



AGENDA OF THE REGULAR MEETING OF  
THE CITY COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
May 9, 2017  
7:00 P.M.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Newsletter Submission Deadline is May 15
- B. Earth Day Clean Up (various dates and locations)\* (p. 4)
- C. Plant Exchange on June 3, 2017 at 10am
- D. Garage Sale / Giveaway on June 10, 2017
- E. Reminder: Suburban Cable Commission Board Vacancy – June 30 Deadline
- F. Kenny Ronnan Leaving – Videographer/Camera Operator Needed

**CITY BUSINESS – CONSENT AGENDA**

- A. Approve Regular Meeting Minutes from March 14, 2017\* (pp. 5-11)
- B. Approve Workshop Meeting Minutes from March 16, 2017 (supplement)
- C. Approve Workshop Meeting Minutes from March 21, 2017 (supplement)
- D. Approve Workshop Meeting Minutes from March 30, 2017\* (pp. 12-14)
- E. Approve Workshop Meeting Minutes from April 11, 2017 (supplement)
- F. Approve Treasurer's Report\* (pp. 15-28)
- G. Approve Auction of Impounded Canoes\* (p. 29)

\* Denotes items that have supporting documentation provided

- H. Approve Resolution 2017-15, Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statutes 466.04\* (p. 30)
- I. Approve a Request to Have the Planning Commission Review City Code 303 for Amendment and Bylaw Recommendations\* (pp. 31-33)
- J. Approve Rules of Procedure Article 2 Amendment\* (pp. 34-47)
- K. Approve Ash Walkway Tree Removal\* (p. 48)
- L. Approve Resolution 2017-16, Interim Treasurer Extension\* (pp. 49-50)
- M. Sheriff Report\* (pp. 51-52)
- N. Dog Park Committee Update/Minutes\* (pp. 53-54)
- O. Spring Leaf Pickup Results\* (p. 55)
- P. IPAD Opinion and Response\* (pp. 56-63)

**CITY BUSINESS – REGULAR AGENDA**

- A. Roads Committee Update and Recommendations
  - 1. Draft Minutes\* (pp. 64-65)
  - 2. Tom Stangl Nominated as New Committee Chair
  - 3. Bylaw Amendment – 5.C. "... However, a quorum is required for any recommendation or action requiring a vote of the committee"\* (pp. 66-73)
  - 4. Street Repairs – Chip Sealing
  - 5. Electric Speed Signs
- B. MS4: Storm Water Pollution Prevention Program Review\* (pp. 74-90)
  - 1. Public Hearing
  - 2. Council Discussion
- C. Parks and Natural Resources Committee\* (pp. 91-113)
  - 1. Member Selections
  - 2. Parks Committee Meeting Dates
  - 3. Schedule Joint City Council / Parks Committee Meeting
- D. Dog Park Committee Bylaws\* (pp. 114-117)
- E. 2008 Special Assessment Process Review & Section 805 Amendment\* (pp. 118-120)
- F. 2040 Comprehensive Plan\* (pp.121-129)
- G. Data Retention Policy\* (pp. 130-133)
- H. Resolution 2017-10: Establishing Water Main Surcharge Policy\* (pp. 134-135)

\* Denotes items that have supporting documentation provided

- I. Town Hall Meeting\* (pp. 136-137)
- J. Council Member Reports:
  - 1. Mayor Wingfield:
    - a. Buckthorn Removal Day\* (p. 138)
    - b. Halls Marsh Update\* (pp. 139-140)
    - c. Ice Rink Parking Lot Drainage Update
    - d. Office Stamp Machine Returned
  - 2. Councilmember LaFoy:
    - a. Council and Staff Chairs\* (p. 141)
  - 3. Councilmember White:
  - 4. Councilmember Woolstencroft:
- K. City Administrator's Report
  - 1. City Hall Camera Upgrade\* (pp. 142-150)
  - 2. 2017 Clerks' Orientation Conference\* (pp. 151-152)
  - 3. CTAS Training\* (p. 153)
  - 4. City Hall A/C Bids
- L. City Attorney Report
  - 1. Flushable Wipes Class-action Law Suit Update
  - 2. Sewer Lining Valuation Update
  - 3. Private Use of Utility Poles

**ADJOURN**

\* Denotes items that have supporting documentation provided

# One-Day Remote Collection Events for 2017

## Household Hazardous Waste, Electronics, and Shredding

Open to households only, no businesses.



### Spring Events:

#### Hugo · Sat, April 22

8am - 12pm  
6900 137th St N

#### Mahtomedi · Sat, April 29

8am - 2pm  
1520 Mahtomedi Avenue

#### Cottage Grove · Sat, May 6

7am - 3pm  
8635 W Pt Douglas Rd S

#### Stillwater · Sat, May 20

8am - 2pm  
1208 S Greeley St

#### Forest Lake · Sat, June 3

8am - 2pm  
1995 Forest Rd N\*\*

\*\* Enter at Headwaters Pkwy

### Fall Events:

#### Forest Lake · Sat, September 9

8am - 2pm  
1995 Forest Rd N \*\*

#### Forest Lake · Sat, September 16

8am - 2pm  
1995 Forest Rd N \*\*

#### Hugo · Sat, October 14

8am - 12pm  
Hugo Public Works Garage  
6900 137th St N

\*\* Enter at Headwaters Pkwy

Paper shredding will be offered at all remote events. No more than 4 boxes per customer will be accepted. Shredding capacity is limited by the size of the truck and may be reached before the end of the event.

## Document Shredding at the Environmental Center

**Wednesdays (8am - 4:30pm): April 19, June 14, Sept. 6, Nov. 8**

**Washington County Environmental Center**

4039 Cottage Grove Drive · Woodbury

Bring your personal and confidential papers to be shredded on-site by Shred Right. Staples and paper clips do not have to be removed. CDs, floppy disks, and other media will also be accepted for off-site destruction.



The event is free and open to residents and businesses. Bring up to 6 boxes for shredding, weighing no more than 30 lbs each. More information: [www.co.washington.mn.us/envirocenter](http://www.co.washington.mn.us/envirocenter) or call 651-275-7475.

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
March 14, 2017**

**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 Steven Thatcher.

**OTHERS PRESENT:** Jay Brunner, Larry Walker, Judy Walker, Bryan McGinnis, Ross Judkins, Evanna Judkins, Alan Mitchell, Michelle Maiers-Atakpu, Tami Heart, Steve Schad, Terry Granec, Steve Huntley, Steve Wolgamot and others.

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

**AGENDA APPROVAL:**

**MOTION WAS MADE BY COUNCIL MEMBER LAFOY AND SECONDED BY COUNCIL MEMBER MALVEY TO APPROVE THE AGENDA AS AMENDED. ALL AYES. MOTION PASSED.**

**OPEN PUBLIC FORUM:**

**Jay Brunner (30 Oakridge Dr):** He spoke for and explained the purpose and makeup of experience of the resident group Birchwood United. He asked Council to invite members of this group to participate in and provide input about matters with which they are working.

**Tami Heart (506 Wildwood Ave):** She thanked Council for their hard work, integrity and for handling money fiscally and conservatively.

**Larry Walker (4020 East County Line Rd):** He expressed concerns he had about the resident group Birchwood United. He shared his opinion about the complaints the group had published in the White Bear Press Newspaper.

**Ross Judkins (135 Wildwood Ave):** He said he thought the Council was doing a good job and expressed his concern about having conflict situations like Maplewood and Lake Elmo have had.

**ANNOUNCEMENTS:**

**Mayor Wingfield and Councilmember LaFoy:** They made the following announcements:

- A.** Spring leaf pickup will be April 17 and 24.
- B.** Plant exchange will be sometime in May, date to be determined.
- C.** There was a break-in/pry-in at 20 Birchwood Ave. Residents should be warned and act accordingly.

- D. Correction to facts in the Mayor's Notes section of the past newsletter: Marlys Oliver was not the first female mayor in Birchwood, Lucy Tighe was.

**CITY BUSINESS – CONSENT AGENDA**

- A. Approval of Regular Meeting January 10, 2017 Minutes to April.
- B. Approval of Regular Meeting February 14, 2017 Minutes.
- C. Approval of Treasurer's Report.
- D. Sheriff Report.
- E. Water Main Storage Site – Agreement and Clean Up.
- F. Mahtomedi Garden Club Grant.
- G. Hamline Interns.

**Mayor and Council Members:** They tabled item A until April Council meeting and moved item E to the Regular Agenda for discussion.

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

**CITY BUSINESS - REGULAR AGENDA**

- A. Water Main Storage Site – Agreement and Clean Up

**Administrator Lay:** He explained that the City had reached an agreement with Steve Dean for an alternate storage site for water main break soil, as provided in the packet memo. He also introduced to Council a bid received from Kenny Johnson to clean up the soil put in Tighe-Schmitz Park.

**Mayor and Council Members:** They deliberated over how to handle the soil at Tighe-Schmitz Park and when to make that decision. They decided to table this until the upcoming workshop. They also asked Administrator Lay for a formal contract with Steve Dean before approval is made.

- B. City Engineer Report on Sewer Lines

**Mayor Wingfield:** She provided a background of why Council asked City Engineer Thatcher to attend this meeting.

**City Engineer Thatcher:** He addressed concerns regarding the portions of sewer lines that were not included in the previous sewer line improvement projects. He provided cost estimates for inspecting, cleaning, and improving portions of the sewer lines. He answered questions from Council Members. There is no advantage to waiting to do these improvements later and waiting too long would create a disadvantage. An estimated 67 homes about these portions of the sewer lines. Cleaning (jetting) is recommended every 5-10 years, except in dead-end lines, which should be cleaned yearly. He recommended Council proceed with these improvements.

**Mayor Wingfield:** She pointed out the significant savings that these cost estimates showed compared to the previous sewer improvement projects. She also pointed out the positive effects these improvements would have on the City's insurance policy.

**Attorney Kantrud:** He provided a summary of how assessments work and how projects are valued. All class properties must be treated the same way. There should be a feasibility study done and those are based on project values. Values can be determined through an appraiser and this should be done before determining assessments.

**Mayor and Council Members:** They discussed methods for paying for these improvements; either property assessments or charging utility accounts. They decided to proceed with obtaining a project valuation.

**MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO AUTHORIZE THE CITY ATTORNEY AND ENGINEER TO OBTAIN A PROJECT VALUATION AND PREPARE A PLAN FOR PROCEEDING WITH A SEWER IMPROVEMENT PROJECT. ALL AYES. MOTION PASSED.**

**C. Resolution 2017-07: Supporting Efforts to Complete the Lake Links Trail**

**Steve Wolgamot (Washington County Chair for the Lake Links Trail):** He introduced himself and the Lake Links trail project around White Bear Lake. He requested Council provide a resolution of support for the project. He also requested Council approve posting up to 10 trail signs along the route throughout the City.

**Mayor and Council Members:** They asked Mr. Wolgamot questions and deliberated over the number of trail signs.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE RESOLUTION 2017-07, SUPPORTING EFFORTS TO COMPLETE THE LAKE LINKS TRAIL. ALL AYES. MOTION PASSED.**

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO AUTHORIZE THE INSTALLATION OF NOT MORE THAN TEN SIGNS IN EACH DIRECTION INDICATING THE ROUTE OF THE LAKE LINKS TRAIL NETWORK IN THE CITY, PROVIDED THAT: 1) THE DESIGN OF THE SIGNS AND THEIR LOCATIONS BE APPROVED BY THE ROADS COMMITTEE, 2) THAT SIGNS MAY BE INSTALLED ON EXISTING SIGN POSTS WITH THE APPROVAL OF THE ROADS COMMITTEE, 3) THAT THE SIGNS SHALL BE FURNISHED AND INSTALLED AT NO COST TO THE CITY, AND 4) THAT THE SIGNS SHALL BE REMOVED IF SO DETERMINED BY THE CITY COUNCIL. ALL AYES. MOTION PASSED.**

**D. Dog Park Committee – Bylaws and Update**

**Steve Schad (Committee Chair):** He provided Council with proposed Dog Park Committee bylaws and answered questions about Committee progress.

**Mayor and Council Members:** They decided to have Council Members send individual comments on the proposed bylaws to Administrator Lay within the next week. Lay will provide the compilation of these comments at the next Council meeting for further discussion.

**E. Flushable Wipes Class Action Lawsuit**

**Administrator Lay:** He informed Council that the City has been invited to participate in a class action law suit against makers of flushable wipes. He suggested that the City's continuing problem with replacing sewer impellers could give the City just cause for participating in the suit.

**Attorney Kantrud:** He is willing to contact the representing attorneys in this matter to learn more information. He recommended that if the suit is certified for class action that it would make sense for the City to participate.

**Mayor and Council Members:** They deliberated this subject. They asked Attorney Kantrud to look into this further and come back with more information at the next Council meeting.

**F. Resolution 2017-08: Interim Treasurer Extension**

**Administrator Lay:** He requested Council approve extending Interim Treasurer Govan's appointment until May to allow for training of her replacement.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO APPROVE RESOLUTION 2017-08, EXTENDING CYNTHIA GOVAN'S POSITION AS INTERIM TREASURER UNTIL THE END OF MAY 2017. ALL AYES. MOTION PASSED.**

**Mayor and Council Members:** They discussed the work hours needed for the future Treasurer and Office Support staff. They decided to defer this discussion until later.

**G. Resolution 2017-09: Establishing Water Main Surcharge for 2016-2017**

**Administrator Lay:** He explained that the City had more water main breaks this winter than was budgeted for; two budgeted, three breaks. He recommended Council approve establishing a utility surcharge to pay for the extra water main break.

**Mayor and Council Members:** They asked Administrator Lay questions and discussed the recommendation.

**MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2017-09, ESTABLISHING A UTILITY SURCHARGE FOR 2016-2017 WATER MAIN BREAKS. ALL AYES. MOTION PASSED.**

**H. Resolution 2017-10: Establishing Water Main Surcharge Policy**

**Mayor and Council Members:** Upon recommendation from Administrator Lay, they tabled this and asked Lay to work with Attorney Kantrud on the language of the resolution.

**I. Ordinance 403 Tree Diseases**

**Administrator Lay:** He explained that portions of City Code 403 were outdated and the section needed to be amended. He talked about the proposed changes, which are based off of several neighboring communities' ordinances.

**Attorney Kantrud:** He said most cities do hire a city arborist but there is no industry standard for an arborist's qualifications. Other cities do require, however, some sort of training or certification.

**Mayor and Council Members:** They requested that a policy also be created regarding the tree inspector's training or certification and one about tree inspection notifications. They asked Administrator Lay to provide these policies before the second reading was passed on the ordinance.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY MAYOR WINGFIELD TO PASS THE FIRST READING OF 403 AND SET IT UP FOR A PUBLIC HEARING IN MAY. ALL AYES. MOTION PASSED.**

**J. Schedule Council Workshops**

**Mayor and Council Members:** They selected March 30 at 6:00pm for the second Council workshop.

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO SET A WORKSHOP ON FOR MARCH 30, 6:00 PM, AT CITY HALL. ALL AYES. MOTION PASSED.**

**K. Council Member Reports:**

**1. Councilmember LaFoy:**

**a. CenturyLink Update**

**Councilmember LaFoy:** He updated Council on CenturyLink franchising – the company will be holding back from our area for a while. He asked Attorney Kantrud to look into the City's right of way ordinance regarding private business use of public utility poles.

**2. Councilmember Malvey:**

**a. School District Realignment**

**Councilmember Malvey:** She updated Council on her investigation into the possibility of realigning the school district boundaries. She requested community members contact her if they are interested in realignment.

**Mayor Wingfield:** She suggested Councilmember Malvey provide information about the impact of a realignment in the next City Newsletter.

**3. Mayor Wingfield:**

**a. Halls Marsh Update**

**Mayor Wingfield:** She updated the Council on Rice Creek Watershed's Halls Marsh project.

**L. City Administrator's Report**

**1. City Hall Repairs and Upgrades**

**Administrator Lay:** He informed Council of several repairs and upgrades that are needed to City Hall and requested approval to make these changes.

**Mayor and Council Members:** They agreed with the request and discussed possible repair solutions and people to help.

**2. Tree Cleanup**

**Administrator Lay:** He informed Council that John Lund, who was approved to cut down the diseased trees on Birch Easement, has requested to cut down several additional trees on the easement. He also recommended that Steve Dean or another tree specialist be asked to assess the City's public areas to determine if there are any trees that pose a threat and need to be removed.

**Mayor and Council Members:** They did not approve the removal of the additional trees on Birch Easement but they did agree to have Steve Dean do an assessment, as recommended.

**3. Tree Inspector and Worker Safety Vests and Identification**

**Administrator Lay:** He requested approval to purchase City imprinted safety vests for all City workers and an identification badge for the Tree Inspector. He also informed Council that City Maintenance Worker Greg Beckman had agreed to replace Steve Dean as the City Tree Inspector. He requested Council authorize him to negotiate new terms of Beckman's employment.

**Mayor and Council Members:** They discussed whether the tree inspector position should be advertised or not.

**Attorney Kantrud:** He said that in this case, the tree inspection duty wouldn't be a standalone job but rather just adding the additional job duty onto Greg Beckman's existing role.

**Mayor and Council Members:** They agreed with extending the tree inspection duties to Greg Beckman. They discussed tree inspection notification procedure. They agreed with the purchase of City safety vests and a Tree Inspector identification badge.

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY  
TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 9:13 P.M.**

ATTEST:

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

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

**CITY OF BIRCHWOOD VILLAGE  
SPECIAL CITY COUNCIL MEETING  
March 30, 2017**

**MINUTES**

**MEMBERS PRESENT:** Mayor Mary Wingfield; Council members: Kevin Woolstencroft, Trilby White, Randy LaFoy and Megan Malvey.

**STAFF PRESENT:** City Administrator Tobin Lay

**OTHERS PRESENT:** Mary Hauser, Bryan McGinnis, Steve Huntley, Kathy Blegen-Huntley, Alan & Shari Mitchell, Charles Kaufman and others.

Mayor Wingfield called the special meeting to order at 6:00 p.m.

**AGENDA APPROVAL:**

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

**CITY BUSINESS - MEETING AGENDA**

**A. Action item: Attorney Authorization/ Representation**

**City Administrator Lay:** Introduced the attorney recommendation for assisting in the I.P.A.D. investigation. Attorney selected- Carolyn Bell Beckman.

**Mayor and Council Members:** Asked questions about representation and determined that the attorney will not represent a specific individual, but rather provide guidance on behalf of the city and represent the city as defense. Councilmember Malvey recommended that Councilmember White be present in the discussion, seconded by Councilmember LaFoy.

**MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO RETAIN ATTORNEY BECKMAN TO WORK WITH THE MAYOR, COUNCILMEMBER WHITE AND CITY ADMINISTRATOR LAY. ALL AYES. MOTION PASSED.**

**B. Council Assignments**

**Council Members:** Council discussed committee assignments.

**Mayor Wingfield:** Need to update Policy Manual because it is in contrast to the League of MN Cities, any meeting that is not a regular meeting is simply a meeting-not a workshop

**Council Members:** Action will take place in the consent agenda

### C. Review of Procedures at Public Forum

**Administrator Lay:** Introduced procedures that are common during city meeting as discussed in the orientation workshop

**Council Members:** Discussion of where to place open forum and possible time limits, decision to leave the time limit at 3 min per person until further discussion during April meeting

### D. 2017 Goal Setting

**Administrator Lay:** Introduced the need for the council to set goals for 2017

**Mayor and Council Members:** Suggestions- Short and long term plan for parks (as well as a maintenance plan), Lake Links Trail completion, speak with community about a possible school district change, comprehensive survey for the community, timeline for the goals, updates to the code book. Conclusions- Parks (open spaces and beaches), and dog parks.

