15) days after the fee is paid and no action has been taken by the City on the request for the permit or license. The permit or license shall then be voided by the City Administrator or Clerk. ~~Dock and boat permit refunds are governed by City Code 617.420.~~

701.050. **Other Requirements.** Payment of the appropriate fee does not guarantee that a permit or license will be issued. An applicant for a permit or license must also comply with all other requirements of the City Code.

701.060. **Additional Fees.** The following fees shall be paid in addition to the original application fee, if the situation is applicable.

701.061. **Late Fee.** In the event a person shall engage in conduct for which a permit or license is required without first paying the appropriate fee and obtaining the permit or license, the fee established shall be doubled.

701.062. **Additional Fee.** An additional fee, not to exceed actual expenses or the original amount of the fee, whichever is less, shall be paid if the City

Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of re-inspections of the project in order to ensure compliance with the City Code or the terms of the permit or license.

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

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

Adopted by the City of Birchwood Village City Council this 10th day of April, 2018

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

CITY OF BIRCHWOOD VILLAGE 2018 FEE SCHEDULE

GENERAL FEES

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

DOCK ASSOCIATION FEES

Boat Lift Storage.....	\$100.00 per lift
Dock Association Boat Slip Permit.....	\$200.00 per slip
Dock Association Dock Permit.....	\$100.00 per dock
Dock Application Review Fee.....	\$150.00
<u>Association Dock Permit Fee: \$350 per boat slip user payable in full by April 1 of the boating season. In the event of low water, the fee shall be at least the fee amount multiplied by the number of boat slip users at the end of the previous boating season or the number of boat slip users for the following boating season, whichever is greater.</u>	

PLANNING AND ZONING FEES

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

SMALL CRAFT STORAGE FEES

Annual Small Craft Permit.....	\$10.00
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MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Ordinance 2018-01-02 Section 301 Amendments



Birchwood Village

Dear Mayor and Council Members,

Last month staff presented Council with a recommendation from the Planning Commission to amend City Code Section 301, governing conditional use permits and zoning permits. The Council approved a first reading and ordered publication of a public hearing to take place at tonight's meeting. Information about tonight's public hearing has been published accordingly.

Council also requested staff request DNR's review and approval or feedback on the proposed amendments.

Enclosed is an email response from the DNR. Also enclosed is Ordinance 2018-01-02 showing amendments to City Code Section 301.070 & 301.080 that includes the Planning Commission's recommendation.

Recommendation/Request

Staff and the Planning Commission recommends Council:

- 1) Proceed with the public hearing;
- 2) Discuss and approve the second/final reading of enclosed Ordinance 2018-01-02.

Thanks!

Tobin Lay

Tobin Lay

From: Sorensen, Jenifer (DNR) [jenifer.sorensen@state.mn.us]
Sent: Friday, February 16, 2018 3:35 PM
To: Tobin Lay
Subject: RE: New DNR Shoreland Ordinance Review and Approval Process
Attachments: ORDINANCE 2018-01-02 Conditional Uses and Zoning Permit Provisions_DNRComments.docx; Shoreline Alterations - Beach Blanket.pdf

Tobin –

The proposed language does not conflict with the state public waters work permit rules since the activity is above the OHWL. I've provided some suggestions on how the City could modify the language to meet DNR's criteria (attached) for areas above the OHWL, or alternatively, use these criteria to determine what is authorized under each zoning permit that is issued (rather than just issuing permits that allow everyone the max of 400 SF and/or 50CY). Also, I think it would be good to limit the number of zoning permits issued to a location for this activity, since repeated permitting at a site would indicate a lot of erosion into the lake or an excessive thickness of sand being installed over time.

This isn't a formal review, just suggestions, but please feel free to contact me if you have any questions.

Jen

Jenifer Sorensen

East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us

From: Tobin Lay [mailto:Tobin.Lay@cityofbirchwood.com]
Sent: Thursday, February 15, 2018 4:36 PM
To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Subject: RE: New DNR Shoreland Ordinance Review and Approval Process

Thank you Jen. Attached is the proposed ordinance change (changes are redlined). Let me know what you think.

Tobin Lay

City Administrator/Clerk
City of Birchwood Village, MN
office: (651) 426-3403
fax: (651) 426-7747
email: tobin.lay@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>



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From: Sorensen, Jenifer (DNR) [<mailto:jenifer.sorensen@state.mn.us>]
Sent: Wednesday, February 14, 2018 4:22 PM
To: Tobin Lay
Cc: Petrik, Daniel (DNR)
Subject: RE: New DNR Shoreland Ordinance Review and Approval Process

Tobin –

For the example you give below, I could look at the proposed code and tell you if it meets the DNR’s criteria (attached) for installation of a beach blanket without a DNR permit. City standards could be more strict than this. I could tell you if the language doesn’t meet this criteria, meaning a DNR public waters permit would be required for the activity. Would this be helpful?

Jen

Jenifer Sorensen
East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources
1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us

From: Tobin Lay [<mailto:Tobin.Lay@cityofbirchwood.com>]
Sent: Wednesday, February 14, 2018 2:40 PM
To: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Subject: Re: New DNR Shoreland Ordinance Review and Approval Process

Hello Jen,

Does this include review of non-shoreland ordinances that might effect the shoreline, such as a zoning code amendment permitting beach sand to be replenished above the OHM?

Tobin Lay
City Administrator/Clerk
City of Birchwood Village, MN

office: (651) 426-3403
fax: (651) 426-7747
email: tobin.lay@cityofbirchwood.com
website: <http://www.cityofbirchwood.com/>

From: Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
Sent: Wednesday, February 14, 2018 12:23 PM
To: Sorensen, Jenifer (DNR)
Cc: MN_Ordinance Review (DNR); Daniels, Jeanne M (DNR)
Subject: New DNR Shoreland Ordinance Review and Approval Process

To: Shoreland Ordinance Administrators –

The MN Department of Natural Resources has a new process for reviewing and approving County, City and Township shoreland ordinances and ordinance amendments.