### E. Dog Park Committee

**Mayor and Council Members:** Agreed that there is no further discussion needed for the dog parks committee

### F. Parks and Natural Resources Committee

**Councilmember Malvey:** Introduced short term goals, asked for action to be taken for the parks committee and open applications for membership to the community to start the spring/summer strong, suggested a volunteer clean-up day event

**Mayor and Council Members:** Discussion as to how to organize the parks committee and which tasks need to be accomplished policy wise, agreement to allow requests to parks committee memberships-- application deadline May 1st, committee can be 7 members

### G. Tighe-Schmitz Park & Walking Paths

**Mayor Wingfield:** Explained the options for the excess dirt that entered Tighe Schmitz park and the walking path that is becoming a liability (path is partially underwater)

**Council Members:** Discussion as to how to deal with the path, agreement to look at the options and bring information to next meeting. Issue of standing water in Tighe Schmitz park- notch needs to be cut in order to drain the water from the road, need comprehensive plan for long term

**H. County Commission Lobby Ideas**

**Mayor Wingfield:** Introduced the problems with the county line road, Birchwood being charged for street light that is overlooking the county road- would like county to take over those payments for the single light

**Council Members:** Agreed to bring the questions to Stan (County Commissioner)

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:43 PM.**

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Mary Wingfield  
Mayor

ATTEST:

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Tobin Lay  
City Administrator-Clerk

For the Period : 4/11/2017 To 5/5/2017

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$590,998.77	\$2,112.03	\$17,525.49	\$575,585.31
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$0.00	\$5,000.00	\$0.00	\$5,000.00
Special Rev Projects	\$4,365.02	\$200.00	\$0.00	\$4,565.02
Library	\$0.00	\$0.00	\$0.00	\$0.00
Spec Rev - Warm House	\$0.00	\$0.00	\$0.00	\$0.00
Reimbursed Contracted Services	\$0.00	\$0.00	\$1,676.51	(\$1,676.51)
General Debt Service (Identify)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	(\$25,194.03)	\$0.00	\$0.00	(\$25,194.03)
Sewer Re-hab 2008 Debt	\$8,424.62	\$147.61	\$0.00	\$8,572.23
Capital Improvement Projects	\$78,758.91	\$0.00	\$0.00	\$78,758.91
Municipal State Aid Streets - Construction	\$0.00	\$0.00	\$0.00	\$0.00
Open Spaces Acquisition (Optional)	\$0.00	\$0.00	\$0.00	\$0.00
Water	(\$2,583.24)	\$0.00	\$15,397.11	(\$17,980.35)
Sewer	\$84,507.73	\$0.00	\$990.23	\$83,517.50
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
<b>Total</b>	<b>\$739,277.78</b>	<b>\$7,459.64</b>	<b>\$35,589.34</b>	<b>\$711,148.08</b>

City of Birchwood Village

Receipts Register

5/6/2017

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<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>
04/18/2017	Malorie Sanders - Check #102	1937	Dog Licenses x2	(04/18/2017) -	N Animal Licenses	100-32240-	\$ 20.00
04/18/2017	Minnesota Management & Budget	1938	Washington County Court Fines February 2017	(04/18/2017) -	N Court Fines	100-35101-	\$ 60.00
04/18/2017	Minnesota Management & Budget	1939	Washington County Court Fines March 2017	(04/18/2017) -	N Court Fines	100-35101-	\$ 476.66
04/18/2017	Haupt, Mark	1940	(2) Canoe/Kayak Permits	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
04/18/2017	Hegedus, Noel	1941	Kayak/Canoe Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
04/18/2017	Clinch, J H	1942	Kayak/Canoe Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
04/18/2017	Danus, Sandy	1943*	Kayak/Canoe Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
04/18/2017	Aichele, C	1944	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
04/18/2017	Gander, Mark	1945	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
04/18/2017	Gohl, Deborah	1946	Kayak Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
04/18/2017	Carlson, Catherine	1947	Kayak Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<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>
04/18/2017	Dabruzzi, Anthony	1948	Kayak Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Hansen, Lynda	1949	Kayak Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Vreeland, Amy	1950	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							\$ 20.00
04/18/2017	Steinhauser, Paul	1951	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							\$ 20.00
04/18/2017	Olson, Jeffrey	1952	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							\$ 20.00
04/18/2017	Will, Tara	1953	Kayak Permit x2	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
							\$ 20.00
04/18/2017	Salo, Anne	1954	Kayak Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Simmons, Mary	1955	Canoe Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Tobeck, David	1956	Canoe Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Cash	1957	Canoe Permit	(04/18/2017) -	N Gas Installation Permits	100-32220-	\$ 10.00
							\$ 10.00
04/18/2017	Steinhauser, Paul	1958	Boat Lift waiting list	(04/18/2017) -	N Dock/Lift Permit Fee	210-32260-	\$ 200.00
							\$ 200.00
04/18/2017	Quick, Devon	1959	Building Permit	(04/18/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 30.00
							\$ 30.00

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

Date	Remitter	Receipt #	Description	Deposit ID	Void Account Name	F-A-P	Total
04/18/2017	Donnell, Suzanne	1960	Deck Permit Fee	(04/18/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 304.06
04/18/2017	Cash	1961	Building Permit	(04/18/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 113.75
04/18/2017	Garlock-French Corp.	1962	Building Permit	(04/18/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 113.75
05/02/2017	Claeson 403 BWD	1936*	Spec Assessment Pay April 2017	(05/02/2017) -	N Sewer Re-hab A and B	305-36110-	\$ 147.61
05/02/2017	Lake to Lake Construction Inc.	1964	Building Permit- 121 Cedar St	(05/02/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 128.10
05/02/2017	Hoffman-Weber Construction Inc.	1965	Building Permit	(05/02/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 273.10
05/02/2017	Freeberg, Scott	1966	Building Permit	(05/02/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 128.05
05/02/2017	Stockwell, Peggy	1967	Dog License	(05/02/2017) -	N Animal Licenses	100-32240-	\$ 10.00
05/02/2017	Tell, Jennifer & Jason	1968	Kayak Permit x2	(05/02/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
05/02/2017	Lund, John	1969	Kayak Permit	(05/02/2017) -	N Gas Installation Permits	100-32220-	\$ 20.00
05/02/2017	Mom's Landscaping & Design	1970	Permit	(05/02/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 25.00

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
05/02/2017	St. Paul Plumbing and Heating Co.	1971	Permit	(05/02/2017) -	N Building Permits (Excludes surcharge)	100-32210-	\$ 25.00
05/02/2017	McCarthy, Justin & Jessa	1972	Dog License x2 (2017 only)	(05/02/2017) -	N Animal Licenses	100-32240-	\$ 86.10
05/02/2017	Met Council	1973	Comp Plan Grant 4/20/17	(05/02/2017) -	N Met Council Grants and Aids	204-33640-	\$ 10.00
<b>Total for Selected Receipts</b>							\$ 5,000.00
							\$ 5,000.00
							\$ 7,459.64

City of Birchwood Village

Disbursements Register

5/6/2017

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<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>
04/13/2017	PERA	EFT041317	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
<b>Total For Check</b>							<b>\$ 274.40</b>
04/14/2017	Payroll Period Ending 04/14/2017	29576		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
<b>Total For Check</b>							<b>\$ 1,575.80</b>
04/14/2017	Payroll Period Ending 04/14/2017	29577		N	Clerk - Treasurer	100-41401-100-	\$ 422.04
<b>Total For Check</b>							<b>\$ 422.04</b>
04/18/2017	City of Roseville	29578	Mitigation Cost Share - Contract March 2017	N	Phone/IT	100-41955-320-	\$ 274.75
<b>Total For Check</b>							<b>\$ 274.75</b>
04/18/2017	AirFresh Industries, Inc.	29579	Rental Monthly Units x1	N	Supervision	100-45201-305-	\$ 142.19
<b>Total For Check</b>							<b>\$ 142.19</b>
04/18/2017	Press Publications	29580	Legal Notice Publications x 2	N	Ordinances and Proceedings	100-41130-351-	\$ 128.56
<b>Total For Check</b>							<b>\$ 128.56</b>
04/18/2017	City of White Bear Lake	29581	Water Billing 12/13/2016-03/21/2017	N	Water Utility	601-43180-305-	\$ 6,855.84
<b>Total For Check</b>							<b>\$ 6,855.84</b>
04/18/2017	TSE, INC	29582	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 25.00
<b>Total For Check</b>							<b>\$ 25.00</b>
04/18/2017	Ronnan, Kenny	29583	Council Meeting Services 4/11/17	N	Cable Eqpmt and Service	100-41950-305-	\$ 90.00
<b>Total For Check</b>							<b>\$ 90.00</b>
04/18/2017	Gourlay, Aimee	29584	Conflict Management Presentation at City Council Study Session 3/16/17	N	Unallocated Expenditures	100-49201-999-	\$ 400.00
<b>Total For Check</b>							<b>\$ 400.00</b>
04/18/2017	Menards - Oakdale	29585	Supplies	N	Supervision	100-45201-220-	\$ 15.34
		29585				100-45201-220-	\$ 13.42
		29585				100-45201-220-	\$ 7.99

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		<b>Total For Check</b>					<b>\$ 36.75</b>
04/18/2017	Lay, Tobin	29586	Reimbursement - Keys	N	Recording and Reporting	100-41420-200-	\$ 17.76
		<b>Total For Check</b>					<b>\$ 17.76</b>
04/18/2017	Washington County	29587	Assessment Billing 2017	N	Assessing	100-41550-305-	\$ 354.00
		<b>Total For Check</b>					<b>\$ 354.00</b>
04/18/2017	Xcel Energy	EFT041817	Electric for Street Lights	N	Street Lighting	100-43160-380-	\$ 1,182.44
		<b>Total For Check</b>					<b>\$ 1,182.44</b>
04/18/2017	4M Fund	EFT041817A	Bank Service Charges - Stop Payment	N	Financial Administration	100-41501-430-	\$ 35.00
		<b>Total For Check</b>					<b>\$ 35.00</b>
04/18/2017	MN Department of Revenue	EFT041817B	Quarter 1 Filing 2017	N	Clerk - Treasurer	100-41401-115-	\$ 494.68
		<b>Total For Check</b>					<b>\$ 494.68</b>
04/18/2017	IRS - US Treasury	EFTIRS2017	Q1 2017 Payment - March	N	Clerk - Treasurer	100-41401-100-	\$ 776.80
		<b>Total For Check</b>					<b>\$ 776.80</b>
04/25/2017	Birchwood Dock Association	29588	Andrew Sorenson Dock Association Fee	N	Unallocated Expenditures	100-49201-999-	\$ 35.00
		<b>Total For Check</b>					<b>\$ 35.00</b>
04/28/2017	Payroll Period Ending 04/28/2017	29589		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
		<b>Total For Check</b>					<b>\$ 1,575.80</b>
04/28/2017	PERA	EFT042817	Employee Retirement	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
		<b>Total For Check</b>					<b>\$ 274.40</b>
05/01/2017	Payroll Period Ending 04/30/2017	29590		N	Clerk - Treasurer	100-41401-100-	\$ 349.40
		<b>Total For Check</b>					<b>\$ 349.40</b>
05/01/2017	Payroll Period Ending 04/30/2017	29591		N	Clerk - Treasurer	100-41401-100-	\$ 232.70
		<b>Total For Check</b>					<b>\$ 232.70</b>
05/02/2017	Press Publications	29592	Legal Notice Publications x 2	N	Ordinances and Proceedings	100-41130-351-	\$ 128.56
		<b>Total For Check</b>					<b>\$ 128.56</b>
05/02/2017	Gopher State One Call	29593	Locates (36 Tickets)	N	Utility Locates	100-42805-305-	\$ 48.60
		<b>Total For Check</b>					<b>\$ 48.60</b>

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
05/02/2017	Tennis Sanitation, LLC	29594	Recycling Contract Mar - Apr 2017	N	Recycle	100-43300-305-	\$ 1,656.00
		<b>Total For Check 29594</b>					<b>\$ 1,656.00</b>
05/02/2017	Menards - Oakdale	29595	Supplies	N	Supervision	100-45201-220-	\$ 6.59
		29595				100-45201-220-	\$ 31.44
		<b>Total For Check 29595</b>					<b>\$ 38.03</b>
05/02/2017	Manship Plumbing & Heating Inc	29596	Monthly Standby/locates/services	N	Water Utility	601-43180-305-	\$ 3,700.00
		29596				601-43180-305-	\$ 240.00
		<b>Total For Check 29596</b>					<b>\$ 3,940.00</b>
05/02/2017	White Bear Township	29597	Lift Station Check / Repairs (1/27/17- 3/2/17)	N	Sewer Utility	605-43190-305-	\$ 230.00
		<b>Total For Check 29597</b>					<b>\$ 230.00</b>
05/02/2017	White Bear Lake Conservation Distri	29598	Annual Apportionment Fiscal 2017	N	Water Resources	100-46101-430-	\$ 1,924.40
		<b>Total For Check 29598</b>					<b>\$ 1,924.40</b>
05/02/2017	Metropolitan Area Management Associ	29599	MAMA Membership - Monthly Meeting	N	Data Processing	100-41920-433-	\$ 20.00
		<b>Total For Check 29599</b>					<b>\$ 20.00</b>
05/02/2017	TSE, INC	29600	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 25.00
		<b>Total For Check 29600</b>					<b>\$ 25.00</b>
05/02/2017	Mow Joe Inc	29601	Spring Clean Up	N	Leaf Pick-Up	226-43110-305-	\$ 1,676.51
		<b>Total For Check 29601</b>					<b>\$ 1,676.51</b>
05/02/2017	City of White Bear Lake Fire	29602	Fire Srvc - April 2017	N	Fire	100-42201-305-	\$ 1,599.84
		<b>Total For Check 29602</b>					<b>\$ 1,599.84</b>
05/02/2017	Wingfield, Mary	29603	Reimbursement for Office Supplies Flag and Flowers	N	General Government Buildings and Plant	100-41940-810-	\$ 124.85
		29603				100-41940-810-	\$ 30.00
		29603				100-41940-810-	\$ 20.00
		<b>Total For Check 29603</b>					<b>\$ 174.85</b>

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

Date	Vendor	Check #	Description	Void	Account Name	F-A-O-P	Total
05/02/2017	Erickson, Bell, Beckman, & Quinn, P	29604	Legal Services- iPad Investigation March 27- April 26 2017	N	Legal Services	100-41601-305-	\$ 1,665.00
<b>Total For Check 29604</b>							<b>\$ 1,665.00</b>
05/02/2017	Companion Animal Control LLC	29605	Animal Control - Qtr1, 2017	N	Militia and Armories	100-42810-305-	\$ 375.12
<b>Total For Check 29605</b>							<b>\$ 375.12</b>
05/02/2017	Xcel Energy	EFT050217A EFT050217A	Gas for Generator	N	Street Lighting	100-43160-380-	\$ 27.93
<b>Total For Check</b>							<b>\$ 27.93</b>
05/02/2017	Xcel Energy	EFT050217B EFT050217B EFT050217B EFT050217B EFT050217B EFT050217B	Electric for Lift Stations/Warminghouse	N	General Government Buildings and Plant Supervision Sewer Utility	100-41940-380- 100-45201-380- 605-43190-380- 605-43190-380- 605-43190-380-	\$ 163.13 \$ 13.53 \$ 505.61 \$ 72.55 \$ 155.36 \$ <b>910.18</b>
<b>Total For Check</b>							<b>\$ 103.67</b>
05/02/2017	Amazon	EFT050217C EFT050217C	Office Supplies- CD Cases, Soap Dispenser, Pavement Marking Tape	N	Recording and Reporting	100-41420-200-	\$ 24.46 \$ <b>128.13</b>
<b>Total For Check</b>							<b>\$ 26.71</b>
05/05/2017	General Repair Service	29606* 29606	Oil for lift station pumps	N	Sewer Utility	605-43190-210-	\$ 325.50
<b>Total For Check</b>							<b>\$ 325.50</b>
05/05/2017	SL - serco	29607	Meter Read/Maintenance Feb 2017	N	Water Utility	601-43180-305-	\$ 25.00
<b>Total For Check</b>							<b>\$ 25.00</b>
05/05/2017	TSE, INC	29608	City Hall Janitorial Services X2	N	General Government Buildings and Plant	100-41940-305-	\$ 162.50 \$ <b>162.50</b>
<b>Total For Check</b>							<b>\$ 100.00</b>
05/05/2017	AirFresh Industries, Inc.	29609 29609	Rental Monthly Units x2	N	Supervision	100-45201-305-	\$ 100.00
<b>Total For Check</b>							<b>\$ 100.00</b>
05/05/2017	Minnesota Association of Townships	29610	CTAS Training Workshop June 22	N	Financial Administration	100-41501-999-	\$ 100.00
<b>Total For Check</b>							<b>\$ 100.00</b>

Fund Name: All Funds

Date Range: 04/11/2017 To 05/05/2017

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
05/05/2017	Metropolitan Council Env. Service	29611	Wastewater Service June 2017	N	Sewer Utility	601-43190-217-	\$ 4,275.77
	<b>Total For Check</b>	<b>29611</b>					<b>\$ 4,275.77</b>
05/05/2017	Thatcher Engineering, Inc	29612	General Services	N	Engineer Service	100-41650-300-	\$ 255.00
	<b>Total For Check</b>	<b>29612</b>					<b>\$ 255.00</b>
05/05/2017	U S Bank	EFT113016	Safe Deposit Box - ACH Nov 2016	N	Recording and Reporting	100-41420-210-	\$ 42.40
	<b>Total For Check</b>	<b>EFT113016</b>					<b>\$ 42.40</b>
	<b>Total For Selected Checks</b>						<b>\$ 35,589.34</b>

As on 5/6/2017

## Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Dock/Lift Permit Fee	0.00	300.00	300.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>300.00</b>	<b>300.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>300.00</b>	<b>300.00</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
<b>Total Acct 451</b>	<b>0.00</b>	<b>200.00</b>	<b>(200.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>200.00</b>	<b>(200.00)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>4,465.02</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>300.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>200.00</b>	
<b>Cash Balance as of 05/06/2017</b>		<b>4,565.02</b>	

As on 5/6/2017

Capital Improvement Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Total Revenues	0.00	0.00	0.00
<b>Other Financing Sources:</b>			
Total Other Financing Sources	0.00	0.00	0.00
<b>Disbursements:</b>			
Total Disbursements	0.00	0.00	0.00
<b>Other Financing Uses:</b>			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		78,758.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 05/06/2017		78,758.91	

As on 5/6/2017

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Water</b>			
<b>Receipts:</b>			
Water Fee	0.00	17,273.13	17,273.13
Penalty - Late Water/Sewer	0.00	56.82	56.82
State and Misc fees	0.00	521.32	521.32
<b>Total Acct 341</b>	<b>0.00</b>	<b>17,851.27</b>	<b>17,851.27</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>17,851.27</b>	<b>17,851.27</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Financial Administration			
Professional Services: Medical and Dental Fees	0.00	1,818.18	(1,818.18)
<b>Total Acct 415</b>	<b>0.00</b>	<b>1,818.18</b>	<b>(1,818.18)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	147.62	(147.62)
Professional Services: Medical and Dental Fees	0.00	22,307.49	(22,307.49)
Miscellaneous (431 through 499)	0.00	562.00	(562.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	500.00	(500.00)
Professional Services: Medical and Dental Fees	0.00	14,083.82	(14,083.82)
Sewer Utility			
Sewer - Wastewater Charge	0.00	21,378.85	(21,378.85)
<b>Total Acct 431</b>	<b>0.00</b>	<b>58,979.78</b>	<b>(58,979.78)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>60,797.96</b>	<b>(60,797.96)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>24,966.34</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>17,851.27</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>60,797.96</b>	
<b>Cash Balance as of 05/06/2017</b>		<b>(17,980.35)</b>	

As on 5/6/2017

Sewer	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	115.99	115.99
Sewer Fee	0.00	27,552.79	27,552.79
<b>Total Acct 341</b>	<b>0.00</b>	<b>27,668.78</b>	<b>27,668.78</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>27,668.78</b>	<b>27,668.78</b>
<b>Other Financing Sources:</b>			
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Disbursements:</b>			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	125.34	(125.34)
<b>Total Acct 414</b>	<b>0.00</b>	<b>125.34</b>	<b>(125.34)</b>
Sewer Utility			
Operating Supplies (211 through 219)	0.00	26.71	(26.71)
Professional Services: Medical and Dental Fees	0.00	1,304.88	(1,304.88)
Utility Services (381 through 389)	0.00	2,606.35	(2,606.35)
<b>Total Acct 431</b>	<b>0.00</b>	<b>3,937.94</b>	<b>(3,937.94)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>4,063.28</b>	<b>(4,063.28)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
<b>Beginning Cash Balance</b>		<b>59,912.00</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>27,668.78</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>4,063.28</b>	
<b>Cash Balance as of 05/06/2017</b>		<b>83,517.50</b>	

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Approve Auction of Impounded Canoes



**Birchwood Village**

---

Dear Mayor and Council Members,

As you probably remember, the City has several canoes in storage that were confiscated from the canoe racks over one year ago. Despite the length of time that has passed, nobody has attempted to claim these canoes from the City.