Our goal for developing this new process is to provide local governments with DNR conditional approval on proposed ordinances and amendments in time for public hearings, by clarifying DNR and local government roles, expectations, and timing. We believe that this process will help reduce delays and potential conflicts in getting shoreland ordinances and amendments adopted.

I encourage you to learn more about the new shoreland ordinance review and approval process on our [web page](#) and to follow this process when you amend your existing shoreland ordinance or develop a new ordinance. I also encourage you to review DNR's recently updated [shoreland model ordinance](#), which explains many of the shoreland ordinance standards.

Highlights of the new review process:

- Early engagement with DNR, establishing a goal of a 30 day review period for DNR conditional approval.
- A step-by-step process aligned with local government ordinance amendment procedures and public processes, with clear roles and tasks in each step so there are no surprises.
- One email address to use for sending all ordinance documents to DNR.
- Completion of a checklist by local government staff that provides a “citation crosswalk” between provisions being changed in the local ordinance relative to the DNR's recently updated model shoreland ordinance, to streamline communications during DNR review.
- Clarity on when deviation from the shoreland rules requires offsetting higher standards and expectations of how these deviations from key protection provisions are evaluated by DNR.

Please feel free to contact me if you have any questions on this or other questions related to the state shoreland program –

Jen

Jenifer Sorensen
East Metro Area Hydrologist (Ramsey and Washington Counties)
Division of Ecological and Water Resources

Minnesota Department of Natural Resources
1200 Warner Road
St Paul, MN 55106
Phone: 651-259-5754
Email: jenifer.sorensen@state.mn.us
mndnr.gov

ORDINANCE 2018-01-02
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA

AN ORDINANCE AMENDING CONDITIONAL USES
AND ZONING PERMIT PROVISIONS IN CITY CODE

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

SECTION 301: ZONING CODE: GENERAL PROVISIONS

301.070. CONDITIONAL USES. Certain accessory uses permitted within the City have greater than usual chances to present safety hazards, impact on neighboring people and property, and nuisance situations. Because of these greater effects, the City requires these uses to be covered under Conditional Use Permits. Applications for Conditional Use Permits must comply with all provisions of Section 306. CONDITIONAL USE PERMITS.

1. A Conditional Use Permit shall be required for the following projects:

a. Any land disturbance activity where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement. See Note at end of Section 301.070.

Exception 1. Replacement of beach sand lost due to erosion within the area of the existing beach above the OHWL and not to exceed four hundred (400) square feet and/or fifty (50) cubic yards in volume shall require a zoning permit.

b. Any land disturbance activity where such work involves an area greater than four hundred (400) square feet and/or more than fifty (50) cubic yards in volume. See Note at end of Section 301.070.

c. Any swimming pool with a capacity over three thousand (3000) gallons or with a depth of over three and one-half (3 1/2) feet of water.

d. Any tennis court.

e. Any solar energy system for heating, cooling, electrical generation or other purposes.

f. Home occupation.

NOTE: A separate Conditional Use Permit is not required for a land disturbance activity when a building permit has been granted. However, as part of the Building Permit Application, the applicant shall provide information required pursuant to Section 306.030

Comment [SJ(1): This language does not conflict with the state public waters work permit rules, which apply at and below the OHWL.

Below the OHWL, the allowed beach sand blanket dimensions are 50 feet in width along the shoreline or one-half the width of the lot, whichever is less; the thickness dimension is not to exceed 6 inches; and no liner/plant barrier can be installed under the beach area.

A suggestion: These criteria could be used above the OHWL by the City to determine how much area of ground and volume of sand would be authorized under the zoning permit that's issued, so that what's authorized meets the size of the lot, with the City's not to exceed criteria as the max allowed for all existing beach areas.

Also, below the OHWL, the state rules allow for only one additional installation of sand subsequent to an initial installation at the same location. Exception 1 could mirror this language above the OHW (or, explicitly set a limit for the number of times replacement can happen, or explicitly set the number of years required before a subsequent beach sand replacement permit would be issued). Sand put just above the OHWL that is being lost to erosion is going straight into the lake. For this reason, it makes sense to limit the number of times that augmentation is authorized, to as not to encourage ongoing erosion.

and shall follow all provisions of Sections 302.050 IMPERVIOUS SURFACES and 302.055 LAND DISTURBANCE ACTIVITY STANDARDS.

301.080 ZONING PERMIT. Certain uses and activities not requiring a Building Permit or a Conditional Use Permit have the potential of adverse impact on neighboring property, storm water runoff, and soil erosion. The City is especially concerned that landowners comply with Setback and Impervious Surface coverage requirements. Therefore, the City requires these uses and activities to be covered under Zoning Permits. Applicants for Zoning Permits must comply with all provisions of Section 307 ZONING PERMIT and Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS. If a Building or Conditional Use Permit is applied for and issued, the applicant is not required to apply for a Zoning Permit.

1. A Zoning Permit shall be required for the following projects:
 - a. Retaining Walls. See special requirements in Section 302.070
 - b. Fences. See special requirements in Section 302.070 .
 - c. One-story detached accessory structures, used as tool and storage sheds, playhouses, and similar uses, with a structure of one hundred forty-four (144) or less square feet and greater than twenty five (25) square feet. (Note: Larger structures require Building Permits.)
 - d. Sidewalks, driveways, and patios whose area is greater than one hundred (100) square feet.
 - e. Decks and platforms less than thirty (30) inches above adjacent grade and not attached to a structure with frost footings. (Note: Other decks and platforms require Building Permits.)
 - f. Land Disturbance Activities greater than one hundred (100) square feet or greater than ten (10) cubic yards. (Note: Land Disturbance Activities greater than four hundred (400) square feet or greater than fifty (50) cubic yards require Conditional Use Permits pursuant to Section 306.030 or Building Permits pursuant to Section 301.070.)
 - ~~g.~~ Stairs and lifts to lake or water body. See special requirements in Section 302.080.
 - ~~g-h.~~ Beach sand replacement. See section 301.070.1.a.Exception 1.
2. Landowners constructing structures or conducting activities similar to those in part 1 a. through e. and for Land Disturbance Activities in part f, but which do not require Zoning Permits, are required to comply with all provisions of Section 302 REQUIREMENTS AND PERFORMANCE STANDARDS.