Accordingly, staff requests Council's approval to publically auction these canoes off to clear space in the garage.

Thanks!

Regards,  
Tobin Lay

**RESOLUTION 2017-15**

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

**A Resolution Declining to Waive the Statutory Monetary Limits on Municipal Tort Liability Established by Minnesota Statute 466.04**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 9, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: Councilmember Megan Malvey, the Birchwood City Council resolved:

**WHEREAS**, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby does not waive the monetary limits on municipal tort liability established by Minnesota Statute 466.04.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9<sup>th</sup> day of May, 2017.

---

Mary Wingfield  
Mayor

Attest:

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Tobin Lay  
City Administrator-Clerk

# MEMORANDUM

DATE: May 9, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: City Code 303 Amendment Request



**Birchwood Village**

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Dear Mayor and Council Members,

Recently the Planning Commission expressed a desire to change the Commission meeting dates to allow more time for variance applicants to prepare between the Planning Commission meetings and the City Council meetings. During the City Council's discussion of this topic, the council addressed the need to amend city code 303 first as it is the code that stipulates the Commission's meeting times. The Council said that much of section 303 would be better served in a bylaw and expressed the desire to have the Planning Commission create bylaws.

Staff requests that Council formally request the Planning Commission meet to consider and recommend amendments to section 303 and to determine bylaws to recommend for Council's consideration and approval. Section 303 is attached for your convenience.

Thanks!

Regards,  
Tobin Lay

### 303. ZONING CODE; ADMINISTRATION

303.010. GENERAL. A Planning Commission is hereby established in and for the City of Birchwood consisting of at least five and no more than seven members, who are residents of Birchwood, appointed by the Mayor and approved by the City Council. No member of the Planning Commission shall hold any elected public office in the City.

All members shall be appointed for a one year term; however, said term may be terminated earlier by the Council. Said terms are to commence on the day of appointment. Vacancies during the term shall be filled by the Mayor with approval by the City Council for the unexpired portion of the term.

**ORGANIZATION AND MEETINGS:** The Commission shall elect a chairman from among its appointed members for a term of one year and the Commission may create and fill such other offices as it may determine.

The Commission shall hold at least one regular meeting each month. These meetings shall be held on the first Tuesday of the month. It shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions and findings, which record shall be a public record.

**JURISDICTION:** The Commission shall study land use, proposed plats, rezoning, applications for conditional uses, and special uses, hold public hearings when necessary, and act as the Board of Appeals.

303.020. ENFORCEMENT. It is unlawful for any person to violate any of the terms and provisions of this Code. Violation shall be a misdemeanor. Each period of two weeks that the violation is permitted to exist will constitute a separate offense. In addition, the City Attorney may require the person to take actions to prevent, restrain, correct or abate such violations.

The City will ensure that all construction activity is in compliance with land use ordinances through periodic inspections and issuance of a Certificate of Compliance. The building inspector will assume all inspection responsibilities including but not limited to land use standards as specified on the use permit.

The contractor or owner shall be informed immediately when a violation occurs, and shall be given an opportunity to make the necessary corrections. If the corrections are not made within a reasonable period of time, the owner shall be sent a written notice and the contractor issued a stop work order. The building inspector shall, when necessary, call upon the police for enforcement assistance.

303.030. GENERAL ADMINISTRATION OF THE ZONING CODE. The City Clerk, in consultation with the Chairman of the Planning Commission, shall make all administrative determinations as to compliance with the Zoning Code, at the time when a building permit is sought. The Clerk may also forward a request for an administrative decision on interpretation of the Code to the entire Planning Commission. When making such administrative decisions, the

Planning Commission cannot grant variances, which require hearings as described in Section 304. VARIANCES AND APPEALS.

303.040. OTHER GOVERNMENTAL UNITS. It is recognized that measures beyond those outlined in this Code may be required by other Governmental units. No permit (including grading and filling) shall be approved until the requester shall have obtained all necessary approvals from the Department of Natural Resources, the Rice Creek Watershed District, the White Bear Lake Conservation District, the Army Corps of Engineers, the Pollution Control Agency, or any other Group, Department, Agency or Government entity which has jurisdiction over the project.

The Minnesota Department of Natural Resources has the authority to regulate any proposed dredging, filling, or changes of the shoreland of all navigable waters in the state. A permit to alter the shoreline is required. It also has the authority to establish minimum standards for land use controls within the shoreland areas of the state.

The Rice Creek Watershed District has the authority to control or alleviate damage by floodwaters and to improve stream channels for drainage, navigation and other purposes.

The White Bear Lake Conservation District has the authority to manage water quality and regulate activity on White Bear Lake.

The Washington Conservation District administers a program of cost sharing with land occupiers for installing soil and water conservation practices (those structural and vegetative practices applied to the land to control erosion, sediment and other water pollutants). The District also prepares erosion control plans for developments that have erosion or sediment hazards.

The Army Corps of Engineers manages navigable waterways and adjacent wetlands.

303.050. RELATED CHAPTERS.

1. Chapter 202 - Plumbing and Sewage System
2. Chapter 203 - Building Regulations
3. Chapter 308 - Sub-Division of Land
4. Chapter 404 - Housing
5. Chapter 405 - National Flood Insurance Program

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Rules of Procedure Article 2 Amendments



**Birchwood Village**

---

Dear Mayor and Council Members,

During the March 30 Special Council meeting, Mayor Wingfield informed the Council of her discovery that the League of Minnesota Cities does not recognize Workshops as a type of Council meeting. She recommended that Council update the City's Policy Manual to reflect the types of meetings recognized by the League of Minnesota Cities. Following this memo is a section from Chapter 7 of the League's Handbook for Minnesota Cities that lists the types of Council meetings and the requirements for each.

Although the League does not list Workshop as an official type of Council meeting, many Minnesota cities often conduct short meetings that they call workshops that are usually held either immediately before a Council meeting or at least in relation to agenda items from a Council meeting. These workshops are usually used to discuss agenda items in greater detail prior to official deliberation and action.

Mayor Wingfield has provided the attached amendment to Article 2 of the City's Rules of Procedure for Council's consideration. The proposed language keeps Workshops as a type of Council meeting but brings it into closer conformance to the League's model of Council meetings.

Thanks!

Regards,  
Tobin Lay

## City of Birchwood Village

### Rules of Procedure

#### ARTICLE 2 COUNCIL MEETINGS

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

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

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

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

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

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

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

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

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

**2.09. WORKSHOPS.** The mayor or two council members may call for a workshop. A workshop is a special council meeting as described in 2.04 above, ~~meeting of the council~~ with other governmental bodies or organizations or persons for the purpose of advising the council about matters of interest to the city and the council. ~~A quorum need not be present to hold a workshop.~~ The council may ~~shall not~~ take any formal action as it would at any other council meeting, at a workshop unless proper notice is given in advance that such action may be taken and a quorum is present.

**2.10. NOTICE OF MEETINGS.**

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

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

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

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

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

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

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

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



**HANDBOOK FOR MINNESOTA CITIES**

**Chapter 7  
Meetings, Motions, Resolutions, and  
Ordinances**

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## HANDBOOK FOR MINNESOTA CITIES

# Chapter 7 Meetings, Motions, Resolutions, and Ordinances

*Review requirements city councils must follow when conducting meetings and public hearings, such as the open meeting law and its exceptions, taking and publishing minutes, and parliamentary procedure. Learn when to use a motion, resolution, or an ordinance to do city business and the procedures required for each. Links to various sample resolutions, ordinances, and a notice of hearing.*

### RELEVANT LINKS:

See LMC information memo, [Meetings of City Councils](#), for more information.

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 13D.04, subd. 1.](#) [Minn. Stat. § 645.44, subd. 5.](#)

[Minn. Stat. § 13D.04, subd. 2.](#) [Minn. Stat. § 412.191, subd. 2.](#) *Elseth v. Hille*, No A12-1496 (Minn. Ct. App. May 13, 2013) (unpublished opinion). [IPAD 10-013](#).

## I. Types of council meetings and notice requirements

The city council exercises its authority when it meets as a group. Under state law, there are certain requirements for council meetings.

### A. Regular meetings

State law does not govern the time, place, or frequency of council meetings. Regular meetings of the council, however, must be held at times and places established by council rules. Councils typically meet once or twice a month in the city hall or at another public place in the city.

The council must keep a schedule of its regular meetings on file at its primary office. The council should also set an alternate meeting day for any regular meeting days that fall on a legal holiday. If the council decides to hold a meeting at a different time or place from that stated in its schedule of regular meetings, it must generally give the notice required for special meetings.

### B. Special meetings

A special meeting of the council refers to any meeting at a time or place different from that stated in the council's schedule of regular meetings. The council may transact any business within its powers at a special meeting. The council should, however, only transact business for which notice has been provided in the special-meeting notice. All statutory provisions governing regular meetings, including the open meeting law, apply to special meetings.

This material is provided as general information and is not a substitute for legal advice. Consult your attorney for advice concerning specific situations.

## RELEVANT LINKS:

[Minn. Stat. § 412.191, subd. 2.](#)

[Minn. Stat. § 13D.04, subd. 2.](#)

[Minn. Stat. § 412.191, subd. 2.](#)  
[A.G. Op. 471-e \(Jan. 22, 1957\).](#)  
[Minn. Stat. § 13D.04, subd. 7.](#)

[Minn. Stat. § 13D.04, subd. 2.](#)

[Rupp v. Mayasich](#), 533 N.W.2d 893 (Minn. Ct. App. 1995).

[Minn. Stat. § 13D.04, subd. 2 \(b\), \(c\).](#)

See LMC information memo, [Newspaper Publication](#), for more information.

[Minn. Stat. § 331A.05, subd. 7.](#)

[Minn. Stat. § 645.15. In re Appeal from an Order of Lake Valley Township Bd.](#), 305 Minn. 488, 234 N.W.2d 815 (Minn. 1975).

Special meetings may be called by the mayor or by any two members of a five-member council or three members of a seven-member council. Special meetings are called by filing a written statement with the city clerk. Home rule charter cities may have different requirements for special meetings.

Unless otherwise expressly established by statute, the following notice requirements apply to all special meetings.

### 1. Notice to the council

When a special meeting has been called, the clerk must mail a notice to all councilmembers, at least one day before the meeting, stating the time and place of the meeting. If all of the councilmembers attend and participate in the meeting, the notice requirements will be considered to have been satisfied. In addition, if a person receives actual notice of a meeting at least 24 hours before the meeting, all notice requirements under the open meeting law are satisfied regardless of the method of receipt.

### 2. Notice to the public

The clerk must also post written notice of the date, time, place, and purpose of the special meeting on the city's principal bulletin board at least three days before the meeting. A principal bulletin board must be located in a place reasonably accessible to the public. If the city does not have a principal bulletin board, the notice must be posted on the door of its usual meeting room.

In addition to posting notice, the city must also mail or deliver notice to each person who has filed a written request for notice of special meetings with the city. Notice to these individuals must be mailed or delivered at least three days before the meeting. As an alternative to mailing or delivering the notice, the city may publish the notice once in its official newspaper at least three days before the meeting. If there is no official newspaper, notice must be published in a qualified newspaper of general circulation that covers the city. If, through no fault of the city, an error occurs in the publication of a notice, the error generally does not impact the validity of a public meeting.

In calculating the number of days for providing notice, the first day the notice is given should not be counted, but the last day should be counted. But if the last day is a Saturday, Sunday, or a legal holiday, that day is omitted from the calculation and the following day is considered the last day. For example, if a special meeting is scheduled for a Thursday, notice has to be given by Monday at the latest to meet the three-day notice requirement.

## RELEVANT LINKS:

[Minn. Stat. § 13D.04, subd. 2 \(d\).](#)

[Minn. Stat. § 13D.04, subd. 2 \(e\), \(f\).](#)

[A.G. Op. 63a-5 \(Aug. 28, 1996\). IPAD 16-005.](#)

[IPAD 13-015.](#)

[Minn. Stat. § 13D.04, subd. 3. IPAD 06-027](#) (advising that the city council improperly held an emergency meeting to consider complaints about the city's building inspector). *Slippy v. Rach*, No C5-06-3574 (9th Jud. Dist. June 8, 2007) (after the commissioner issued the advisory opinion, the district court held that the city council's decision to hold the emergency meeting complied with the open meeting law).

In this example, Tuesday is day one, Wednesday is day two, and Thursday is day three. Monday is not included in the time computation. Similarly, if a special meeting is planned for Monday, notice must be given by Friday at the latest; Saturday is day one, Sunday is day two, and Monday is day three. Saturday and Sunday are included in the time computation since they are not the last day of the fixed period.

A person filing a written request for notice of special meetings may limit the request to notification of special meetings that cover a particular subject. In this case, the city only needs to send notice of special meetings addressing those subjects.

Cities may set an expiration date for written requests for notices of special meetings, and require people to refile a request once each year. The city must notify each person of the requirement not more than 60 days before the refiling is due.

If a council committee or other public body meets and a quorum of city councilmembers attends and observes the meeting, the city most likely does not need to give additional notice of a special city council meeting as long as proper notice of the committee or other public meeting has been given. If councilmembers participate in discussions or deliberations during the meeting of the committee or other public body, however, an additional separate notice of a special city council meeting may be required.

The commissioner of the Minnesota Department of Administration has advised that when a town board changed the time and location of a meeting on the same day it was scheduled to occur, the town board violated the open meeting law by failing to provide the required three-day notice for a special meeting. The town board had changed the time and place of the meeting due to the weather and the lack of air conditioning in the town hall meeting room.

### C. Emergency meetings

An emergency meeting is a special meeting called by the council due to circumstances that, in its judgment, require immediate council consideration. The procedure for notifying councilmembers of emergency meetings is the same as that for special meetings. The public notice requirements, however, are different. The council must make good-faith efforts to provide notice of the emergency meeting to all media that have filed a written request for notice. Notice must be by telephone or by any other method used to notify councilmembers. The notice must include the subject of the meeting. A published or posted notice is not necessary.

## RELEVANT LINKS:

[Minn. Stat. § 13D.04, subd. 3\(f\).](#)

See section II-F for more information about the specific exceptions that authorize certain closed meetings. [Minn. Stat. § 13D.04, subd. 5.](#)

[Minn. Stat. § 412.02, subd. 2.](#)  
[Minn. Stat. § 205.07, subd. 1a.](#)

[Minn. Stat. § 412.831.](#) [Minn. Stat. § 331A.02.](#) See also LMC information memo, *Newspaper Publication*, for more information.

[Minn. Stat. §§ 427.01-.12.](#)  
[Minn. Stat. § 118A.02, subd. 1.](#)

[Minn. Stat. § 412.121.](#)

[Minn. Stat. § 424A.04, subd. 1.](#)

If matters not directly related to the emergency are discussed or acted upon at an emergency meeting, the meeting minutes must include a specific description of them.

## D. Closed meetings

A closed meeting is a meeting of a public body that the public is not allowed to attend. A public meeting only may be closed if it meets the requirements of one of the specific exceptions listed in the open meeting law. The same notice requirements that apply to open meetings also apply to closed meetings. For example, if a closed meeting takes place at a regular meeting, the notice requirements for a regular meeting apply. Likewise, if a closed meeting takes place at a special meeting or an emergency meeting, the notice requirements for a special meeting or emergency meeting apply.

## E. Annual meeting (first meeting of the year)

At its first meeting of the year, sometimes referred to as the annual meeting, the council must perform certain functions. State law does not set a date for the annual meeting, but council bylaws usually establish when it will occur. The annual meeting usually takes place on or shortly after the first Monday in January, which is when the terms of new councilmembers begin. At this first meeting, the council must:

- Designate a newspaper of general circulation as its official newspaper in which the city will publish ordinances and other matters as required by law.
- Select an official depository, by resolution, for city funds. This must be done within 30 days of the start of the city's fiscal year.
- Elect an acting mayor from among the councilmembers. The acting mayor shall perform the duties of the mayor during the mayor's disability or absence from the city, or, if there is a vacancy, until a successor has been appointed.

Councils should also, on at least an annual basis:

- Review different council appointments to city boards and commissions. For example, the council must appoint one elected city official and one elected or appointed city official to serve with the city's fire chief on the board of trustees for a city fire department's volunteer relief association.
- Review the council's bylaws or rules of procedure, and make any necessary changes. An ordinance amendment is necessary if the bylaws are in ordinance form; otherwise a resolution or motion is sufficient.

## RELEVANT LINKS:

[Minn. Stat. § 412.111.](#)

[Minn. Stat. § 412.191, subd. 1.](#)

[Minn. Stat. § 13D.04, subd. 4.](#)

[Minn. Stat. § 13D.02. IPAD 08-034.](#)

[Minn. Stat. § 13D.02. Minn. Stat. § 13D.04.](#)

- Assign committee duties to members.
- Approve official bonds that have been filed with the clerk.

## F. Adjourned meetings

City officials often use the terms “adjourned,” “continued,” and “recessed” interchangeably when referring to meetings that are postponed to a future time for lack of a quorum, for convenience, or to complete pending business from a regular meeting.

Although a quorum (majority of a city council in statutory cities) is necessary in order to conduct business, less than a quorum may adjourn or postpone a regularly organized meeting to a fixed, future time. When the council calls an adjourned meeting to complete pending business, the adjournment should be treated as a recess.

If the date, time, and place of the adjourned, continued, or recessed meeting are announced at the previous meeting and the information is recorded in the meeting minutes, no additional public notice is necessary. Otherwise, the notice required for a special meeting is necessary.

## G. Meetings conducted by interactive television

A city council meeting may be conducted by interactive television in compliance with the open meeting law if all four of the following requirements are met:

- At least one councilmember is physically present at the regular meeting location.
- All councilmembers must be able to hear and see each other and all discussion and testimony presented at any location at which at least one councilmember is present.
- All members of the public at the regular meeting location must be able to hear and see all discussion, testimony, and votes of all councilmembers.
- Each location at which a councilmember is present must be open and accessible to the public.

If possible, a member of the public should be allowed to monitor the meeting electronically from a remote location.

If interactive television is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location and notice of any site where a member of the public body will be participating by interactive television.