Comment [SJ(2): Retaining walls at or below the OHW require a DNR public waters permit.

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

Adopted by the City of Birchwood Village City Council this 13th day of February, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

Shoreline Alterations: Beach Blanket



Will a sand beach work on my shoreline?

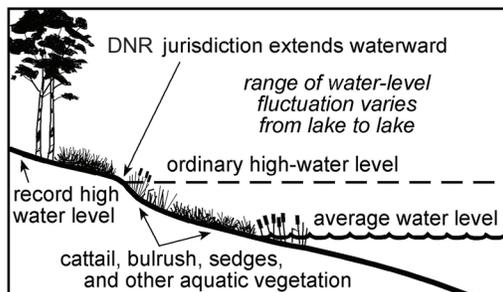
One goal of DNR Ecological and Waters Resources is to limit unnecessary and potentially damaging alterations to shorelines. Specifically, use of beach sand and other types of fill is limited in order to prevent damage to fish spawning areas, aquatic habitat, and water quality of Minnesota's lakes.

IS AN INDIVIDUAL PERMIT REQUIRED?

For most projects constructed *below* the ordinary high-water level* (OHWL) of public waters as determined by the Minnesota Department of Natural Resources (DNR), an individual permit is required from the DNR.

Beach blanket exception: An individual permit from the DNR is not required for beach sand or gravel placement if the conditions outlined in this information sheet are followed.

If you have questions concerning the contents of this information sheet, contact your local DNR Area Hydrologist. See contact information on reverse side.



Shoreline cross section

ARE OTHER PERMITS REQUIRED?

Other governmental units (federal, state, city, county, township, and watershed authority) may require a permit for that portion of the project within their jurisdiction, which usually involves work above the OHWL. It is advisable to contact them.

*For lakes and wetlands, the OHWL is the highest elevation that has been maintained as to leave evidence on the landscape. It is commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the OHWL is the top of the bank of the channel. For reservoirs and flowages, the OHWL is the operating elevation of the normal summer pool.

Although natural sand beaches can be found on many Minnesota lakeshores, landowners often attempt to create them on shores where they do not naturally occur (i.e., a muddy-bottom lake). If you are considering adding a beach blanket, you should know a few important things before investing your money.

- Beach material that erodes into the lake may coat aquatic plant beds and fish spawning grounds, degrading fish and wildlife habitat and damaging the water quality of your lake.
- Beach material must be clean and washed free of fine particles and must be of the appropriate grain size (coarse sand or larger) to stay in place under wave action. Placed material that migrates from your site may constitute a violation of water quality standards. To further minimize the risk of your beach migrating away from the site, maintain aquatic vegetation on both sides of your beach, like in the diagram on page two.
- The lakebed must be capable of holding beach material in place. If the lake bottom is soft, the sand or gravel will only sink into the muck and disappear.
- You are only allowed to install sand or gravel twice in the same location without a permit.
- Vegetation will constantly emerge through the beach material, and additional plant control will be needed on the beach. If you plan to weed by hand or apply herbicide, an aquatic plant management permit may be required from the DNR Division of Fisheries.
- Beach blankets may not be placed over emergent vegetation such as bulrush or cattails unless you obtain a permit from the Division of Fisheries.

Keep in mind that you are *not* allowed to install any plant barrier or liner (e.g., filter fabric or plastic) underneath your constructed beach. If owning lakeshore property with a sandy beach is a high priority for you, look for lakeshore property where sandy beaches occur naturally before you make that important purchase.



Beach blanket at shoreline.

Shoreline Alterations: Beach Blanket

If you have considered all of the conditions above and you think adding beach sand or gravel will work for your shoreline, you may install a beach blanket without an individual permit if the installation meets all of the following conditions:

- The sand or gravel layer may be up to 6 inches thick; up to 50 feet wide along the shoreline or one-half the width of the lot, whichever is less; and up to 10 feet waterward of the ordinary high-water level (OHWL; see sidebar on page 1).
- The beach blanket does not cover emergent aquatic vegetation, unless authorized by an aquatic plant management permit (contact your local DNR Fisheries office).
- The sand or gravel is clean and washed so that it is free of fine particles.
- Local watershed district and local zoning officials are given at least 7 days' notice by the landowner.
- No plant barrier or liner (i.e., filter fabric or plastic) is installed underneath your beach sand.

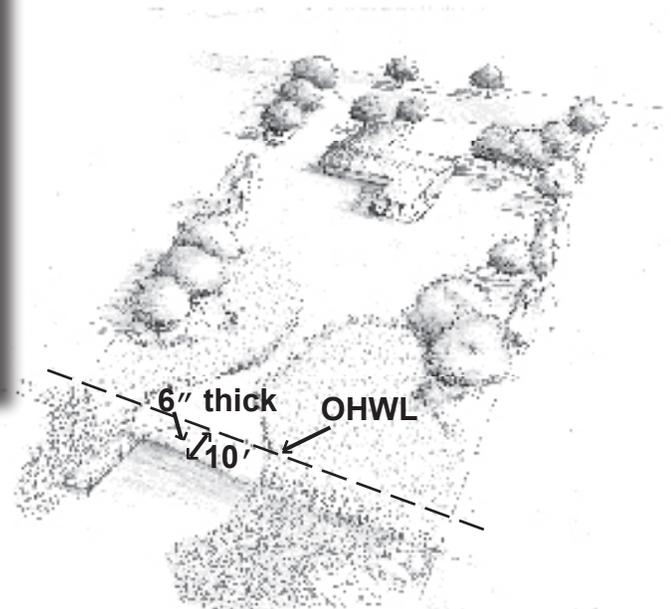
Installation of sand and gravel may be repeated *once* at the same location but may not exceed the amount of sand and dimensions of the original sand blanket.

©2012 State of Minnesota, Department of Natural Resources. Prepared by DNR Ecological and Water Resources. Based on Minnesota Statutes 103G, Public Waters Work Permit Program Rules Chapter 6115.



Another example of a beach blanket is pictured above.

The plan view of a diagram (right) shows dimensions of a beach blanket surrounded by vegetation with a path to the sand area.



Based on an illustration by Roxanna Esparza.

DNR Contact Information



DNR Ecological and Water Resources
website and a listing of Area Hydrologists:
<http://mndnr.gov/contact/ewr.html>

DNR Ecological and Water Resources
500 Lafayette Road, Box 32
St. Paul, MN 55155
(651) 259-5100

For information about aquatic plant management permits:
<http://mndnr.gov/shorelandmgmt/apg/regulations.html>

DNR Information Center

Twin Cities: (651) 296-6157
Minnesota toll free: 1-888-646-6367
Telecommunication device for the deaf (TDD): (651) 296-5484
TDD toll free: 1-800-657-3929

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This information is available in an alternative format on request.

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: City Office Computer Upgrades



The city office has two desk-top computers that are over ten years old. They run slowly and one needs to reboot with some frequency due to compatibility or other issues. This inefficiency consumes staff time unnecessarily.

The city has talked about replacing these machines and did preliminarily approve their replacement last year pending further information. The approximate cost would be as follows:

1. Administrator Computer:

laptop = \$975
docking station = \$135.99
monitors = \$163.79 (x2)
sit/stand station = \$400

2. Treasurer Computer:

desktop = \$575

Total: \$2413.57.

Staff requests approval to spend up to \$2700 for the equipment described, which allows for a 10% contingency.

Our contract with Roseville Tech (metro inet) will help install and format the computers.

In addition, the cable room upgrades are as follows (these expenses would be partially paid by the cable grant fund):

3. Council Room (a/v equipment):

laptop = \$975 (same as administrators - backup) - paid by cable commission
anti-virus & metro i-net support: \$70/month - paid by the city.

Staff requests approval to purchase the cable equipment and ongoing support with support expenses to be paid by the city.

--
m

Notebook

Dell Latitude 7480 – Part#: 7DTN9

Dell Premier Cost: \$975.00

Core i5-7300U Processor w/VPro

Windows 10 Professional

8GB Memory

128GB SATA Solid State Drive

3-Year Warranty and Dell Premier Support

Docking Station for Dell 7480 – Part #: WD15 (with 130W adapter)

Dell Premier Cost: \$135.99

Price Comparable

CDWG.COM – Part 4563875 - \$1,293.65 (NJPA Contract 100614) – City NET30 Account

NewEgg Business – Item# 9B-34-861-847 - \$1,335.99 (Online/Credit Card)

B&H Photo – Item# DEL74807DTN9 - \$1,232.76 (Online/Credit Card)

Staples.COM – Item# 24122661 - \$1,249.99 (Online/Not sold in store)

Displays

Dell P2317H 23” LED – Professional Series – Part P2317H

Dell Premier Cost - \$163.79

Price Comparable

CDWG.COM – Part 4138022 - \$205.12 (NJPA Contract 100614) – City NET30 Account

NewEgg Business – Item# 9B-24-260-435 - \$168.00 (Online/Credit Card)

B&H Photo – Item# DEP2317H - \$169.00 (Online/Credit Card)

Office Depot – Item# 263325 - \$202.99 (Online/Free Delivery)

Dell Notebook Workstation with Dual Displays

Total: \$1438.57

Desktop

Dell Optiplex 7050 SFF – Part#: 70NRJ

Dell Premier Cost: \$575.00

Core i5-7500 Processor

Windows 10 Professional

8GB Memory

500GB SATA Disk Drive

3-Year Warranty and Dell Premier Support

Price Comparable

CDWG.COM – Part 4483696 - \$746.96 (NJPA Contract 100614) – City NET30 Account

NewEgg Business – Item# 9B-83-163-429 - \$679.99 (Online/Credit Card)

B&H Photo – Item# DEO7050PX8WD - \$819.99 (Online/Credit Card)

Office Depot – Item# 941934 - \$729.99 (Online/Free Delivery)

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Liaison Guidelines Feedback



Dear Mayor and Council Members,

During December's Council meeting, Council reviewed liaison guidelines proposed by Mayor Wingfield (enclosed). The Council discussed the guidelines and requested each of the City's committees/commissions review first and offer any feedback/recommendations for Council's consideration at tonight's meeting.

The following feedback/recommendations have been received:

Planning Commission

Commissioners have not yet discussed this topic; it was tabled during their Jan meeting and then their Feb meeting was cancelled.

Parks and Natural Resources Committee

Committee members offered no feedback regarding the guidelines but discussed whether their Committee needed two Council liaisons and whether the liaisons were needed at the meetings. The Committee decided to recommend leaving their current liaison setup as it is now but to have the option of advising their liaisons to not attend meetings when the Committee felt a representative was not needed.

Roads and Streets Committee

The Roads Committee did not meet in January, February, or March so have not reviewed the guidelines as a body. Committee Chair Tom Stangl, however, has indicated that he foresees no problem with the guidelines as written. He said that if the Committee does have feedback on the guidelines when they do meet in the future, they will forward their comments to the Council accordingly.