## RELEVANT LINKS:

[Minn. Stat. § 13D.02, subd. 5.](#)

[IPAD 13-009.](#)

The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

The open meeting law does not provide a definition for the term “interactive television.” Therefore, it is not clear what technology is authorized to be used under this authority. Although school boards have express authority to use “interactive technology with an audio and visual link” to conduct a meeting if all of the other requirements for interactive television are satisfied, city councils do not have similar authority.

However, the commissioner of the Minnesota Department of Administration has advised that a city council meeting, where a city councilmember participated through Skype while physically present at a remote location outside Minnesota, complied with the statutory authority for conducting meetings through interactive television. After the meeting occurred, a newspaper article suggested that the meeting violated the open meeting law because the councilmember’s remote location was not accessible to the city’s residents.

The advisory opinion noted that the meeting met each of the four requirements in the statute authorizing meetings using interactive television and reasoned that the plain language of the statute does not forbid a member of a public body from attending a public meeting at a location open and accessible to the public outside of the entity’s geographic area, as long as all other conditions of the statute are met.

## H. Telephone or electronic meetings

Meetings may be conducted by telephone or by other electronic means if the following conditions are met:

- The presiding officer, chief legal counsel, or chief administrative officer for the affected governing body determines that an in-person meeting or a meeting conducted through interactive television is not practical or prudent because of a health pandemic or an emergency declared under chapter 12 of the Minnesota Statutes.
- All members of the governing body participating in the meeting can hear each other, and can hear all discussion and testimony.
- Members of the public present at the regular meeting location can hear all discussion, testimony, and votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration.
- At least one member of the governing body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration.

[Minn. Stat. § 13D.021, subd. 1.](#)

## RELEVANT LINKS:

[Minn. Stat. § 13D.021, subd. 2.](#)

[Minn. Stat. § 13D.021, subd. 3.](#)

[Minn. Stat. § 13D.021, subd. 4.](#) [Minn. Stat. § 13D.04.](#)

See section I-F for more information on adjourned meeting.

- All votes are conducted by roll call so that each member’s vote on each issue can be identified and recorded.

Each member of the governing body participating in a meeting by telephone or other electronic means is considered present at the meeting for purposes of determining a quorum and participating in all proceedings.

If telephone or another electronic means is used to conduct a meeting, to the extent practical, the governing body shall allow a person to monitor the meeting electronically from a remote location. The governing body may require the person making a connection to pay for the documented, additional cost incurred as a result of the additional connection.

If telephone or another electronic means is used to conduct a regular, special, or emergency meeting, the public body shall provide notice of the regular meeting location, of the fact that some members may participate by telephone or other electronic means, and, if practical, of the option of connecting to the meeting remotely.

The timing and method of providing notice will depend on whether the meeting is a regular, special, or emergency meeting.

## I. Public Hearings

A public hearing is a meeting that is held where members of the public can express their opinions regarding a particular issue. The council is there to regulate the hearing and make sure that people who want to speak get an opportunity to do so. The council does not deliberate or discuss matters during the public-hearing portion of a meeting; instead, it listens to the public. Once the public-comment period is finished, the council will often end the meeting. In order to continue a public hearing, the council should not formally end the public-comment part of the hearing and should state the date, time, and place of the continued public hearing and record this information in the meeting minutes. There are two types of hearings, those that are discretionary and those that are required by a specific statute, ordinance, or charter provision.

### 1. Discretionary hearings

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

## RELEVANT LINKS:

[Minn. Stat. § 412.851.](#)  
[Minn. Stat. § 414.033, subd. 2b.](#)  
[Minn. Stat. § 429.031, subd. 1.](#)  
[Minn. Stat. § 429.061.](#)  
  
[Minn. Stat. § 444.18, subd. 3.](#)  
  
[Minn. Stat. § 469.003, subd. 2.](#)  
[Minn. Stat. § 469.093, subd. 1.](#)  
[Minn. Stat. § 469.065, subd. 2.](#)  
[Minn. Stat. § 469.105, subd. 2.](#)  
[Minn. Stat. § 469.107, subd. 2.](#)  
[Minn. Stat. § 340A.602.](#)  
[Minn. Stat. § 275.065, subd. 3.](#)  
[Minn. Stat. § 462.357, subd. 3.](#)  
[Minn. Stat. § 462.358, subd. 3b.](#)  
[Minn. Stat. § 462.3595, subd. 2.](#)  
[Minn. Stat. § 410.12, subd. 7.](#)

[Minn. Stat. § 645.44, subd. 5.](#)

## 2. Required hearings

When a specific statute, ordinance, or charter provision requires the council to hold a public hearing, any notice requirements must be followed. For example, required hearings for zoning-ordinance amendments and special assessments have special notice requirements. There are other situations that may require a public hearing. Contact the League if you are unsure about a particular situation.

Here are some required public hearings:

- Street vacation.
- Annexation by ordinance.
- Approval of local improvement project to be paid for with special assessments.
- Consideration of proposed special assessments.
- Purchase and improvement of waterworks, sewers, drains, and storm sewers by storm sewer improvement districts.
- Adoption of a resolution establishing a housing redevelopment authority.
- Adoption of a resolution establishing an economic development authority.
- Sale of port authority land.
- Sale of EDA land.
- Increase of EDA levy.
- Continuation of a municipal liquor store after a net loss for two of three consecutive years.
- Truth in taxation.
- Adoption or amendment of zoning ordinance.
- Subdivision applications.
- Conditional use permits.
- Adoption of a charter amendment by ordinance.

## J. Days and times when meetings cannot be held

State law establishes a set of public holidays when no public business can be transacted except to deal with emergencies. The transaction of public business includes conducting public meetings. The public holidays are:

- New Year's Day (Jan. 1).
- Martin Luther King's Birthday (the third Monday in January).
- Washington's and Lincoln's Birthday (the third Monday in February).
- Memorial Day (the last Monday in May).

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ash Walkway Tree Removal



**Birchwood Village**

---

Dear Mayor and Council Members,

During a previous City Council meeting, staff informed the Council that the City may have several dead trees on public property that posed a safety threat. Staff requested and Council approved having Steve Dean view the public areas to determine the need to remove dead trees.

Accordingly, Steve Dean has viewed the City trees and has identified two dead trees on Ash Walkway that need to be downed. He has offered to provide this service to the City for \$500.

Staff now request's Council approve Steve Dean's quote to proceed with the tree removals. Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council

**FROM:** Tobin Lay, City Administrator

**SUBJECT:** Resolution 2017-16, Interim Treasurer Extension



**Birchwood Village**

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Dear Mayor and Council Members,

During the March 14<sup>th</sup> City Council meeting, the Council extended Cynthia Govan as the Interim City Treasurer until the end of May to allow time for her to train her replacement, Bailey Beckman.

Staff now requests Council extend Cynthia's position until June 30, 2017 as Bailey Beckman will be taking an approved leave from May 15 to June 18. This will allow Cynthia to cover the Treasurer function in Bailey's absence and an opportunity to finish training Bailey upon her return.

Thanks!

Regards,  
Tobin Lay

**RESOLUTION 2017-16**

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

**APPROVING THE EXTENSION OF CYNTHIA GOVAN AS INTERIM CITY  
TREASURER.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, May 9, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Trilby White, Randy LaFoy, and Kevin Woolstencroft, and the following absent: Megan Malvey, the Birchwood City Council resolved:

**WHEREAS,** The City of Birchwood Village will extend Cynthia Govan's position as Interim City Treasurer until June 30, 2017; and

**WHEREAS,** All other terms of this relationship will remain unchanged from those passed under Resolution 2016-21

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby approves the extension of Cynthia Govan's position as Interim City Treasurer, effective May 10, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 9<sup>th</sup> day of May, 2017.

---

Mary Wingfield, Mayor

Attest:

---

Tobin Lay  
City Administrator-Clerk

# MEMORANDUM

DATE: May 9, 2017

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



Birchwood Village

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Dear Mayor and Council Members,

The Sheriff's report for the month of April is listed below and is also attached:

PRT CONTRACT ICR REPORT MTMANDT Page 1  
5/01/17 5:33:28  
Washington County Sheriff's Office  
CONTRACT ICR's  
Contract Report for BIRCHWOOD  
For the Period 4/01/17 To 4/30/17

Date Time ICR # ID# Street Name Complaint

4/01/17 14:17:24 117010489 0063 WILDWOOD AV MISSING CHILD  
4/02/17 6:21:30 117010559 1202 HALL AV DIRECTED PATROL  
4/03/17 15:34:07 117010706 0100 WILDWOOD AV OFFICER INFO  
4/04/17 21:21:39 117010903 0080 BIRCHWOOD AV 911 ABANDON  
4/05/17 11:17:19 117010966 1211 WHITE PINE LN THEFT FROM VEHICLE REPORT  
4/05/17 13:27:50 117010985 0081 WILDWOOD AV FOUND MAIL  
4/08/17 12:28:09 117011351 1212 HALL AV BARKING DOG COMPLAINT  
4/08/17 16:38:57 117011375 1264 EAST CO LINE RD MISSING CAT  
4/09/17 6:30:52 117011414 1202 WILDWOOD AV VERBAL DISPUTE  
4/10/17 15:53:27 117011594 0074 WILDWOOD AV PHONE SCAM  
4/10/17 23:27:59 117011626 1202 WILDWOOD AV DIRECTED PATROL  
4/11/17 10:57:02 117011672 0182 WILDWOOD RD DIRECTED PATROL SPEED  
4/11/17 23:41:09 117011755 1202 HALL AV DIRECTED PATROL  
4/13/17 11:34:48 117011924 0081 BIRCH ST BURG ALARM  
4/14/17 9:06:07 117012024 0190 JAY ST MEDICAL LEVEL 1  
4/14/17 16:42:22 117012092 0074 WILDWOOD AV PARKING COMPLAINT  
4/15/17 4:39:51 117012131 1264 HALL AV DIRECTED PATROL: SPEED/TRAFFIC  
4/15/17 11:45:07 117012148 0094 WILDWOOD AV WELFARE CONCERN  
4/16/17 15:48:21 117012254 1264 CEDAR ST TRAFFIC: SEMAPHORE VIOLATION/M  
4/17/17 3:08:42 117012298 1209 HALL AV SPEED SURVEY  
4/20/17 13:02:51 117012727 0182 WILDWOOD AV BIRCHWOOD CITY ORD VIOLATION  
4/21/17 4:54:04 117012808 0092 WILDWOOD AV SUSPICIOUS ACTIVITY  
4/22/17 8:08:13 117012955 0187 WILDWOOD AV SUSP ACTIVITY  
4/24/17 15:19:46 117013203 1264 HALL AV TRAFFIC: SPEED  
4/29/17 4:53:52 117013735 1209 WILDWOOD AV SPEED SURVEY  
4/29/17 17:27:17 117013788 0082 EAST CO LINE RD NUISANCE COMPLAINT \*\*RESTAC

Total ICRs Processed: 26

\*\* END OF REPORT \*\*"

Thanks!

# Citations for: Birchwood

4/1/2017 To 4/30/2017

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	4/16/2017	820031710601	1264	J. Szczepanski	Citation	0	CEDAR ST		BIRCHWOOD AVE		Birchwood	MOV-Red Semaphore-Fail Stop/Stop at Line/X-Walk MC-Violation of Motorcycle Instruction Permit - Driving Without Protective Headgear	169.06.5(a)(3)(i)
WCSO	4/16/2017	820031710601	1264	J. Szczepanski	Citation	0	CEDAR ST		BIRCHWOOD AVE		Birchwood	MOV-Red Semaphore-Fail Stop/Stop at Line/X-Walk MC-Violation of Motorcycle Instruction Permit - Driving Without Protective Headgear	169.974.2(d)(4)
WCSO	4/20/2017	820015711001	182	Bradley Marquardt	Citation	0	WILDWOOD AVE				Birchwood		615.010
WCSO	4/24/2017	820001711401	1264	J. Szczepanski	Citation	700	HALL AVE				Birchwood	MOV-Speed-Exceed 25 mph	169.14.2(a)(7)

# DRAFT MEETING MINUTES

DATE: Tuesday, May 2, 2017

TIME: 6:00 PM

LOCATION: Birchwood City Hall

## Call to Order Birchwood Dog Park Committee

Schad called meeting to order at 6:06 PM

### Meeting to Discuss:

Ideas generated by committee member's review of public spaces

Revision of committee vision statement

### Attendee Names

**Committee Members:** Kathy Blegen-Huntley, Tami Hart, Kellie Lund, Kelly Paradise, Steve Schad, Trilby White,

**Councilperson:** Kevin Woolstencroft

**Attendees Not Present:** Chris Rollinger

### Approval of Previous Minutes

White moved to approve April minutes; Paradise seconded; passed unanimously

### Reports

No public comment received

The committee discussed and reached agreement on the core ideas captured in the following draft of a revised vision statement for the committee:

Our committee's vision is for Birchwood Village to have one or more small dog park/s beginning with one pilot park. Our priorities are:

- the park/s be fenced
- the park be private – for Birchwood Village residents only
- the park create low visual impact
- the park blends into the environment and is created using natural materials as much as possible
- the park have minimal impact upon homes/neighbors

### Unfinished Business – Action Steps

White will communicate City Council's decision about who will be our Council liaison when known

Committee bylaws became available at the end of the meeting and will require review

### Motions

Blegen-Huntley moved to approve agenda; seconded by White; motion passed

### New Business

Committee meeting time conflicts with City Planning Commission meeting time. We scheduled our next meeting and agreed upon an agenda item for next meeting to determine a new standing meeting time.

## **Announcements**

To fulfill our purpose as a committee we are obligated to review and consider all public spaces in the community. We are committed to a process that will include community member input and opportunities for discussion. Those opportunities will be clearly communicated with full community participation encouraged.

## **Other Business**

- Next meeting Tuesday May 23, 2017 6:00-7:30 PM at City Hall
- Next meeting draft agenda to include:
  - Call to order
  - Finalize agenda
  - Approve May 2<sup>nd</sup> minutes
  - Receive public comment
  - Review draft of revised committee vision
  - Further discuss recommended area/s for possible dog park/s
  - Determine new standing meeting time
  - Develop June meeting agenda
  - Adjourn

## **Adjournment**

White motioned to adjourn; Schad seconded; passed unanimously at 7:30 PM

## **SECRETARY APPROVAL:**

**Prepared by Secretary**

**Kellie Lund**

# MEMORANDUM

DATE: May 9, 2017

---

TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Spring Leaf Pickup Results



Dear Mayor and Council Members,

Attached are the results from the spring leaf pickup service:

Birchwood Spring Leaf Pickup 2017- Totals with sales tax

04/17/2017

619 Birchwood Ave	Large	\$80.34
620 Birchwood Ave	Small	\$48.21
210 Birch St	XL 125	\$133.91
176 Wildwood Ave	small	\$48.21
226 Wildwood Ave	Large	\$80.34
248 Wildwood Ave	small	\$48.21
306 Wildwood Ave	small	\$48.21
430 Wildwood Ave	XXL 175	\$187.47
301 Wildwood Ave	Large	\$80.34
171 Wildwood Ave	small	\$48.21
152 Wildwood Ave	large	\$80.34
483 Lake Ave	large	\$80.34
445 Lake Ave	xl 100	\$107

Leaf pickup 4/24/17

619 Birchwood Ave	small	\$48.21
654 Birchwood Ave	xxl 125	\$133.91
179 Birch St	small	\$48.21
5 Birchwood Ave	large	\$80.34
327 Wildwood Ave	large	\$80.34
171 Wildwood Ave	xxl 125 and large	\$214"

TOTAL: \$1,676.51

Thanks!

Regards,  
Tobin Lay

**Advisory Opinion 17-003**

This is an opinion of the Commissioner of Administration issued pursuant to Minnesota Statutes, section 13.072 (2016). It is based on the facts and information available to the Commissioner as described below.

**Facts and Procedural History:**

Alan Mitchell requested an advisory opinion regarding the Birchwood Village City Council (Council) members' conduct under Minnesota Statutes, Chapter 13D, the Minnesota Open Meeting Law (OML). Mark F. Gaughan and Caroline Bell Beckman provided comments from the Council.

A summary of the facts as provided by Mr. Mitchell follows:

The last item on the Birchwood City Council's agenda for its regular monthly meeting on September 8, 2015, was entitled City Attorney's Report. When this item on the agenda came up, the mayor moved, without any discussion, that the last portion of the meeting be closed for attorney client privilege. The City Council voted 4-0 (one member was absent) to close that portion of the meeting. The item to be discussed in the closed session was not identified... and no statutory authority for closing the meeting was cited.

Mr. Mitchell provided a transcript of the portion of the meeting preceding the closure:

Mary [Mayor]: So now we need to go into our attorney's report and I think, Alan [City Attorney], we need to go into private session for that.

[City Attorney]: Mayor and council, if you would like to, you can try to caption, I guess, whatever rationale for that you would like to and ask permission to close regarding attorney client privilege information.

[Mayor]: So with that I would move that we close this portion of the meeting for attorney client privilege... (brief interruption to ask another speaker whether she wanted to be heard on another matter before the meeting is closed). So I make a motion that we close this portion of the meeting for attorney client privilege. Is there a second.

[Councilmember]: Second.

[Mayor]: All those in favor. (All ayes. 4-0, Councilman Randy LaFoy absent.)

[City Attorney]: ... And mayor and council, I will just note that it is 8:28 p.m. by my phone anyway, and that this is a closure for attorney client privilege communication (recording ceased and speaker was cut off)

The transcribed portion of the meeting that Mr. Mitchell submitted is substantially similar to the transcript submitted by the Council. The Council's transcript describes the recording cutting off the last statement from the City Attorney as:

[City Attorney]: And that this is a closure for the attorney/client privilege communication re--

Both parties directed the Commissioner to the City's website to review the video of the meeting at issue, which he did. The video demonstrates that the City Attorney was in mid-sentence when the audio cut out.

### Issues:

Based on the opinion request, the Commissioner agreed to address the following issue:

Did the City of Birchwood Village City Council comply with the Open Meeting Law, Minnesota Statutes, Chapter 13D, when it closed a portion of its meeting on September 8, 2015, on the basis of the attorney-client privilege?

### Discussion:

The Open Meeting Law requires most meetings of public bodies to be open. One exception to this general rule is that public bodies may close a meeting based on attorney-client privilege. (Minnesota Statutes, section 13D.05, subd. 3(b).)

Additionally, “[b]efore closing a meeting, a public body shall state on the record the specific grounds permitting the meeting to be closed and describe the subject to be discussed.” (Minnesota Statutes, section 13D.01, subdivision 3.) The Commissioner has addressed this requirement in numerous previous opinions. (See Advisory Opinions [06-012](#), [12-008](#), and [07-018](#).)

The Minnesota Court of Appeals has held that in order to satisfy the requirement of section 13D.01, subd. 3, public bodies must 1) identify the authority to close a meeting and 2) provide a “particularized statement describing the subject to be discussed.” (See, *The Free Press v. County of Blue Earth*, 677 N.W.2d 471, 476 (Minn. Ct. App. 2004).) The Commissioner has opined that an efficient way to fulfill the first requirement is to cite to the specific statute that allows or requires the public body to close the meeting. However, citing the law is not a requirement; a public body must simply state the specific grounds. (See Advisory Opinion [06-020 and 14-005](#).)

The Council submitted the following comments:

Near the end of the meeting, the City Attorney recommended that the Council close the meeting pursuant to the attorney-client privilege. According to the transcript and video recording of the meeting, the City Attorney states, “And that this is a closure for attorney-client privilege information re--,” at which point the television technician cut the audio recording of the meeting. The video camera remained on, clearly capturing on-going discussions between the City Attorney and the Council in open session. According to Mayor Mary Wingfield, the City Attorney went on to explain, in open session, that the meeting was being closed pursuant to attorney-client privilege and the subject of the closure was code violations at 407 Lake Avenue. Further, according to [the Mayor], the City Attorney instructed her to repeat this information herself in open session. The Mayor recalls the awkwardness of repeating the attorney's statements.