Request/Recommendation

Staff requests Council:

- 1) Review and discuss the above feedback; and
- 2) Approve the enclosed liaison guidelines.

Thanks!

Regards,
Tobin Lay

CITY COUNCIL LIAISONS TO CERTAIN ADVISORY COMMITTEES:

Annually, the City Council shall appoint at least one council member to serve as a liaison to the City Advisory Committees. The role of the liaison is to act as a conduit and resource for information by and between the Council and the Planning Commission or Committee. The liaison shall make periodic reports to the Council on the activities of the Planning Commission or committee.

The City Council Liaison is the Chair's primary contact for all governance related issues and supports the Chair with leadership of the appointed group as necessary.

Overall City Council Liaison Responsibilities:

- Facilitates communication between the City Council and the appointed group
- Ensures that the appointed group operates within the parameters of their charge/function statement
 - Ensures that the work of the appointed group stays aligned with the strategic plan, the group's function statement and the annual committee task list (for process committees and advisory City Councils only)
 - Fosters collaborative working relationships between staff, Chair, the City Council and committee members
 - Works with Chairs to ensure long-term productivity of the appointed groups, including facilitating a smooth transition from the out-going chair to the in-coming one

Specific Tasks to Support the work of the committee:

- Attends group meetings, as requested by the Chair
- If the appointed group (or a particular member or chair) is unable to perform its work successfully for any reason, the City Council Liaison notifies concerns to the City Council
 - In the event a Chair or group member is not performing as required, the Liaison notifies the City Council then works to strategize on steps needed in order to improve performance. A call for a resignation is to be used as a last resort. Only the City Council can ask for a Chair or appointed group member's resignation

Facilitates communication between the City Council and the appointed group:

- Acts as an advocate for the group during a City Council meeting, as appropriate
- Reports to their Chairs any relevant action taken by the City Council
 - As needed assist Chairs with governance issues, such as interpreting how the work of the group supports the strategic plan
 - Transmit information, questions and feedback between the appointed group and the City Council in a timely manner
 - When sharing information with the City Council, be clear whether the appointed group is making a formal request or if the group is simply offering observations.

A liaison may always testify or submit comments at a public hearing in their capacity as a private citizen as long as they make clear at the beginning of their testimony or in their written comments that they are speaking on their own behalf and not on behalf of the Council.

Note: City Council Liaisons must be careful not to usurp the authority of the appointed Chair.

MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council

FROM: Mary Wingfield, Mayor

SUBJECT: Resolution 2018-09 WBLCD Fund Balance Policy



Birchwood Village

Recently, the City of White Bear Lake discussed the accumulating fund balance of the White Bear Lake Conservation District. The White Bear Press carried the story outlining how the amount of funds needed to operate the District now exceed the Board's own policy on the matter. The White Bear Lake officials have reached out to affected neighboring communities and have asked for support regarding this matter. Their position has merit, accordingly, I proposed the following letter (see enclosed)

--
m

March 6, 2018

White Bear Lake Conservation District
4701 Hwy 61 North
White Bear Lake, MN 55110

Board Members of the White Bear Lake Conservation District:

On behalf of the White Bear Lake City Council, I would first like to thank you for your service to our communities. The Board continues to demonstrate its commitment to preserving the wonderful recreational features and tremendous water quality of White Bear Lake, and the work required toward these objectives is notable. We also commend you for careful expenditure management of the White Bear Lake Conservation District's budget. Recent budgets in the range of \$80,000 - \$100,000 have been well administered.

Our concern comes only with the balance of your reserves. Last year the WBLCD passed a resolution establishing a target year-end fund balance to be no less than 150% of the budget for the following year, and no more than 200%. We believe that is too high. While a typical quasi-governmental organization might carry a fund balance of 35% - 50%, it may even be prudent for a smaller organization such as the WBLCD to carry a full year's budget in reserve. However, the reserve fund has reached \$226,000, far in excess of an annual operating budget of \$100,000. With the largest deficit in the last 15 years reported to be \$22,000, a rationale for a 150% - 200% reserve policy seems quite excessive.

We ask that the White Bear Lake Conservation District reconsider its request for additional funds for 2018, and instead draw down reserve funds for operations this year. We also request that the fund balance policy be revisited.

I would be happy to convene a meeting with the Board and the five municipalities around the lake to further discuss our concerns.

Regards,

Mayor Jo Emerson



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
651-426-3403 (tel) / 651-426-7747 (fax)
Info@CityofBirchwood.com
www.CityofBirchwood.com

Re: Fund Balance Level Policy

March 13, 2018

White Bear Lake Conservation District
4701 Hwy 61 North
White Bear Lake, MN 55110

Board Members of the White Bear Lake Conservation District:

The City of Birchwood Village applauds the White Bear Lake Conservation District for its fiscally responsibility and work in protecting the health of White Bear Lake. In reviewing the Board's policy on fund balances, the City of Birchwood Village joins in supporting the City of White Bear Lake in asking the White Bear Lake Conservation Board to review its policy on fund balances and bring its accounts in line with its policy by suspending its request for funds from the neighboring contributing communities. We specifically support the letter March 6, 2018 in its entirety from Mayor Emerson to the WBLCD.

Again, thank you for your dedication to our community resource.