The Council did not submit a recording of the meeting that shows the discussion as described. The video of the meeting available on the City's website cuts off at the same point as the transcript notes the audio cutting off. Thus, based on the record, the Commissioner cannot determine whether the Council made a proper statement on the record as it asserts or whether it did not describe the subject to be discussed as Mr. Mitchell asserts.

The Council stated that it was closing the meeting on the basis of the attorney-client privilege exception; therefore, it met the requirement to state the specific grounds permitting the meeting to be closed. If the Council provided the additional statement regarding "code violations at 407 Lake Avenue," then it satisfied the second part of the requirement. If the Council did not provide the particularized description of the subject, then it did not satisfy the requirement.

Even if the statement fulfilled the technical requirements of section 13D.01, subd. 3, the question remains whether the meeting was properly closed pursuant to the attorney-client privilege under section 13D.05, subdivision 3(b).

The Minnesota Supreme Court has found that the provisions of the Open Meeting Law are to be interpreted in favor of the public. The Court said:

Because the Open Meeting Law was enacted for the public benefit, we construe it in favor of public access. *State by Archabal v. County of Hennepin*, 505 N.W. 2d 294, 297 (Minn. 1993); *see St. Cloud Newspapers, Inc. v. Dist. 742 Cmty. Schs.*, 332 N.W. 2d at 6 (stating that the Open Meeting Law "will be liberally construed in order to protect the public's right to full access to the decision-making process of public bodies.")

*Prior Lake American v. Mader*, 642 N.W. 2d 729, 735 (Minn. 2002) (*Prior Lake*).

Minnesota Statutes, section 13D.05, subdivision 3(b), permits a public body to close a meeting on the basis of attorney-client privilege. While the Legislature enacted subdivision 3(b) in 1990, the Minnesota Supreme Court recognized an attorney-client privilege exception to the OML in 1976. (See *Minneapolis Star and Tribune v. the Housing and Redevelopment Authority*, 251 NW 2d 620 (Minn. 1976) (*HRA*) and *Prior Lake*.) A public body may use the exception when the policy underlying the privilege balanced against the policy underlying the OML weighs in favor of absolute confidentiality. Moreover, "the fact of threatened litigation does not necessarily mean that a public body has 'the need for absolute confidentiality' in its dealings with its counsel." *Prior Lake* at 738. The Court has also cautioned that the privilege is narrower for public bodies and may not be invoked for general legal advice. (See also, Advisory Opinions [99-003](#), [14-005](#), [14-015](#), and [16-004](#).)

The Council submitted a full transcript of the September 8, 2015, meeting. The transcript does not show any discussion of litigation or potential litigation with the City, as either defendant or plaintiff. The meeting discussion centered on a section of the City's building code, a specific project that illustrated the challenges of implementing that section, and whether the Council needed to change it going forward.

The majority of the meeting was open to the public. At the beginning of the meeting, the Mayor described how the building code section works and stated, "So I guess we probably should figure out, you know with the advice of our attorney what we want to do." The meeting continued in

open session and the Council went on to discuss a variety of related issues, including a moratorium on the code section and the Council subsequently decided to hold a special meeting to decide whether to institute a moratorium. The Council also decided that it would wait until the following regular meeting to take action on changing the language of the code section. At the end of the meeting, the Council then went into closed session based on the attorney-client privilege exception.

The City Attorney presented the following summary upon returning to open session:

[City Attorney]: Mayor and council, thank you, we did talk generally about what the city's options are with respect to zoning codes and things like that. I believe it was decided that next week, either Monday or Tuesday, that a special meeting will be called to consider an interim ordinance to study the height determination for purposes of your building and planning of houses in Birchwood. If that's fair to say?

The Council provided additional information in responding to the Commissioner:

[At the September 8, 2015, meeting], the Council conferred in closed session with the City Attorney. There, the Council sought advice from the City Attorney regarding the pursuit of legal action against the contractor/builder. Upon re-opening the meeting to the public, the City Attorney described to the public that "we did talk generally about what the City's options are with respect to zoning codes and things like that."

Ultimately the City did not pursue legal action against the contractor/builder, instead choosing to amend its building height requirements and also passed a conflict of interest policy.

The Council further wrote:

In the present case, the Birchwood City Council faced not only a threat (from then-Chair of the Planning Commission) of "repercussions" if his project was not permitted to continue, but also with the question of initiating legal action against the contractor/builder for a project given improper approval by a building official. Importantly, the decision to close the meeting followed significant public discussion and participation on the substance of the matter. This is a case that tips the scale in favor of candid communications between a public body and its attorney without additional public intrusion.

Case law thus far has not addressed closing a meeting pursuant to the privilege when the public body is the potential plaintiff. In Advisory Opinion 14-017, the Commissioner wrote:

The Commissioner is not aware of a court case that examines the application of the attorney-client privilege exception when the public body is a potential plaintiff in a lawsuit, as is the situation here, or how that might affect the balancing of purposes of the privilege and the OML. Nevertheless, the Supreme Court's limitations on the privilege, taken together with the obligation to construe the OML in favor of the public, set a high standard for public bodies.

Based on the statement on the record that the Council may have made prior to closing the meeting, the summary the City Attorney provided following the closed session, and the transcript of the full meeting, it does not seem that, on balance, the Council met the standard to use the

privilege to close the meeting. Discussions of “the city’s options with regard to zoning codes and things like that” (e.g., deciding whether to institute a moratorium or the consequences of whether to change a section of building code), seems like a topic more properly addressed in a public forum.

However, the Council provided additional facts about potential litigation based on a threat of “repercussions” from the builder/contractor and that the Council had considered pursuing legal action.

The situation here is similar to that in the *Prior Lake* case, in which the Minnesota Supreme Court held that the Prior Lake City Council improperly closed a meeting. A company stated that if it did not receive a conditional use permit (CUP) as allowed under a Prior Lake ordinance or if the City required an environmental assessment worksheet (EAW), the company would sue. Prior Lake had not decided yet whether to require an EAW or whether to issue the CUP. The Prior Lake City Council went into closed session on the basis of attorney-client privilege based on that threat. In rejecting the City’s use of the exception, the Court provided the following guidance:

Given the contentious nature of many land-use proceedings, we are concerned about the ramifications of holding that open meetings may be closed to allow council members to meet with an attorney about how to view a threat of litigation relating to a public matter that has yet to be decided. Such a holding might well eviscerate the Open Meeting Law. No doubt public bodies frequently face threats of litigation associated with their decisions. Threats of litigation notwithstanding, the public has a right “to be informed of all actions and deliberations” that affect the public interest. Balancing the policies behind the attorney-client privilege and the Open Meeting Law, it is clear to us that when a public body is deciding a matter within its jurisdiction, the threat that litigation might be a consequence of deciding the matter one way or another does not, by itself, justify closing the meeting.

*Prior Lake* at 739-740.

Here, when Council closed the September 8, 2015, meeting, it had not yet decided whether to institute a moratorium on the then-current building code section. It had yet to act on changing the building code section at issue to respond to the builder/contractor situation. The record does not reflect whether the Council had taken action to reverse its position and permit the builder/contractor to continue his project (thereby neutralizing the threat of “repercussions” from him) or whether that decision was also pending. Moreover, the Council did not present arguments to the Commissioner that the discussion in closed session would contribute to litigation strategy nor did it generally identify the information that would damage the Council’s position in litigation had it been disclosed to the public. (See *Prior Lake* at 740.) In short, the record does not demonstrate that the Council required absolute confidentiality when it closed the meeting.

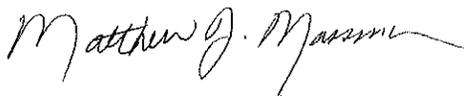
Finally, the Commissioner notes that meetings closed based on the attorney-client privilege exception are the only closed meetings that public bodies are not required to record and thus, the record for review is necessarily limited. As such, adherence to the other requirements of the OML becomes even more significant, so that the public can be informed and can judge whether closure is indeed appropriate.

**Opinion:**

Based on the facts and information provided, the Commissioner's opinion on the issue raised is as follows:

The Commissioner cannot determine whether the Birchwood Village City Council complied with Minnesota Statutes, Chapter 13D, by providing the statement on the record before going into closed session during the September 8, 2015, meeting as required by Minnesota Statutes, section 13D.01, subd. 3.

The Birchwood Village City Council did not comply with Minnesota Statutes, Chapter 13D when it closed a portion of the September 8, 2015, meeting on the basis of the attorney-client privilege exception pursuant to Minnesota Statutes, section 13D.05, subdivision 3(b).

A handwritten signature in black ink that reads "Matthew J. Massman". The signature is written in a cursive style with a long horizontal flourish at the end.

Matthew Massman  
Commissioner

April 26, 2017

## **September 8, 2015 Council closed meeting portion summary:**

In accordance with the recent IPAD decision regarding the City of Birchwood Village, the city is providing the following summary of the previously closed proceedings:

On September 8, 2015, the city council went into a closed meeting to discuss code violation(s) at 407 Lake Avenue. The city council invoked its attorney client privilege. The city council decided that despite violation(s), it would not prosecute.

The initial building plan was submitted to the City of Birchwood by a Minneapolis design firm. The Birchwood Planning Commission denied the variance request(s) in November or December 2014.

Shortly thereafter, a new permit was sought for the property, this time by a building company owned by the Birchwood planning commission chair. No variances were requested, however, no building height calculations were submitted as required.

The Birchwood City Code requires that the city clerk and the planning commission chair review each plan to verify that it is in conformance with the city code. This process was not followed. The plan was not submitted to the city – rather it was given directly to the building inspector, an independent contractor.

Once construction started, a number of residents complained to the mayor about the building height. Another member of the planning commission reviewed the plan and found the building was over three feet taller than city code allows. The building was then “red-tagged.”

The builder then met with the city administrator with a second plan. The plan was still more than a foot too tall. The builder told the city “There would be repercussions” if the city did not approve this new plan. City staff told the contractor he would need to apply for a variance for the excess height.

The contractor then submitted a third plan that appeared to meet the city code height provision. Building was allowed to continue.

The city council discussed all this information in public and again in the closed session of the council for legal consultation and deliberation with regard to whether the city should pursue legal action against the builder. The council determined it was in the best interests of the city to move forward and not prosecute him. The city instead adopted a new building height code that is clear and concise and instituted as new conflict of interest policy preventing any city official from financially benefiting from his/her position.

As recommended by our attorney, the city attempted to avoid embarrassment to the planning commission chair and discussed these circumstances in a closed meeting. The actions taken by the city council were a sincere effort to find an appropriate resolution that matched the serious but delicate issue. The requirements of what a city should do in these types of circumstances are uncharted. Nonetheless, IPAD said a city must not close a meeting if the public benefit is not outweighed by the need to close the meeting-- it determined the city should have conducted this balancing test before proceeding. The city council’s omission was unintentional.

In a genuinely concerted effort to maintain open and transparent processes and deliberation of City business, the city offers this summary. In addition, this council continues to receive instruction on Minnesota Open Meeting Laws (OML) by the League of Minnesota Cities.

Respectfully,

The City of Birchwood Village City Council  
May 9, 2017

# **Birchwood Village**

## **Roads and Streets Committee Meeting Agenda**

### **City Hall May 1, 2017 - 6:30PM**

Present:       Gene Ruehle               Terry Granec               Tom Patsy  
                  Tom Stangle               Ben Creagh               John Anderson

- A. Approve previous minutes     Gene motions, John approves, motion passs
- B. Additions to agenda
  - a. Summary of recommendations for council
- C. Public forum

#### **Old business**

- D. Review the repair of streets
  - a. First phase is done- filling of large hills, milling(if necessary)
  - b. Heavy traffic streets sealed every five years
  - c. 160 Wildwood garages concerned about drainage. Two members checked drainage during rain, and it is not an issue at this time
- E. Update on sign removal
  - a. Signs identified and passed to city administrator
- F. Report on Lake Street drainage near hockey box
  - a. Outlet has been directed away from the road, east, towards the park (Council decision)
- G. Sheriff Data report and response
  - a. Collected data for 6 days on Hall Ave 4/16/17 - 4/21/17
    - i. Ave Speed was 27 mph
    - ii. Only 3% of cars were above 36 mph
    - iii. Positioned on Wildwood Ave 5/1/17
- H. Two way radar speed sign -traffic data collection
  - a. Look to get estimates for June 5th meeting

**New business**

- I. New committee assignments
  - a. Contract work ..... Gene Ruehle, Terry Granec
    - i. Maintenance
    - ii. Chip sealing of streets
  - b. Record keeping/ Comprehensive Plan ..... John Anderson
  - c. Nomination of Tom Stangl as chairman: John motions, Ben seconds, motion carries
- J. Report on chip seal bids
  - a. Pearson Bros., Inc     \$35,188.72   \$1.24/ sq/yard     *\$41,382(2013 bid) \$1.28 sq/yard*
  - b. Allied Blacktop         \$40,640     \$1.27/sq/yard
    - i. Need to repair curbs and then fill cracks
  - c. Ask for clarification on estimation
- K. Report on false street sink-hole
  - a. Water main on Wildwood/Lake Ave reported as possible sinkhole. Reported to Shifsky, they investigated, and there is no sinkhole
- L. Initiate comprehensive study (John Anderson) road maintenance background
  - a. Plan has been passed out to members and asked for feedback during June meeting
- M. Summary of recommendations for council
  - a. Leaning towards Pearson Bros., Inc for chip sealing, assuming calculations are correct
  - b. Addition of quorum to include
    - i. “However, a quorum is required for any recommendation or action requiring a vote of the committee.”
  - c. Tom Stangl nominated as chairman. John motioned, Ben seconded, motion passed
- N. Motion to close 7:34 Gene motions, Tom P. seconds, motion passes

# ROADS AND STREETS COMMITTEE

## BYLAWS

### I. NAME OF THE COMMITTEE

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

### II. PURPOSE OF THE COMMITTEE

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

### III. COMMITTEE MEMBERSHIP

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

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

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

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

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

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

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

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

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

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

#### **IV. COMMITTEE OFFICERS**

**A. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from July to July. The Chair may serve up to three consecutive terms.

**B. Secretary/Treasurer.** The committee shall also elect a Secretary/Treasurer. The term shall run from July to July. The Secretary/Treasurer may serve up to three consecutive terms. The committee may determine to separate the office of Secretary/Treasurer and decide to elect two people to serve these roles, one as Secretary and one as Treasurer. Whether the office is combined or not may be changed from year to year.

**C. Majority Vote.** All officers shall be elected by a simple majority vote.

**D. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.

**E. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

#### **V. COMMITTEE MEETINGS**

**A. Scheduling.** The Chair of the committee shall call for meetings of the committee as deemed necessary. The committee shall meet at least once every three months. The Chair shall call for a meeting upon the request of three committee members.

**B. Open Meeting and Notice.** All meetings of the Roads and Streets Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the

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

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

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

## **VI. COMMITTEE ACTION**

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

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

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

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

## **VII. COMMITTEE CONTINUATION**

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

## **VIII. COMPENSATION**

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

## **IX. AMENDMENT OF BYLAWS**

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

**\*\*APPROVED June 12, 2012\*\***

**\*\*AMENDED January 8, 2013\*\***

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

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

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

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

### **I. NAME OF THE COMMITTEE**

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

### **II. PURPOSE OF THE COMMITTEE**

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

### **III. COMMITTEE MEMBERSHIP**

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

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

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

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

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

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

**E. Vacancy.** Parks Committee language.

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

**G. List of Members.** Parks Committee language.

#### **IV. COMMITTEE OFFICERS**

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

#### **V. COMMITTEE MEETINGS**

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

## VI. COMMITTEE ACTION

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

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

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

## X. COMMITTEE CONTINUATION

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

## **XI. COMPENSATION**

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

## **XII. AMENDMENT OF BYLAWS**

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



MS4 Question Worksheet for 2016 Annual Report

Municipal Separate Storm Sewer Systems (MS4s)
Reporting period January 1, 2016 to December 31, 2016
Due June 30, 2017

Copy of questions - Not for submittal

Instructions: This form is for your personal use only. Complete the online Annual Report to provide a summary of your activities under the 2013 MS4 Permit (Permit) between January 1, 2016, and December 31, 2016. The online Annual Report and additional information can be found on the Minnesota Pollution Control Agency (MPCA) website at: https://www.pca.state.mn.us/water/submitting-ms4-annual-reports.

Questions: Contact Cole Landgraf (cole.landgraf@state.mn.us, 651-757-2880) or Megan Handt (megan.handt@state.mn.us, 651-757-2843).

Contact information

MS4 General contact information

Full name: City of Birchwood Village Title:
Mailing address: 207 Birchwood Ave
City: Birchwood State: MN Zip code: 55110
Phone: 651-426-3403 Email: info@cityofbirchwood.com

Preparer contact information (if different from the MS4 General contact)

Full name: Tobin Lay Title: Administrator
Mailing address: 207 Birchwood Ave
City: Birchwood State: MN Zip code: 55110
Phone: 651-426-3403 Email: tobin.lay@cityofbirchwood.com

Minimum Control Measure (MCM) 1: Public education and outreach

The following questions refer to Part III.D.1. of the Permit.

- 2. Did you select a stormwater-related issue of high priority to be emphasized during this Permit term? [Part III.D.1.a.(1)]
3. If 'Yes' in Q2, what is your stormwater-related issue(s)? Check all that apply.
4. Have you distributed educational materials or equivalent outreach to the public focused on illicit discharge recognition and reporting? [Part III.D.1.a.(2)]
5. Do you have an implementation plan as required by the Permit? [Part III.D.1.b.]

6. How did you distribute educational materials or equivalent outreach? [Part III.D.1.a.] *Check all that apply in table below.*
7. For the items checked in **Q6** below, who is the intended audience? *Check all that apply in table below.*
8. For the items checked in **Q6** below, enter the total circulation/audience in table below (if unknown, use best estimate).

Q6. How did you distribute educational materials? (Check all that apply):	Q7. Intended audience? (Check all that apply.)						Q8. Total circulation /audience:
	Residents	Local businesses	Developers	Students	Employees	Other	
<input type="checkbox"/> Brochure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Newsletter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	900
<input checked="" type="checkbox"/> Utility bill insert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	900
<input type="checkbox"/> Newspaper ad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Radio ad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Television ad	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Cable access channel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Stormwater-related event	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> School presentation or project	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Website	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other (1): describe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other (2): describe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/> Other (3): describe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

For **Q9** and **Q10**, provide a brief description of each activity related to public education and outreach (e.g., rain garden workshop, school presentation, public works open house) held and the date each activity was held from January 1, 2016, to December 31, 2016. [Part III.D.1.c.(4)]

9. Date of activity *in table below*
10. Description of activity *in table below*

Q9. Date of activity	Q10. Description of activity
Nov 2016	Illicit discharge instruction article in city newsletter - Winter 2016
	Published illicit discharge ordinance on city website

11. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your public education and outreach program? [Part IV.B.]  Yes  No
- If 'Yes,' describe these modifications:

## MCM 2: Public participation/involvement

The following questions refer to Part III.D.2.a. of the Permit.

12. You must provide a minimum of one opportunity each year for the public to provide input on the adequacy of your Stormwater Pollution Prevention Program (SWPPP). Did you provide this opportunity between January 1, 2016, and December 31, 2016? [Part III.D.2.a.(1)]  Yes  No
13. If 'Yes' in **Q12**, what was the opportunity that you provided? *Check all that apply.*  Yes  No
- Public meeting
  - Public event
  - Other

14. If **'Public meeting'** in **Q13**, did you hold a stand-alone meeting or combine it with another event?
- Stand-alone  
 Combined
- Enter the date of the public meeting: 06/14/2016
- Enter the number of citizens that attended and were informed about your SWPPP: 6+
15. If **'Public event'** in **Q13**, describe:
- Enter the date (mm/dd/yyyy) of the public meeting: \_\_\_\_\_
- Enter the number of citizens that attended and were informed about your SWPPP: \_\_\_\_\_
16. If **'Other'** in **Q13**, describe:
- Enter the date (mm/dd/yyyy) of the public meeting: \_\_\_\_\_
- Enter the number of citizens that attended and were informed about your SWPPP: \_\_\_\_\_
17. Between January 1, 2016, and December 31, 2016, did you receive any input regarding your SWPPP?  Yes  No
- If **'Yes,'** enter the total number of individuals or organizations that provided comments on your SWPPP. \_\_\_\_\_
18. If **'Yes'** in **Q17**, did you modify your SWPPP as a result of written input received? [Part III.D.2.b.(2)]  Yes  No
- If **'Yes,'** describe those modifications.
19. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your public participation/involvement program? [Part IV.B.]  Yes  No
- If **'Yes,'** describe those modifications.

### MCM 3: Illicit discharge detection and elimination

**The following questions refer to Part III.D.3. of the Permit.**

20. Do you have a regulatory mechanism which prohibits non-stormwater discharges to your MS4? [Part III.D.3.b.]  Yes  No
21. Did you identify any illicit discharges between January 1, 2016, and December 31, 2016? [Part III.D.3.h.(4)]  Yes  No
22. If **'Yes'** in **Q21**, enter the number of illicit discharges detected. \_\_\_\_\_
23. If **'Yes'** in **Q21**, how did you discover these illicit discharges? Check all that apply and enter the number of illicit discharges discovered by each category.
- Public complaint  
 Staff
24. If **'Public complaint'** in **Q23**, enter the number discovered by the public: \_\_\_\_\_
25. If **'Staff'** in **Q23**, enter the number discovered by staff: \_\_\_\_\_

26. If 'Yes' in Q21, did any of the discovered illicit discharges result in an enforcement action (this includes verbal warnings)?  Yes  No
27. If 'Yes' in Q26, what type of enforcement action(s) was taken and how many of each action were issued between January 1, 2016, and December 31, 2016? Check all that apply. For each of the below checked, enter the number that were issued.  Yes  No
- Verbal warning: \_\_\_\_\_
  - Notice of violation: \_\_\_\_\_
  - Fine: \_\_\_\_\_
  - Criminal action: \_\_\_\_\_
  - Civil penalty: \_\_\_\_\_
  - Other: describe \_\_\_\_\_
28. If 'Yes' in Q26, did the enforcement action(s) taken sufficiently address the illicit discharge(s)?  Yes  No
29. If 'No' in Q28, why was the enforcement not sufficient to address the illicit discharge(s)?
30. Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your illicit discharge regulatory mechanism(s)? [Part III.B.]  Yes  No
31. Between January 1, 2016 and December 31, 2016, did you train all field staff in illicit discharge recognition (including conditions which could cause illicit discharges) and reporting illicit discharges for further investigations? [Part III.D.3.e.]  Yes  No
32. If 'Yes' in Q31, how did you train your field staff? Check all that apply.
- Email
  - PowerPoint
  - Presentation
  - Video
  - Field training
  - Other: describe \_\_\_\_\_

**The following questions refer to Part III.C.1. of the Permit.**

33. Did you update your storm sewer system map between January 1, 2016, and December 31, 2016? [Part III.C.1.]  Yes  No
34. Does your storm sewer map include all pipes 12 inches or greater in diameter and the direction of stormwater flow in those pipes? [Part III.C.1.a.]  Yes  No
35. Does your storm sewer map include outfalls, including a unique identification (ID) number and an associated geographic coordinate? [Part III.C.1.b.]  Yes  No
36. Does your storm sewer map include all structural stormwater BMPs that are part of your MS4? [Part III.C.1.c.]  Yes  No
37. Does your storm sewer map include all receiving waters? [Part III.C.1.d.]  Yes  No
38. In what format is your storm sewer map available:
- Hardcopy only
  - GIS
  - CAD
  - Other: describe \_\_\_\_\_
39. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your illicit discharge detection and elimination (IDDE) program? [Part IV.B.]  Yes  No
- If 'Yes,' describe those modifications.

## MCM 4: Construction site stormwater runoff control

### The following questions refer to Part III.D.4. of the Permit

40. Do you have a regulatory mechanism that is at least as stringent as the Agency's general permit to Discharge Stormwater Associated with Construction Activity (CSW Permit) No. Minn. R. 100001 (<http://www.pca.state.mn.us/index.php/view-document.html?gid=18984>) for erosion and sediment controls and waste controls? [Part III.D.4.a.]  Yes  No  
(Permit can be found on the MPCA website at <https://www.pca.state.mn.us/water/construction-stormwater> (titled 'Minnesota NPDES/SDS Construction Stormwater General Permit').
41. Have you developed written procedures for site plan reviews as required by the Permit? [Part III.D.4.b.]  Yes  No
42. Have you documented each site plan review as required by the Permit? [Part III.D.4.f.]  Yes  No
43. Enter the number of site plan reviews conducted for sites an acre or greater between January 1, 2016, and December 31, 2016. 0
44. What types of enforcement actions do you have available to compel compliance with your regulatory mechanism? Check all that apply and enter the number of each used from January 1, 2016, to December 31, 2016.  
 Verbal warning, Number that were issued: 12  
 Notice of violation, Number that were issued: 3  
 Administrative order, Number that were issued: \_\_\_\_\_  
 Stop-work order, Number that were issued: 3  
 Fine, Number that were issued: 1  
 Forfeit of security of bond money: \_\_\_\_\_  
 Withholding of certificate of occupancy 1  
 Criminal action, Number that were issued: 2  
 Civil penalty, Number that were issued: \_\_\_\_\_  
 Other: describe. \_\_\_\_\_, Number that were issued: \_\_\_\_\_
45. Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your construction site stormwater runoff control regulatory mechanism(s)? [Part III.B.]  Yes  No
46. Enter the number of active construction sites an acre or greater that were in your jurisdiction between January 1, 2016, and December 31, 2016: 0
47. Do you have written procedures for identifying priority sites? [Part III.D.4.d.(1)]  Yes  No
48. If 'Yes,' in Q47, How are sites prioritized? Check all that apply.  
 Site topography  
 Soil characteristics  
 Types of receiving water(s)  
 Stage of construction  
 Compliance history  
 Weather conditions  
 Citizen complaints  
 Project size  
 Other: describe
49. Do you have a checklist or other written means to document site inspections when determining compliance? [Part III.D.4.d.(4)]  Yes  No
50. Enter the number of site inspections conducted for sites an acre or greater between January 1, 2016, and December 31, 2016. 0
51. Enter the frequency at which site inspections are conducted (e.g., daily, weekly, monthly). [Part III.D.4.d.(2)] monthly
52. Enter the number of trained inspectors that were available for construction site inspections between January 1, 2016, and December 31, 2016. 1
53. Provide the contact information for the inspector(s) and/or organization that conducts construction stormwater inspections for your MS4. List your primary construction stormwater contact first if you have multiple inspectors.

**(1) Inspector name:**

Organization: Jack Kramer / St. Croix Valley Inspection  
Phone (office): 651-351-5051  
Phone (work cell): \_\_\_\_\_  
Email: inspjack@msn.com  
Preferred contact method: phone or email

**(2) Inspector name:**

Organization: \_\_\_\_\_  
Phone (office): \_\_\_\_\_  
Phone (work cell): \_\_\_\_\_  
Email: \_\_\_\_\_  
Preferred contact method: \_\_\_\_\_

**(3) Inspector name:**

Organization: \_\_\_\_\_  
Phone (office): \_\_\_\_\_  
Phone (work cell): \_\_\_\_\_  
Email: \_\_\_\_\_  
Preferred contact method: \_\_\_\_\_

54. What training did inspectors receive? *Check all that apply.*

- University of Minnesota Erosion and Stormwater Management Certification Program
- Qualified Compliance Inspector of Stormwater (QCIS)
- Minnesota Laborers Training Center Stormwater Pollution Prevention Plan Installer or Supervisor
- Minnesota Utility Contractors Association Erosion Control Training
- Certified Professional in Erosion and Sediment Control (CPESC)
- Certified Professional in Stormwater Quality (CPSWQ)
- Certified Erosion Sediment and Storm Water Inspector (CESSWI)
- Other: describe

*Certified Building Official*

55. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your construction site stormwater runoff control program? [Part IV.B.]  Yes  No

If 'Yes,' describe those modifications:

## **MCM 5: Post-construction stormwater management in new development and redevelopment**

The following questions refer to Part III.D.5. of the Permit.

56. Do you have a regulatory mechanism which meets all requirements as specified in Part III.D.5.a. of the Permit?  Yes  No

57. What approach are you using to meet the performance standard for Volume, Total Suspended Solids (TSS), and Total Phosphorus (TP) as required by the permit? [Part III.D.5.a.(2)] *Check all that apply.* Refer to the Technical Support Document (TSD) at <http://www.pca.state.mn.us/index.php/view-document.html?gid=17815> for guidance on stormwater management approaches. *The TSD can be found on the MPCA website at <https://www.pca.state.mn.us/water/municipal-stormwater-ms4> (refer to the Post Construction Stormwater Management section under the 'Guidance and BMPs' tab).*

- Retain a runoff volume equal to one inch times the area of the proposed increase of impervious surfaces on-site
- Retain the post-construction runoff volume on site for the 95th percentile storm
- Match the pre-development runoff conditions
- Adopt the Minimal Impact Design Standards (MIDS)
- An approach has not been selected
- Other method (Must be technically defensible - e.g., based on modeling, research and acceptable engineering practices)

*If 'Other method,' describe:*

58. Do you have written Enforcement Response Procedures (ERPs) to compel compliance with your post-construction stormwater management regulatory mechanism(s)? [Part III.B.]  Yes  No
59. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your post-construction stormwater management program? [Part IV.B.]  Yes  No
- If 'Yes,' describe those modifications.

## MCM 6: Pollution prevention/good housekeeping for municipal operations

The following questions refer to Part III.D.6. of the Permit.

60. Enter the total number of **structural stormwater BMPs, outfalls** (excluding underground outfalls), and **ponds** within your MS4 (exclude privately owned). Enter the number for each category below:
- Structural stormwater BMPs: 10
- Outfalls: 4
- Ponds: 2
61. Enter the total number of **structural stormwater BMPs, outfalls** (excluding underground outfalls), and **ponds** that were inspected from January 1, 2016 to December 31, 2016 within your MS4 (exclude privately owned) [Part III.D.6.e.]. Enter the number for each category below:
- Structural stormwater BMPs: 10
- Outfalls: 4
- Ponds: 2
62. Have you developed an alternative inspection frequency for any structural stormwater BMPs, as allowed in Part III.D.6.e.(1) of the Permit?  Yes  No
63. Based on inspection findings, did you conduct any maintenance on any structural stormwater BMPs? [Part III.D.6.e.(1)]  Yes  No
64. If 'Yes' in **Q63**, briefly describe the maintenance that was conducted:
- Cleaning*
65. Do you own or operate any stockpiles, and/or storage and material handling areas? [Part III.D.6.e.(3)]  Yes  No
66. If 'Yes' in **Q65**, did you inspect all stockpiles and storage and material handling areas quarterly? [Part III.D.6.e.(3)]  Yes  No
67. If 'Yes' in **Q66**, based on inspection findings, did you conduct maintenance at any of the stockpiles and/or storage and material handling areas?  Yes  No
68. If 'Yes' in **Q67**, briefly describe the maintenance that was conducted:
69. Between January 1, 2016, and December 31, 2016, did you modify your BMPs, measurable goals, or future plans for your pollution prevention/good housekeeping for municipal operations program? [Part IV.B.]  Yes  No
- If 'Yes,' describe those modifications:

## Discharges to impaired waters with a EPA-approved TMDL that includes an applicable WLA

If you have been assigned a Waste Load Allocation (WLA) in a TMDL that was approved by the U.S. Environmental Protection Agency (EPA) prior to August 1, 2013, and were not meeting WLA(s) at the time of your permit application, you must complete the **TMDL Annual Report Form**, available on the MPCA website at: [http://stormwater.pca.state.mn.us/index.php/Download\\_page\\_with\\_TMDL\\_forms](http://stormwater.pca.state.mn.us/index.php/Download_page_with_TMDL_forms). Attach your completed TMDL Annual report form to the actual Annual Report as instructed within that document. [Part III.E.]

71. [question left blank for you to attach a file]

## Alum or Ferric Chloride Phosphorus Treatment Systems

The following questions refer to Part III.F.3.a. of the Permit. Provide the information below as it pertains to your alum or ferric chloride phosphorus treatment system.

72. Date(s) of operation:

Month	Date(s) of operation (mm/dd/yyyy – mm/dd/yyyy)
January	
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

Month	Q73 Chemical(s) used for treatment	Q74 Gallons of alum or ferric chloride treatment	Q75 Gallons of water treated	Q76 Calculated pounds of phosphorus removed
January				
February				
March				
April				
May				
June				
July				
August				
September				
October				
November				
December				

77. Any performance issues and corrective action(s), including date(s) when corrective action(s) were taken, between January 1, 2016, and December 31, 2016:

## Partnerships

78. Did you rely on any other regulated MS4s to satisfy one or more permit requirements?

Yes  No

79. If 'Yes' in Q78, describe the agreements you have with other regulated MS4s and which permit requirements the other regulated MS4s help satisfy: [Part IV.B.6.]

*Rice Creek Watershed District, White Bear Lake Conservation District*

## Additional information

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If you would like to provide any additional files to accompany your Annual Report, use the space below to upload those files. For each space, you may attach one file.

- 80. [Optional space for you to attach a file]
- 81. [Optional space for you to attach a file]
- 82. [Optional space for you to attach a file]
- 83. Optional, describe the file(s) uploaded:

## Owner or Operator Certification

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The person with overall administrative responsibility for SWPPP implementation and permit compliance must certify this MS4 Annual Report. This person must be duly authorized and should be either a principal executive (i.e., Director of Public Works, City Administrator) or ranking elected official (i.e., Mayor, Township Supervisor).

- Yes - *I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete (Minn. R. 7001.0070). I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment (Minn. R. 7001.0540).*

By typing my name in the following space, I certify the above statements to be true and correct, to the best of my knowledge, and that information can be used for the purpose of processing my MS4 Annual Report.

Name of certifying official: The certifying official must electronically sign the online Annual Report form.

Title: Administrator

Date: 05/09/2017  
(mm/dd/yyyy)

**Note:** In the online form, you will be prompted to provide the email(s) of the individual(s) you would like to receive the MS4 Annual Report for 2016 submittal confirmation email from the MPCA. After you submit the form, please allow up to three business days to receive this confirmation email.

Email (1) tobin.lay@cityofbirchwood.com

Email (2) \_\_\_\_\_

Email (3) \_\_\_\_\_

CITY OF BIRCHWOOD VILLAGE  
COUNTY OF WASHINGTON, STATE OF MINNESOTA

THE COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE ORDAINS:

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

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

THE BIRCHWOOD VILLAGE CITY COUNCIL HEREBY ORDAINS AS FOLLOWS:

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

The objectives of this Ordinance are:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202.100.2.16. City: Birchwood Village

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

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

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

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

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

202.100.6. DISCHARGE PROHIBITIONS.

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

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

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

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

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

#### 202.100.6.2. Prohibition of Illicit Connections.

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

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

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

#### 202.100.7. SUSPENSION OF MS4 ACCESS.

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

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

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

#### 202.100.8. MONITORING OF DISCHARGES

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

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

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

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

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

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

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

**202.100.12. ENFORCEMENT.**

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

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

202.100.12.1.2. The elimination of illicit connections or discharges;

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

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

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

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

202.100.12.1.7. The deadline within which to remedy the violation.

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

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

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

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

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

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

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

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

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

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

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

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

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

Adopted by the City of Birchwood Village City Council

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

Attest: \_\_\_\_\_ Mayor  
Mary Wingfield

Attest: \_\_\_\_\_, City Clerk  
Cindie J Reiter

# MEMORANDUM

DATE: May 9, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Parks and Natural Resources Committee



**Birchwood Village**

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Dear Mayor and Council Members,

Below is a list of the Parks Committee candidates and the Mayor's proposed procedure for selecting them to the Parks Committee. Attached are the candidate's letters of interest and some thoughts from Councilmember Malvey, who is unable to attend tonight's City Council meeting:

	<u>Last Name</u>	<u>First Name</u>
1	Nardecchia	Anthony
2	Haupt	Mark
3	Sperl	Bridget
4	McCormick	John
5	Harrod	Debbie
6	Clinch	Houstoun
7	Nelson	James
8	Dopson	Karen
9	Remely	Dave
10	Rupert	James
11	Cavanor	Katie
12	Vang	Analeisha
13	Walker	Judy
14	Howe	Scott
15	DeMars	Tony

“Committee selection Process

We have quite a few requests from residents to be part of the revitalized Parks Committee. Since we have more applicants than seats, there will have to be a nominating process. The council has not addressed this issue previously so I offer the following in the interest of time and efficiency Tuesday:

I have asked Tobin to send out all the Letters of Interest this week. Unless the council determines otherwise, I do not anticipate opening up the floor to each candidate to provide an overview of their interest due to time limitations. Accordingly, it would be helpful for you to contact any of the applicants for any questions or concerns you have at this time. This information can be shared with us next week as we consider each person. Obviously, many of us are familiar with a number of the candidates and the applications are sufficient so do as much research as you feel necessary to install a good panel. Candidates will be invited to the meeting for any questions that come up in the course of discussion.

I recommend that you rank the people in order of preference to you. Council members can then make motions (one candidate at a time) for individual appointments and vote on each one until the committee is filled with seven members. I envision that council members will offer one or two motions each to accomplish a full panel. However, it would be wise to rank at least your top ten choices due to the possibility of some overlap.

I have explained this approach to Tobin. Please feel free to contact him if you have any questions or concerns. – Mary”

Thanks!

Regards,  
Tobin Lay

To: Tobin Lay – for inclusion in May 2017 City Council packet

From: Megan Malvey

Date: May 2, 2017

Regarding: Megan's feedback about Parks and Natural Resources Committee applicants

We have many great candidates for our Parks and Natural Resources Committee. I think the large number of applicants demonstrates the importance that our community places on our parks and public spaces. I think it's important that we create a parks and natural resources committee with a diverse set of perceptions and backgrounds. Our work and considerations will need to be inclusive of recreation/play, environmental stewardship and aesthetics, all approached in a fiscally responsible way.

I will not be present at the May council meeting but wanted to provide my thoughts on the PNRC applicants who I felt were the strongest. The list below represents my top 9 candidates, in no particular order. I think it's important that all candidates who applied before the deadline be considered based on their qualifications and goals (not simply taking the first seven who applied). I think it would be ideal if our PNRC had some members who have served on the committee in the past and some new members.

I am submitting comments that reflect what I would have said at the meeting. I am very disappointed not to be there to vote on this important topic, but I had plans that prevent me from attending the meeting on May 9 that were made a few months ago. At the second March workshop and at the April council meeting, I had requested that parks committee selection be done when I could attend, but the council as a whole felt it would be best to do selections at the May meeting. I am commenting below on many candidates. I feel all of these candidates would be strong parks committee members. If I was there to vote, I would likely vote for candidates among this group, but would make my final selections (potentially including some that aren't mentioned below) based on the discussion with the council at the meeting. These comments are provided simply as a means for me to provide my feedback about the candidates to other council members for their consideration since I will not be there to make these comments in person.