Sincerely,

The Birchwood Village City Council

RESOLUTION 2018-09

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

RESOLUTION FOR A FUND BALANCE LEVEL POLICY

WHEREAS, the White Bear Lake Conservation District (the “District”) has a responsibility to continue operations in the event of resources being restricted not allocated or unavailable, an obligation to maintain an adequate fund balance for necessary programs and unplanned costs as well as a responsibility to avoid excessive amounts of contingency funds, and

WHEREAS, the District has no currently established line of credit to borrow funds for contingencies that could reasonably occur, and

WHEREAS, the District requires funds to cover low cash flow periods due to the fact that the District’s revenue is received sporadically and is not always predictable, and the District desires to minimize large fluctuations in the annual assessments to member communities, and

WHEREAS, the District may incur unbudgeted expenses that could potentially be a large percentage of the total annual budget, and could act in unison to nearly double the District’s total expenses in any given year; these may include but are not limited to the following items:

- Eurasian milfoil treatment is the District’s single largest expense, and this cost has historically varied, according to acres treated, up to twice what is budgeted
- Other invasive species may enter the lake and require treatment prior to the annual budgeting process
- The District is subject to unplanned costs due to legal actions, with the deductible on its liability policy set at \$50,000, which is roughly half of the District’s annual budget
- The District may experience legal fees beyond the budgeted amount, or the need may arise for outside legal consulting fees or involvement in legal actions
- The District may occasionally fund projects that cannot be foreseen at the time of budgeting
- The District may experience unforeseen expenses due to environmental issues, surveys, increased law enforcement, contracts with other government bodies, and outside professional services prior to a new budget cycle
- The District may experience a loss of office space and may be forced to pay market rates
- The District may need additional staff time, or additional staff, in the event of a project beyond our present staffing ability; e.g. receiving funds from the legislature

and,

WHEREAS, the District’s revenue may unexpectedly fall for reasons that may include but not be limited to:

- A loss of boat slip fees in the Commercial Bay area due to, and not limited to, low water levels, natural disasters, fire, or other catastrophes, or the entity is unable to pay

- A contributing community may be unable or unwilling to pay their annual assessment on time, or at all

and,

WHEREAS, the District desires to create a fund balance policy to guide its budgeting process.

NOW, LET IT THEREFORE BE RESOLVED BY THE CITY COUNCIL OF BIRCHWOOD VILLAGE, MINNESOTA, THAT the District establish a policy for a fund balance as follows:

The District shall target its year-end fund balance to be no less than 150% of the budget for the following year, and no more than 200%.

Adopted by the City Council this 13th day of March, 2018.

Mary Wingfield, Mayor

Attest: Tobin Lay, City Administrator-Clerk



MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Mahtomedi Garden Grant Request



Birchwood Village

The Mahtomedi Garden Club is again soliciting applications for grants for landscaping improvements to public spaces. We have two potential opportunities this year. With the council's permission, I will submit an application for each. The deadline is April 1, 2018.

Birchwood Rain Garden Swale Plantings

An estimate was obtained by the Washington County Water Conservation District to improve the Birch Swale, which includes regarding and installing plantings to improve soil retention and water infiltration. The plantings proposed would cost approximately \$1200.

Birchwood Village Hall Bell Tower

Gene Ruehle approached the mayor regarding ideas for a potential eagle scout project. The scout would like to assist the city in creating a space for the old civil service cast iron bell the city has stored in the basement for decades. The plan is in its initial stages and will be presented to the city council for consideration in the near future.

The tower/canopy probably would be located at city hall and incorporate landscaping to coordinate the structure with the existing garden and the bulletin board. John Lund has offered to help shepherd the project. We will be looking into one other person to review the design plans and handle the permit. Once the plan is solidified, the council can review the concept and consider approval. Using the grant would be contingent on council approval as well.

--
m

Fwd: Re: Birchwood Swale Design - 2018 Install

Birch Rain Garden Email

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

From: Mary Wingfield

Date: 3/9/18 9:12 AM (GMT-06:00)

To: Bryan Pynn, tobinlay

Subject: Re: Birchwood Swale Design - 2018 Install

> Tobin...The cost of \$1200 is a good number to submit to the Mahtomedi
 > garden club for their grant. Please add that to my agenda item...I
 > will send a memo this am
 > \thx
 >

> On 3/9/18, Bryan Pynn wrote:

>> Tobin,
 >>
 >> Attached is a quote from Outdoor Lab (visited site last week). I had
 >> them
 >> do 2 versions of the quote, with one having more plant material and an
 >> additional checkdam in the swale. The price is great!
 >>
 >> Samantha at RCWD approved us only having one quote; since it is a
 >> reputable
 >> contractor and his quote is well under our initial high-end estimate.
 >> For
 >> cost-share, we are looking at this breakdown:

>> Project Quote (Outdoor Lab)	= \$7,667
>> RCWD Cost Share (75%)	= \$5,750
>> Landowner Cash Match (25%)	= \$1,917

>>
 >> If you are fine with obtaining only one quote, I will get the cost-share
 >> application prepared so we can submit by March 23rd. Let me know you
 >> thoughts.

>> Thanks!

>> Bryan

>> _____
 >> Bryan Pynn
 >> Watershed Restoration Specialist
 >>
 >> Washington Conservation District

> Cell: 612.695.4187
> Office: 651.330.8220 ext 36

>>

> From: Tobin Lay
> Sent: Monday, February 26, 2018 5:19 PM
> To: Bryan Pynn
> Cc: Mary Wingfield; Megan Malvey
> Subject: RE: Birchwood Swale Design - 2018 Install

>>

> Bryan,

>>

> Would you be willing to put together a bid sheet with the parameters of
> the
> project since you have a close understanding of what is needed/desired?
> Thanks!

>>

>>

> Tobin Lay
> City Administrator/Clerk
> City of Birchwood Village, MN
> office: (651) 426-3403
> fax: (651) 426-7747
> email: tobin.lay@cityofbirchwood.com
> website: <http://www.cityofbirchwood.com/>

>>

> [Birchwood Clump Logo_2]

>>

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>>

> From: Bryan Pynn
> Sent: Friday, February 23, 2018 11:37 AM
> To: Tobin Lay
> Cc: Mary Wingfield; Megan Malvey
> Subject: RE: Birchwood Swale Design - 2018 Install

>>

> Tobin,

>>

> Attached is a list of contractors. The top few in either column is a
> good
> starting point. If a contractor wants to meet, then I am most flexible
> Mon-Wed, in the mornings 8-10am or 3-4pm. Fridays all day.

>>

> Thanks!

>>

> Bryan

>>

> _____

> Bryan Pynn
> Watershed Restoration Specialist

>>

> Washington Conservation District
> Cell: 612.695.4187
> Office: 651.330.8220 ext 36
>>

> From: Tobin Lay
> Sent: Thursday, February 22, 2018 4:10 PM
> To: Bryan Pynn
> Cc: Mary Wingfield; Samantha Berger; Megan Malvey
> Subject: RE: Birchwood Swale Design - 2018 Install
>>

> Bryan,
>>

> If you have a list of contractors that you'd recommend, that would be a
> good
> place to start. Will you send me what you've got? Thanks!
>>

>>

> Tobin Lay
> City Administrator/Clerk
> City of Birchwood Village, MN
> office: (651) 426-3403
> fax: (651) 426-7747
> email: tobin.lay@cityofbirchwood.com
> website: <http://www.cityofbirchwood.com/>
>>

> [Birchwood Clump Logo_2]
>>

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>>

> From: Bryan Pynn
> Sent: Thursday, February 22, 2018 11:17 AM
> To: Megan Malvey
> Cc: Mary Wingfield; Samantha Berger; Tobin Lay
> Subject: RE: Birchwood Swale Design - 2018 Install
>>

> Hi Megan,
>>

> Just a reminder that if Birchwood Village wants to proceed with applying
> for
> cost-share funding on the swale rehabilitation then we should line up a
> couple contractors to get a quote for us soon. I'd like to get someone
> to
> quote it soon so the prices are still cheap. I can recommend a list of
> contractors, or you can go it alone. I would also like to meet any
> contractor onsite to walk through the install.
>>

> Let me know how you'd like to proceed.
>>

> Thanks!

>>

> Bryan

>>

> _____

> Bryan Pynn

> Watershed Restoration Specialist

>>

> Washington Conservation District

> Cell: 612.695.4187

> Office: 651.330.8220 ext 36

>>

> From: Bryan Pynn

> Sent: Thursday, November 30, 2017 9:33 AM

> To: Megan Malvey

> Cc: Mary Wingfield; Samantha Berger; Tobin Lay

> Subject: RE: Birchwood Swale Design - 2018 Install

>>

> Megan,

>>

> See below for my answers.

>>

> Bryan

>>

> _____

> Bryan Pynn

> Watershed Restoration Specialist

>>

> Washington Conservation District

> Cell: 612.695.4187

> Office: 651.330.8220 ext 36

>>

> From: Megan Malvey

> Sent: Wednesday, November 29, 2017 7:00 PM

> To: Bryan Pynn

> Cc: Mary Wingfield; Samantha Berger; Tobin Lay

> Subject: Re: Birchwood Swale Design - 2018 Install

>>

> Bryan, thank you for all your work on this!

>>

> Tobin, I mentioned this to the parks committee and they plan to discuss

> it

> at their next meeting (which won't be until January). Tobin - would you

> forward this email and the attachments to the members of the parks

> committee?

>>

> Bryan, is there anything we need to do to get this started before the

> parks

> committee meets in January? I know we need to apply for the matching

> funds.

> Is there a form for that? Do you need approval to spend the money first

> from the parks committee or from council? If so, I would wait until your

> meeting and we can apply at that time. There is no worry of missing out

> on

> funding since there are not many projects in waiting for 2018. I just

> would

> like to get everything nailed down by March if possible. I will help

> with

> the application at that time.

>>

> Cost: With the cost share, the city's portion of ~\$1800-2500 seems

> really

> reasonable. Just to clarify, the portion that you mentioned that you'd

- > suggest hiring a contractor vs. using conservation corp is the line item
- > for
- > excavation and grading, correct? That line items is estimated at \$1800
- > if
- > done by a contractor versus potentially free (?) if done by conservation
- > corp? I just want to make sure I'm understanding right -- this quote is
- > for
- > the entire project, correct? If we use a contractor at your estimated
- > rate,
- > that line item could be \$1800 and then the total cost to the city (25%)
- > would also (some what coincidentally) be around \$1800. I'm inclined to
- > take
- > Bryan's advice on who we have do the heavy lifting on this, especially if
- > the price can be kept within what was proposed here. The quote is the
- > entire cost. I stated on the cost estimate that it could go up to \$9k,
- > but
- > this still puts the city under \$2500 for their share of the financial
- > commitment. The \$1800 is only coincidental. This number is to account
- > for
- > additional grading that doesn't have a material associated with it. Just
- > additional labor. Typically, to estimate most other costs, one has a
- > labor-markup multiplier built into the materials tally to account for all
- > labor that is associated with installing a material (plants, erosion
- > control, etc). Either way, after some experience with shepherding an
- MCC
- > Crew on a mini-excavator this summer I am reluctant to repeat that
- > process.
- > I think using a contractor also gives the city some latitude in
- > correcting
- > issues if something is amiss after the initial install. MCC crews are a
- > one-time event with no hope of getting them back on the site once your
- > project is installed.
- >>
- > My suggestion that we see if a member of the parks committee would be
- > willing to participate in the future meetings on this topic since it's at
- > Birch Beach.
- >>
- > Since Bryan McGinnis has expressed so much interest in this project I
- > will
- > also forward the information to him and ask for his feedback.
- >>
- > Thanks,
- > Megan
- >>
- >>
- >>
- >>
- >>
- > On Tue, Nov 28, 2017 at 3:46 PM, Bryan Pynn wrote:
- > Hello All,
- >>
- > Attached is the final design and cost estimate for the swale retrofit at
- > 201
- > Wildwood. Below are a few notes regarding the plan and next steps. > >
- > Design: See attached plan. Riprap sump retrofit and planting of swale
- > (12'
- > wide).
- >>
- > Cost: See attached. Contractor install cost is \$7,250. RCWD provides
- > 75%