- Analeisha Vang has direct career experience in this area. She currently works with the Children and Nature Network to increase parks access for children in St. Paul and has significant relevant work experience for the city of St. Paul's, Mayor's Office. Ana described a goal to ensure our parks are suited to the community needs now and in the future.
- David Remely is an architect and brings professional experience related to outdoor features, landscaping and drainage. He also mentions a goal to have more game areas for seniors such as bocce, horseshoes, pickle ball, etc.
- Katie Cavanor has served on the parks committee in the past and was involved in projects for the warming house, tennis courts, playgrounds. She describes a goal for the parks committee to work effectively with the council and community.

- Karen Dopson acknowledges that for our parks and public spaces to remain an asset that they need to be improved to ensure they are safe for children and adults of all ages and abilities. Karen brings the perspective of a tenured member of our community who also has an eye for the needs of new families, considering her use of our parks with her grandchild.
- Judy Walker mentioned a wide variety of topics in her application. She clearly values the natural resources we have in Birchwood and protecting our environment. She also spoke about the importance of functionality such as backboards for the tennis courts, new basketball hoops and other recreational goals.
- Debbie Harrod brings many years of Parks Committee experience. She took a leadership role in many successful projects for Birchwood including the warming house, hockey day, and various maintenance projects. Debbie also has experience with grant writing and knowledge about finding grant funding that may help us accomplish our parks projects.
- Bridget Sperl is a Master Gardener who has already stepped up, informing us about the Mahtomedi Garden Club grant, which Mary applied for and we received for use in Wildwood Park. Bridget's knowledge will help ensure we make sound decisions for our public spaces with respect to landscaping. I've worked with Bridget before and found her to be a very rational person and a good listener. Bridget's husband, John McCormick, has also applied. John has served on the Parks Committee in the past and I believe would do good work again. But, I think we should limit committee membership to one member per household.
- Anthony Nardeccia succinctly described the importance of a plan that includes upkeep, accessibility, safety and functionality. Anthony has served on the council in the past and describes experience collaborating with diverse groups.
- Tony DeMars is the dad of three girls and their family is an avid user of our parks. I know Tony personally and believe he would be a great asset to our parks committee. Tony is the only applicant that I am aware of as having elementary aged children. I think that it's critical our parks committee includes at least one member with young kids.

I trust the council members in attendance will have spent time reviewing the applications as well. I hope that our Parks Committee will bring a variety of perspectives and ideas to allow for development of sound short and long term plans for our parks and public spaces. I look forward to working with the Parks and Natural Resources Committee! Thank you to all who applied!

Best regards,

Megan Malvey

Katie Cavanor

April 28, 2017

Birchwood Mayor and City Council:

I am submitting my application for an appointment to the Parks and Natural Resources Committee. As a past member of the Parks Committee I know firsthand the valuable work this committee has accomplished and am very excited that the council has decided to continue to maintain the committee. During my prior tenure on the committee we worked with past city councils to ensure that our parks and open spaces continued to be a vital and inviting part of our community. We accomplished such projects as fundraising and building the warming house, reconstructing the grotto steps, maintaining the tennis courts and playgrounds, painting benches and tables, maintaining pathways, and revitalizing Nordling Park. These projects were accomplished together with members of the parks committee, the city council and the community all working towards the same goal. The hope I have is that the parks committee can once again work with the council through a collegial relationship to ensure that our parks remain amazing assets in our community.

I would be interested in being appointed to this committee and in having another opportunity to serve this community in this capacity. Thank you for your consideration.

Katie Cavanor

## Tobin Lay

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**From:** Houstoun  
**Sent:** Thursday, April 20, 2017 12:40 PM  
**To:** BVInfoEmail  
**Subject:** Parks Committee Membership Position

Hi,  
I am Houstoun Clinch.  
I live at ....

I would like to join the Parks Committee because I have lived in Birchwood for the past 2 years and I feel this is a good way to give back to the community. I enjoy getting out and using all that Birchwood has to offer and would like to help create a plan for building and maintaining public spaces in Birchwood for the future.

My qualifications:

Parent of a teenager

Lifelong pet owner

Avid sailor and motor-boater

Co-owner of TLC Veterinary Hospital for the past 13 years

4 years on the Center City Planning Commission in Center City, MN - 3 years as Chairman

6 years on Board of Directors of The Animal Emergency and Referral Hospital of MN - 5 years as President

Thank you for your consideration.

Houstoun Clinch

## Tobin Lay

---

**From:** Tony DeMars  
**Sent:** Thursday, April 27, 2017 9:03 PM  
**To:** Tobin Lay  
**Subject:** Re: Suburban Cable Commission Alternate Director Position

Yes, parks committee.

Sent from my smartphone

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

**From:** Tobin Lay <[Tobin.Lay@cityofbirchwood.com](mailto:Tobin.Lay@cityofbirchwood.com)>  
**Date:** 4/27/17 7:01 PM (GMT-06:00)  
**To:** Tony DeMars  
**Subject:** RE: Suburban Cable Commission Alternate Director Position

Tony,

I just want to clarify, your submission is for the Parks Committee? I wasn't sure because the subject of the email is Cable Commission Alternate. Let me know.

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



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**From:** Tony DeMars  
**Sent:** Thursday, April 27, 2017 2:26 PM  
**To:** BVInfoEmail  
**Subject:** Suburban Cable Commission Alternate Director Position

To Whom It May Concern,

Our family moved to Birchwood two years ago and value our parks and public spaces. I would like to do my part to ensure people can utilize these resources to their full extent today and in the future.

Thank you for your consideration,

Tony DeMars

Karen Dopson  
Birchwood, MN 55110

April 26, 2017

Members of the Birchwood City Council,

This letter is submitted to for your consideration to serve as the community member serving on the Parks and Natural Resources Committee.

The parks, nature trails and public spaces in Birchwood are a wonderful asset for our community. They provide us with places to relax, play, and connect with our neighbors. They are one of the reasons that my family and I moved to Birchwood 21 years ago. They are also a resource that younger families look for when choosing where to live.

However, our parks and other natural resources require planning and ongoing care to remain that vital community asset. Our park equipment is aged and limited in the ages it serves. It lacks safety features found in playground equipment today. We have no handicap accessible playground equipment. Handicap swings can serve those with disabilities as well as infants and young toddlers. We want our parks to be safe for children and adults of all ages and capabilities.

As a registered nurse and planning director, I would bring a strong background in project management and risk management to the planning for the Parks and Natural Resources Committee. I would also bring the understanding of and appreciation for the capabilities of all children and adults to the planning for our Parks and Natural Resources Committee.

In my newer role as a grandmother, I have been to many parks in the last two years. I have experienced the joy and frustrations of our parks, trails and public spaces with an infant. We can improve these spaces for all.

I would be honored to serve on the Parks and Natural Resources Committee. I look forward to hearing your decision.

Sincerely,

Karen Dopson

April 17<sup>th</sup>, 2017

Debbie Harrod

Dear Birchwood City Council:

I would like to be considered for the Parks and Natural resources committee for the following reasons. I believe that our parks are a very important part of our town. I have lived in Birchwood for over 13 years and have helped keep our parks clean and safe. I live near 2 of our beautiful parks and would like to continue to talk with folks on where they would like to see our parks in the future. I believe that our parks and open spaces are one of the most important assets in our town and help keep our property values strong.

I was on the Parks and Natural Resources committee for over the past 6 plus years. I was the secretary for the committee for the past 4 years. I've volunteered many hours towards our Parks and the Committee.

During my time on the committee we accomplished many important projects, including building a new tennis court, fund raising and building a new warming house, coordinating yearly hockey day celebration (all with volunteers and donations), Path projects, Nordling Park renovations, rain garden maintenance, painting park benches and picnic tables....etc.....along with helping upkeep the maintenance on the all the parks and paths throughout Birchwood.

I have over 20 years of experience in working for public government. I have extensive experience writing government contracts and bids. I have long range planning experience with government assets. I also have grant writing experience and knowledge of how to find grant dollars that may be available to fund park projects.

I will work with the community to move forward to make our parks better for all the residents of Birchwood.

Sincerely,

Debbie Harrod

# Mark Haupt

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Birchwood Village, MN 55110

**April 17<sup>th</sup>, 2017**

Mayor Wingfield & the Birchwood Village Council,

I would like to submit my name for consideration for the parks committee. I am interested in giving back to the city and specifically being a part of the parks committee. Our family has made use of our park system over the years and being able to be part of a group that could maintain or improve them would be of interest to me.

Our family has lived in Birchwood Village for the past 19 years. Our 5 children have made use of the parks regularly from skating and the playground to taking walks using the trails and seeing the abundant wildlife. I am an active community member and have been involved with youth sports, scouting and youth faith formation at our Church for the past 15 years. I have been employed at Wilson Tool International for the past 17 years and manage the I.T. team.

Our family has enjoyed the trails in Birchwood Village and I would hope that this asset can be maintained or improved. My hope is that I can be of some value to the committee in addressing long term plans and dealing with any initiatives that are currently underway.

I am confident you'll find me a good fit for your needs as a Parks Committee member. I look forward to hearing from you and thank you so much for your time.

Sincerely,



Mark J. Haupt

## Tobin Lay

---

**From:** Scott Howe  
**Sent:** Thursday, April 27, 2017 9:26 PM  
**To:** BVInfoEmail  
**Cc:** Wingfield, Mary  
**Subject:** PNRC application

To whom it may concern;

I am interested in joining the PNRC for the City of Birchwood.

I have been a resident of Birchwood for 25 years now.

I have been most active with the ice rink on and off for the last 15 years now.

I have in the past helped with many projects in the City, some that date back as far as the small retaining wall that was built back in 1996 or so in Nordling Park.

I have raised 3 girls in the community, they have grown to young adults and I am an empty nester, so I would like to share some of my constructive energy with the Birchwood community now.

I have extensive knowledge of all aspects of the construction trades so I feel that may be of help in some of the future plans we may have for the parks.

I am active so I enjoy the hockey rink, tennis courts, walking paths and natural beauty that we have in our community.

I have been able to see what the lake and parks have given to my family over the years and I would like to make sure that future generations have these valuable assets to use as they enjoy the community.

Thank you for your consideration.

Scott Howe

Birchwood MN 55110

## Tobin Lay

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**From:** John McCormick  
**Sent:** Sunday, April 16, 2017 9:24 AM  
**To:** Tobin Lay  
**Subject:** Parks Committee

I would like to reaffirm my interest in serving on the Parks and Natural Resources Committee. I previously served on this Committee for five years ending in 2016

Our family have been residents of Birchwood Village for nearly twenty years. Over that period we have been active volunteers and invested our time and money in the community.

My past experience includes various positions in the St Paul City Attorneys Office over a 34 year career including Senior City Attorney, Deputy City Attorney of the Civil Division and Acting City Attorney. For three years I was the attorney assigned to the St. Paul Parks Department. I have dealt with numerous parks related issues throughout my career with St. Paul.

I believe my background, experience and my interest in our parks would make me a good candidate for the Parks Committee. Thank you for considering my application.

John McCormick

## Tobin Lay

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**From:** Anthony Nardecchia  
**Sent:** Wednesday, April 19, 2017 11:43 AM  
**To:** BVInfoEmail  
**Cc:** Anthony Nardecchia  
**Subject:** Request to serve on city Parks and Natural Resources Committee

In accordance with city website notice, I submit my request to serve on the city Parks and Natural Resources Committee (PNRC). Please reply to this email to verify receipt.

### 1. Name and Address.

Anthony C. Nardecchia, Jr.

Birchwood, MN 55110

### 2. Reason for wanting to serve on the PNRC.

With changing demographics and increase pressures being placed on our parks and public spaces, I believe the city needs a common sense, affordable, and executable plan to help it continue to be a good steward of these valuable resources. I believe the plan should be developed using an updated assessment of the current condition of our parks and public spaces to include their upkeep, accessibility, safety, and functionality; and include quality of life considerations.

I believe my background, skill sets, and experience would enable me to significantly contribute to this effort.

### 3. Why my background, skills, and experience make me a good candidate for the PNRC.

I have extensive planning and analysis experience in areas ranging from corporate start-up feasibility studies, state wide legislative implementation planning, to local government ordinance development. I have successfully collaborated with numerous diverse groups each with competing interests in developing sound executable plans.

Having served as a Council Member, I know how important it is for Council Members to get timely, accurate, complete, and unbiased information and recommendations from standing committees. As a member of the PNRC, I will do my best to ensure that happens.

Education:

BS – General Engineering and Master in Logistics Management

Experience:

USAF Officer (LTC Retired) – Pilot, Maintenance Officer, Logistician, Planner, Unit Commander

Chief of Information Systems and Analysis for Texas Workers Compensation Commission

Corporate Business Systems Analyst for Joseph Ivy Companies (Risk Management Firm) and Davis Selected Advisors (Mutual Fund Firm)

City of Birchwood Village Council Member (Served as Council Liaison to the then 4 dock associations while drafting the ordinance that consolidated them into the single Birchwood Dock Association)

## Tobin Lay

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**From:** Nelson, Jim (HHT)  
**Sent:** Wednesday, April 26, 2017 11:41 AM  
**To:** BVInfoEmail  
**Subject:** Parks and natural resources member

My name is James and Nelson. I am interested in the parks and natural resources position. I was instrumental in getting the city to be in control of the dock easements which were Previously five separate clubs. I am very interested in our parks. I am concerned about the run off into the lake of not only road salt but sand and silt. I am also interested in starting a buckthorn eradication process. I would be honored to serve on the park board. Thank you, James Nelson

## Tobin Lay

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**From:** David Remely  
**Sent:** Thursday, April 27, 2017 12:10 PM  
**To:** BVInfoEmail  
**Subject:** Application: Parks Committee

To the Mayor and Members of the City Council,

I would like to volunteer to become a member of the Parks Committee.

Name: Dave Remely

Address: Birchwood Village

Phone:

Why: I have lived in Birchwood for 14 years, and have often felt it is time to become involved in volunteer work for the City.

I also feel the park system must better adapt to all age groups. The Music in the Park events are attended by mostly seniors. Yet in the park we rarely see them. Perhaps with a grandchild where they stand and watch the child on the swings or in a sandbox. We need more game areas for seniors to attract social mixing and exercise. Games like bocceball, horseshoes, pickle ball, lawn bowling, etc. Perhaps tournaments can be organized. These and others that can be enjoyed by parent and child, grand parent and grandchild should be explored for implementation.

Qualification summary: I am an Architect, mainly commercial work, where combining building, parking, landscaping, outdoor features and drainage onto a given site within a specific budget is the goal that must be achieved. My philosophy is to design for current needs, be flexible for change and adaptable to the needs of the future in an economical manner.

Currently doing a large number of funeral home projects where exterior appearance is part of the message of the atmosphere of the home and the spirit of service provided to families.

An example is a local funeral home project. The addition to the Mueller Memorial Funeral Home in White Bear Lake. Also have done a large number of Child Day Care centers where play, indoor and outdoor is a major component.

Thank you for your consideration.

Birchwood village is a great place to live, lets protect it and make it more enjoyable.

Dave Remely

April 27, 2017

To: Parks and Natural Resources Committee  
City of Birchwood Village

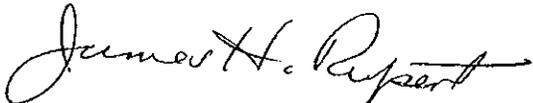
From: James H. Rupert  
[REDACTED] Birchwood  
[REDACTED]

I understand that the PNRC is looking for new members, and I believe I could make a worthwhile contribution.

Since receiving the Eagle Scout Award in 1950, I have had an above average love of, and appreciation for, the outdoors, and wild birds in particular. I still have a few involvements in Scouting, including taking a Special Needs Scout to camp for a week each summer. I still enjoy doing my own yard work and especially growing flowers.

I am age 83 and am retired. If I can be of help working with the PNRC on the city's pathways and other park facilities, I'd be pleased to do so.

Sincerely,

  
James H. (Jim) Rupert

## Tobin Lay

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**From:** BRIDGET SPERL  
**Sent:** Monday, April 17, 2017 5:58 PM  
**To:** BVInfoEmail  
**Subject:** Parks Committee Membership Position

Please consider this my formal letter of application to serve on the Birchwood Parks and Natural Resources committee.(PNRC).

**Name:**  
My name is Bridget Sperl

**Address:**  
I live at ... and my husband, John McCormick and I have been residents of Birchwood for 20 years.

**A description of of why I would like to serve on the parks committee:**

I would very much like to serve on the PNRC because I think I could make a helpful contribution to our community. I believe that access to parks and natural resources are important to the physical and mental health of Birchwood residents. Parks build community. I feel strongly that we have a duty to protect our land, water and wild life so they can be enjoyed now and passed on to future generations of Birchwood residents.

As the world becomes warmer ,decisions about the management of parks and natural resources in small communities like ours can make an important difference. I would like to think that the way we manage, protect and enhance our parks and natural resources could be a model for other communities .

**A summary of why my knowledge, skills and experience make me a good candidate for the PNRC.**

Before retiring a year and a half ago I worked in financial services for over 33 years. My experience included strategic planning, effectively leading and participating in working committees, project management and research. This experience is transferable and could be helpful.

Since retiring from corporate life, I have become involved in a number of organizations as a volunteer. I enrolled in the University of Minnesota Masters Gardener program and completed the coursework and volunteer hours. I am now a full fledged master gardener of Washington County. I have a level of technical knowledge about the environment that could be helpful. In addition I can be a contact point to the Washington Master Gardener Program and help Birchwood take advantage of County Wide Master Gardener services and information.

Finally, I am a very hard worker, a good listener and have a history of being a supportive and effective member of committees I am a part of.

Thank you for your consideration.

## Tobin Lay

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**From:** Ana Vang  
**Sent:** Friday, April 28, 2017 3:52 PM  
**To:** BVInfoEmail  
**Subject:** Application for Parks & Natural Resources Committee - Ana Vang  
**Attachments:** Analeisha Vang\_Resume.pdf

Dear Mayor and City Council,

I am writing to apply for a position on the Parks & Natural Resources (Parks) Committee.

I would like to serve on the parks committee to help ensure our parks are suited to the needs of our community now and into the future.

My work experience makes me an ideal fit for this committee. I am currently working with the Children and Nature Network to increase parks access and use for children in Saint Paul. In the past I have designed parks outreach materials, organized clean-up events, developed environmental education curriculum, and organized a water recreation focused conference.

Attached you will find my resume. I am a resident at ... I look forward to hearing from you soon.

Sincerely,

Analeisha Vang



# Analeisha Vang

I make complicated information easy to understand by blending my science background, ability to distill information, and talent at communicating.

## Experience

### Policy Associate

January 2014 - Present • City of Saint Paul – Mayor's Office

- Assemble and analyze data (internal and external) to inform the city's climate planning efforts.
- Identify and address barriers to youth and underserved populations accessing the outdoors.
- Guide the work of the city's Advisory Committee on Aging.

### Water Recreation Outreach Specialist

January 2014 – December 2015 • Minnesota Department of Natural Resources

- Created concise and easy to understand reports for upper level staff regarding succession planning, program operations, and strategic planning.
- Coordinated volunteer events which involved over dozens of participants and doubled previous corporate group volunteer participation levels.
- Planned a conference that reached 65 communities. Of the attendees surveyed, 100% would attend a similar event in the future and 79% will implement one activity or idea in their business/workplace as a result of the conference.
- Designed promotional, educational, and outreach materials for web and print.

### Program Technician

October 2013 – January 2014 • Vermont Agency of Transportation

- Worked with content experts to develop protocols to catalogue the agency's digital visual assets.
- Updated website content for the Vermont Highway Safety Alliance.
- Compiled information, created graphics for, and edited the 2014 Factbook and Annual Report for the legislature.