3/9/2018

Fwd: Re: Birchwood Swale Design - 2018 Install - Tobin Lay

> of cost (\$5440). City matches \$1800. This is our estimate, 2 bids will
> be
> needed for Cost Share Application. Estimate sheet shows a high-end
> estimate
> as well (in "Job Description" section of estimate). Max cost to city
> would
> be \$2500 or less, if RCWD matches 75%.
>>
> Planting Plan: The planting plan will be guided by myself on the day-of;
> so
> there is no real planting plan to look at (just a species list).
>>
> Install Alternative: As discussed, we (Washington Conservation District)
> can apply for MN Conservation Corps time if the city wants to save money.
> After more thought on this option, I would rather a contractor come in
> and
> do it with no additional hassles (Corps not good with heavy equipment).
> But, I can coordinate this with whomever at the city if you feel you want
> to
> go this route.
>>
> Contractors and Application Timing: Contractor bids can happen anytime.
> Two bids minimum. We can apply for cost-share at any monthly watershed
> board meeting. Coordinate with me to apply. Latest I would recommend
is
> March. I can meet with contractors on-site for any quote meeting if
> needed.
> Attached is a list of frequently used contractors.
>>
> I will be the point of contact for most of this process. Let me know if
> you
> have any questions and how you would like to proceed.
>>
> Thanks!
>>
> Bryan
>>
>>
> _____
> Bryan Pynn
> Watershed Restoration Specialist
> Cell: 612.695.4187 <tel:(612) 20695-4187>
> Office: 651.330.8220 ext 36 <tel:(651) 20330-8220>
> Email: bpynn@mnwcd.org
>>
> Washington Conservation District
> 455 Hayward Ave N.
> Oakdale, MN 55128
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MEMORANDUM

DATE: March 13, 2018

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Comp Plan Update & SWOT Analysis



Dear Mayor and Council Members,

The Mayor has asked me to provide an update on the Comp Plan. Below is my update:

SWOT

The City's consultant has requested that I provide a S.W.O.T. analysis on the City from both the Planning Commission and the City Council to guide the comp plan work. A SWOT analysis is a business tool that helps you identify the Strengths, Weaknesses, Opportunities, and Threats of your organization to help you identify areas of change or focus.

Each Council Member was asked to provide staff with their individual analysis. Enclosed is the compilation of all your responses.

Progress

The maps for the comp plan are completed and the writing of the land use portion has already begun. In an effort to streamline and speed up the process, the City's consultant has tasked her own interns with writing the comp plan, under her supervision.

Timeline

The timeline for the remainder of the comp plan is as follows:

- End of March – land use portions completed & start water management plan
- April 5 – good draft completed (written by interns)
- End of April – water management plan completed (written by interns)
- End of April/early May – Birchwood volunteers review & edit draft
- May – public hearing
- June - submit to jurisdictional review

Thanks!

Regards,
Tobin Lay

Combined Council SWOT Analysis Worksheet

<p>Strengths What do you do well? What unique resources can you draw on? What do others see as your strengths?</p>	<p>Weaknesses What could you improve? Where do you have fewer resources than others? What are others likely to see as weaknesses?</p>
<ul style="list-style-type: none"> * Small village feel; neighborly/friendly people * Mature tree canopy * Quantity of Public/Natural Spaces: beaches, natural walkways, etc. * Recreational Areas: lake access, hockey rink, tennis court, play grounds, etc. * Volunteer involvement * Civic engagement - high voter turnout * Low taxes / low overhead * Fiscal responsibility; low debt * 100% residential; predominately single-family * Safe / Low crime * Community has above average affluence * Many residents with long tenure / experience * Many new residents & families with fresh ideas * Low traffic volume - significant pedestrian use of roads * Good school & college nearby * Community traditions; plant exchange, garage sale, 4th July parade 	<ul style="list-style-type: none"> * Aging/inadequate/under-realized infrastructure (city hall, play grounds, etc.) * Lack of maintenance * Unwillingness to spend money on necessary things * Political divide * Incomplete or inefficient stormwater management system - we are down hill * Unimproved public lands - hidden and being encroached on for private use * Limited revenue source (i.e. no commercial or industry zones) & resources * Limited staff - reliance on volunteers & contracted services * Historic staff turnover * Some residents feel their voices don't matter * We are an invisible community - no one knows we exist independently * In WBL school district but large number of students go to Mahtomedi * Almost completely built out * No clear goal or direction * Unintrusive gov philosophy: inhibits enforcement & evolving codification
<p>Opportunities What opportunities are open to you? What trends could you take advantage of? How can you turn your strengths into opportunities?</p>	<p>Threats What threats could harm you? What is your competition doing? What threats do your weaknesses expose you to?</p>
<ul style="list-style-type: none"> * Upgrade / complete stormwater management system * Take back and Improve public lands (recreation / walking paths, etc. * Better maintenance of existing public spaces & facilities * Improvements & new offerings at parks * Engaging/collaborating with new residents & professional pool of residents * Improved ordinance language & consistency * Ensuring all residents feel that their opinion matters; advance expectations * Website layout and ease of use * Live in the metro area * Easy freeway access * Uber * People working from home * Easier to turn a tug boat than the titanic 	<ul style="list-style-type: none"> * Small budget/revenue stream - could be overtaken by catastrophic event; - discourages investment in shared community assets * Staff turnover - inexperienced staff; lack of institutional memory * Small staff - growing complication of government * Growing political divide / divisiveness in the community ("factions") * Bitter, crabby residents making it uncomfortable for those on the council - as well as burdening staff * Tree diseases * Lake levels (legal battles/fees, increased water rates, water restrictions, etc. * Bimodal interests of tenured vs newer residents * Loss of traditions * Inadequate oversight/protection/anticipation of needs/threats * Over reliance on volunteers - increasingly unsupportable