## Skills

**Technical:** Microsoft Office Suite, Adobe Illustrator, data analysis, ArcGIS, GovDelivery, database management, Survey Monkey and Google forms, quantitative and qualitative research, Drupal (CMS system), Canva.

**Marketing and Communications:** Community outreach, event planning, email marketing, conference organization, volunteer management, content development, technical writing, promotional material design.

**Other:** Project management, leadership, strategic planning, program development, research, critical thinking, data request response.

## Education

**Carleton College**  
Bachelor of Arts, Geology

**University of Vermont**  
Master of Science, Geology

## Contact Information

Analeisha Vang

## **Application Parks and Natural Resources Committee Membership**

**Name:** Judy Walker  
**Address:** Birchwood Village, MN, 55110

### **Why I would like to serve on the Parks and Natural Resources Committee.**

As a resident of Birchwood for nearly 42 years, I have seen many wonderful improvements. There are, however, things that could still be done.

I would like to see Birchwood stand out as the community on White Bear Lake most concerned about our run-off into the Lake. Fertilizers and pesticides need to be curtailed and water run-off areas monitored for quality filtration. No litter should ever be found near our beaches or waterfronts.

It's imperative that we treasure our trees. Not all are top-quality specimens but do contribute to the cooling temperatures during summer's heat. Our trees provide food sources and shelter for birds and critters year-round. No need to be hasty in tree removal unless safety and/or disease are factors. Woodpeckers thank us.

Many gains have been made in making Birchwood more "walkable" i.e. reduced auto speeds and some newish tarmac overlays. But...we could improve public trails and pathways to beckon willing walkers with or without dogs, ... in any weather throughout the year. Perhaps special dog waste receptacles could be strategically placed along walking routes.

A return of native and woodland wildflowers would be a welcome addition. Overgrowth of undesirable/non-Minnesota species vegetation could be reduced but never replaced with non-impervious surfaces.

Deer culling needs to be seriously addressed. Many residents have suffered Lyme Disease, some more than once. Mosquito season is lengthening and we need to inform residents of the perils of standing water as breeding grounds for mosquitos. Newer varieties of mosquitos are rapidly expanding their breeding areas.

We could add more functionality to our present seasonal park spaces, such as a sound-absorbing backboard at the tennis courts for solo players, basketball poles/nets in the hockey rink area for pick-up basketball, and portable pickleball nets for the net gamers.

The Village Newsletter could regularly remind our residents of the amenities open to everyone and of our community responsibility to care for them.

We don't need to be about perfection, trying to turn Birchwood into a "Pleasantville" of sameness. We need variety in our neighborhoods and the knowing that we cannot be all things to all people all the time. We've had a "Live and Let Live" approach to much of life in Birchwood in the past. We've also had many initiators with new ideas to improve and/or share our neighborly assets. We continue to evolve forward, luckily.

**Summary of knowledge, skills and experience that make me a good candidate for the PNRC.**

While I have many thoughts about our parks, public spaces and natural surroundings, I remain open to suggestions from others. As an ersatz "naturalist" --

I appreciate the beauty and naturalness of Birchwood.

I enjoy watching the seasons unfold here year after year.

I cherish our trees and wooded spaces.

I believe in providing fun spaces for our children and calming and resting places for our seniors to 'sit a spell'. A few benches could be added.

I enjoy the 'walkability' and 'bike-ability' of our village.

I applaud the 'Music in the Parks' series every summer.

I would like to see us add flowers and plantings in public spaces.

I would advocate for intentional tree plantings to replace lost mature trees.

I thank our construction crews who keep our structures safe and sound and cost effective. Retain them.

Thanks for your consideration of my application.

Sincerely,

*Judy Walker*

Judy Walker

# MEMORANDUM

DATE: May 9, 2017

---

TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Dog Park Committee Bylaws



**Birchwood Village**

---

Dear Mayor and Council Members,

During the April City Council meeting, the Council discussed proposed changes to bylaws recommended by the Dog Park Committee for Council's approval. At that time, the Council tabled the discussion and assigned Mayor Wingfield and Councilmember Malvey to work together on these changes and submit for Council's review and consideration at this Council meeting.

Accordingly, please see the attached proposed Dog Park Committee bylaws with Council's changes included as ~~strikethroughs~~ for deletions and *italics* or additions. Thanks!

Regards,  
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE  
DOG PARK COMMITTEE  
BYLAWS**

**I. NAME OF THE COMMITTEE**

The name of the committee shall be the Dog Park Committee.

**II. PURPOSE OF THE COMMITTEE**

The purpose of the Dog Park Committee shall be: Pursue research, review options, and make recommendations to City Council about a dog park(s). ~~When the committee has served its purpose the council shall reevaluate the role of the committee. After the city council has made a decision about creation of a dog park, the council will determine the committee's role in the construction of the dog park and/or ongoing maintenance of the dog park.~~

**III. COMMITTEE MEMBERSHIP**

**A. Members.** The committee shall consist of up to 7 members appointed by the City Council. ~~A sitting member of the committee subsequently appointed to the city council may remain as a voting member of the committee. In order to follow public meeting laws there cannot be more than one voting council member on the committee.~~

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

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

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

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

**F. Council Liaison.** The Council shall appoint one Council member to be the liaison to the committee. The Council liaison shall not be a voting member of the committee but may participate in committee functions and may vote on all matters before the Council involving the committee.

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

#### **IV. COMMITTEE OFFICERS**

**A. Chair.** The committee shall elect a Chair of the committee. The Chair shall be elected for a one year term. The term shall run from February to February. The Chair may serve up to three consecutive terms.

**B. Secretary and Treasurer.** The committee shall also elect a Secretary and a Treasurer. The terms shall run from February to February. The Secretary and Treasurer may serve up to three consecutive terms. The committee may determine to combine the office of Secretary and the office of Treasurer and decide to elect one person to serve these roles. Whether the office is combined or not may be changed from year to year.

**C. Majority Vote.** All officers shall be elected by a simple majority vote.

**D. Resignation.** Any officer may resign his or her position by providing written notice of the resignation to the City Clerk and the Mayor Administrator. The resignation shall be effective upon receipt of the notice or upon such later date, not to exceed three months, that the officer designates.

**E. Vacancy.** Upon a vacancy in the position of one of the officers, the committee shall elect another member to serve the remainder of the vacated term.

#### **V. COMMITTEE MEETINGS**

**A. Meetings.** The committee shall meet to address matters assigned by the City Council. The committee shall report back to the Council with its recommendations in a timely manner. The committee chair may call a meeting of the committee at his or her discretion, and will do so in accordance with bylaw 5b.

**B. Open Meeting and Notice.** All meetings of the Dog Park Committee shall be open to the public. Notice of all committee meetings shall be given at least three days in advance by posting notice on the City's webpage, along with a draft agenda. ~~The second day of the posting is considered the first of the three days.~~ The meeting notice and agenda will be posted on the City Hall outdoor bulletin board in addition to the City website.

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

**D. Minutes.** The committee shall keep minutes of all its meetings. The Secretary or other person shall be responsible for keeping the minutes of each meeting. The Secretary shall forward the minutes, clearly identified as Draft Minutes, to the committee to check for errors. ~~The Chair shall forward the Draft Minutes to the City Clerk for posting as Draft Minutes on the City~~

~~website.~~ When the Draft Minutes are approved at the following committee meeting, the Chair will provide the Approved Minutes to the City Clerk for posting on the City website.

#### **VI. COMMITTEE ACTION**

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

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

**VII. COMMITTEE CONTINUATION** The committee shall continue in existence until terminated by action of the Council.

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

# MEMORANDUM

DATE: May 9, 2017

---

TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: 2008 Assessment & Section 805 Amendment



**Birchwood Village**

---

Dear Mayor and Council Members,

During previous Council deliberations over the current sewer lining project, the Council discussed problems with existing city code 805 and possible errors in the way previous sewer lining projects were assessed.

In furtherance of those discussions, Mayor Wingfield has asked me to provide the following memos; first about the 2008 assessment and second proposing changes to city code 805:

## **“2008 EXCESS SEWER SPECIAL ASSESSMENT REVIEW**

Recent problems found in the Birchwood City Public Improvement and Special Assessment Chapter 805 (Adopted May 8, 2011) reveal the City failed to abide by the Constitutional mandate that an assessment be applied only to the extent that the assessed property actually receives a special benefit. That code is now being amended to correct that issue. However, the application of the illegal provisions of the code in 2008 resulted in significant inequities against a large number of properties in our community.

One Hundred twenty-seven properties were assessed \$1476.05 in the 2008 sewer lining project. The city engineer and council included in that sum repair costs for other expenses beyond the special improvement-- specifically manhole repairs (\$23,716) and pipe repairs (\$9500) totaling \$33,216. See attached 2008 Resolutions and Cost Summary. Fifty percent of those costs were assessed against the assessment roll participants rather than paid for by the city as required by Minnesota Chapter 429. The inequity of this unconstitutional assessment is demonstrated three ways:

1. Because the special assessment project was done in a piecemeal fashion across the city, many properties were omitted from the pool. Pipe repairs were assessed against only some properties and not others in the same pipe network. An example of this inequity is no assessment was levied against 700 Birchwood Avenue, whereas, their next door neighbor was assessed in full. Nonetheless, both properties' sewage flow through the same pipe-repair areas downstream.
2. In 2006, a prior phase of the sewer relining project with no manhole or pipe repairs, resulted in a \$1008 assessment against each property—a substantially lower assessment even though the pool of assessed properties were similarly situated. The 2004 special assessment was even lower—it levied a \$ \_\_\_\_ benefit.
3. The 2017 projected special assessment of \$628 nine years later and in much more scattered and inefficient locations is much less than the sum of \$1476.05 levied against the 2008 properties.

The overcharge of \$131 per property (\$33,216 total/127 properties x 50%) was billed at an interest rate of 4.91%. The resulting balance due over nine years is \$202 per property. Returning these sums to our residents would go far to putting their special assessment somewhat in line with prior years. The net cost to the city would be \$25,654 if these erroneously charged repairs were properly assumed by the city as a whole. There are sufficient sums in the sewer fund to cover these costs.

A number of citizens expressed an interest in helping the city with things that need correcting. Having those people aid in locating residents on the assessment roll that have moved would be a helpful. Further, the city has returned other costs that it deemed unfair (boat storage fees, city hall use, permit fees, etc.).

The city has no legal obligation to return residents' money, but this council has gone far to correct prior mistakes by the city. Correcting this overcharge would show the community the importance of being open and transparent regardless of the time passed and correcting a wrong that has persisted too long."

AND

#### **"805. PUBLIC IMPROVEMENT FINANCING AND ASSESSMENT CODE CHANGES**

This code was adopted in 2011 and supplanted Birchwood Code 612 in its entirety. Chapter 805 references the authority to make special assessments pursuant to Minnesota Statutes Chapter 429. That statute allows a municipality to impose a special assessment *to the extent that a property receives a benefit*. Minn. Stat 429.051. Chapter 805 as written does not acknowledge that a project potentially can exceed the benefit conferred and accordingly, must be corrected.

Further, the process of assessing for reconstruction of sewer or water mains adds a layer of bureaucracy that creates unnecessary costs. Past experience allocating expenses on a unit basis against each property has demonstrated this. The same unit basis could be directly applied to each utility billing account for a determined period of time avoiding the added costs of special assessment hearings, creation of assessment roles, extra staffing and management, as well as complications created by subsequent property sales.

The following changes address both these issues:

#### **805.090 ASSESSMENT RULES FOR CLASS B IMPROVEMENTS**

1. Storm Sewers. ~~One hundred percent (100%) of~~ The cost of constructing and reconstructing storm sewers shall be assessed against the property in the area served by the sewer as determined by the City Engineer on the basis of the square footage of the property served. However, in no case shall the recommended assessment exceed the benefits accruing to the property from the said improvement. The properties to be assessed shall be determined by the Engineer on the basis of benefit, using topographic maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed.
2. Residential Street Construction and Reconstruction. ~~One hundred percent (100%) of~~ The cost of construction or reconstruction of residential streets shall be assessed to abutting property on the basis of front footage. See 805.095 for calculation of assessments. However, in no case

shall the recommended assessment exceed the benefits accruing to the property from the said improvement.

3. Water Main/Service- Construction. ~~One hundred percent (100%) of~~ The cost of constructing water lines shall be assessed against the benefited property served by the water as determined by the City Engineer. However, in no case shall the recommended assessment exceed the benefits accruing to the property from the said improvement. See 805.095 for calculation of assessments.
4. Water Main-Reconstruction. ~~Fifty percent of the cost of reconstructing the water main shall be assessed against the property in the area served by the water main as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the City Engineer on the basis of benefit, using topographic maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See Section 805.100 for calculation of assessments. The cost of reconstruction of any water main shall be paid from the city water enterprise fund. The city council may decide to pay for the reconstruction with existing funds or bond for such expenses. Any such expense can subsequently be recouped via a surcharge against each water user account or by an increase in user rates until the fund is sufficiently replenished.~~
5. Sanitary Sewer Main/Service- Construction. ~~One hundred percent (100%) of~~ The cost of constructing sewer lines shall be assessed against the benefited property served by the sewer as determined by the City Engineer. However, in no case shall the recommended assessment exceed the benefits accruing to the property from the said improvement. See 805.095 for calculation of assessments.
6. Sanitary Sewer Main- Reconstruction. ~~Fifty percent of the cost of reconstructing the sewers shall be assessed against the property in the area served by the sewers as determined by the City Engineer per connection to the property so served. The properties to be assessed shall be determined by the City Engineer on the basis of benefit, using topographic maps and other pertinent data. Any monies obtained from outside sources will be deducted from the total assessment before determining the amount to be assessed. See Section 805.100 for calculation of assessments. The cost of reconstruction of any sewer main shall be paid from the city sewer enterprise fund. The city council may decide to pay for the reconstruction with existing funds or bond for such expenses. Any such expense can subsequently be recouped via a surcharge against each sewer user account or by an increase in user rates until the fund is sufficiently replenished.~~
7. Sidewalks. ~~One hundred percent (100%) of~~ The cost of construction or reconstruction of sidewalks shall be assessed against the abutting property. However, in no case shall the recommended assessment exceed the benefits accruing to the property from the said improvement. See 805.095 for calculation of assessments."

Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

DATE: May 9, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: 2040 Comprehensive Plan



Birchwood Village

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Dear Mayor and Council Members,

In previous City Council meetings, staff has informed the Council of: 1) the requirement for the City to update its Comprehensive Plan (attached), 2) the new requirement to create a Local Water Plan (to be part of the Comprehensive Plan), 3) the Met Council \$10,000 grant to hire a consultant to assist in these efforts, and 4) the Planning Commission's duty to oversee this process (per the League of MN Cities).

The Planning Commission has already met about the Comprehensive Plan and recommends hiring a professional Planner to review the existing Comprehensive Plan and provide the Commission with a recommendation of what parts of the Plan need to be updated/corrected. The Commission then plans to use that recommendation to aid in retaining a consultant for the Plan update.

In addition, I have assigned Dennis Sonnek, the newly appointed Office Support Worker, to assist in this project. Longtime Birchwood resident Bridget Sperl has also volunteered to assist in the project.

Until a professional consultant is retained by the City, it is unknown how much of the total cost the Met Council grant will actually cover of that service. If there are remaining funds after paying consultants, staff proposes using those funds to cover Mr. Sonnek's wages. Any unused funds must be returned to the Met Council.

According to the Grant agreement (attached), the City is authorized to use the grant funds for the following purposes and activities only (Work Plan is also attached but will need revision):

**2.03 Authorized Use of Funds.** The grant funds provided to the Grantee under this Agreement shall be used only for the purposes and eligible activities described in the Grantee's work plan and budget as approved by the Council. A copy of the Grantee's approved work plan and budget is attached to and incorporated into this Agreement as Attachment A. Eligible activities include, but are not limited to, staff pay, consultant and professional services, printing, and publishing. Grant funds may not be used for per diem payments to appointed or elected board or commission members. Grant funds also may not be used to purchase or acquire equipment or other tangible, nonexpendable personal property, or for activities inconsistent with the Council's *Comprehensive Development Guide*, the Metropolitan Land Planning Act, Minnesota's Critical Areas Act, or other applicable state laws. The Grantee agrees to promptly remit to the Council any unspent grant funds and any grant funds that are not used for the authorized purposes specified in this paragraph.

STAFF REQUESTS OF COUNCIL THE FOLLOWING:

- 1) Approve Dennis Sonnek and Bridget Sperl to assist the Planning Commission in the Comprehensive Plan update. Specifically, Mr. Sonnek and Ms. Sperl would assist with the update of Section I (Introduction) and II (Land Use Plan) – *see attached* – and the new Local Water Plan, AND
- 2) Approve up to \$500 of the grant to pay a professional Planner to review the existing Comprehensive Plan as recommended by the Planning Commission.

<b>Grantee:</b>	<b>City of Birchwood Village</b>	<b>Grant No.:</b>	<b>SG05855-01</b>
<b>Grant Amount:</b>	<b>\$ 10,000</b>	<b>End Date:</b>	<b>December 31, 2019</b>
<b>Council's Authorized Agent:</b>	<b>LisaBeth Barajas</b>		

**METROPOLITAN COUNCIL  
LOCAL PLANNING ASSISTANCE PROGRAM  
GRANT AGREEMENT**

**THIS GRANT AGREEMENT** is made and entered into by the Metropolitan Council (“Council”) and the metropolitan-area governmental unit identified above as the “Grantee.”

**WHEREAS**, Minnesota Statutes section 473.867 authorizes the Council to establish a planning assistance fund for the purpose of making grants and loans to local governmental units to help local governmental units in the seven-county metropolitan area conduct and implement comprehensive planning activities, including the “decennial” review of local comprehensive plans and fiscal devices and official controls as required by section 473.864, subdivision 2; and

**WHEREAS**, on May 25, 2015, and on April 27, 2016, the Council adopted initial and additional need-based eligibility criteria for awarding available local planning program assistance and established potential grant amounts for eligible grantees to help grantees review and update their comprehensive plans as required by the “decennial” review provisions of Minnesota Statutes section 473.864, subdivision 2; and

**WHEREAS**, on December 10, 2014, the Council authorized an initial transfer of funds to the planning assistance fund, and on December 9, 2015, the Council authorized an additional transfer of funds to the total planning assistance fund for grants or loans to local governments under Minnesota Statutes section 473.867;

**WHEREAS**, the Grantee is an eligible city, county, or town in the metropolitan area as defined in Minnesota Statutes section 473.121, or is an eligible metropolitan-area city or town acting in partnership with at least 4 other cities or towns and is authorized to submit a joint application and execute this Agreement on behalf of the partnership or consortium; and

**WHEREAS**, the Grantee submitted an application for local planning assistance grant funds and was awarded a grant to help fund eligible comprehensive planning activities identified in the application.

**NOW THEREFORE**, in reliance on the representations and statements above and in consideration of the mutual promises and covenants contained in this Agreement, the Grantee and the Council agree as follows:

**I. DEFINITIONS**

**1.01 Definition of Terms.** For the purposes of this Agreement, the terms defined in this paragraph have the meanings given them in this paragraph unless otherwise provided or indicated by the context.

- (a) **“Comprehensive Development Guide”** means the comprehensive development guide for the seven-county metropolitan area adopted by the Council pursuant to Minnesota Statutes section 473.145. The *Comprehensive Development* guide includes: *Thrive MSP 2040* and the *Housing Policy Plan* (as amended) adopted by the Council pursuant to Minnesota Statutes section 473.145; the *Master Water Supply Plan* adopted by the Council pursuant to Minnesota Statutes section 473.1565; and the “metropolitan systems plans” adopted by the Council pursuant to Minnesota Statutes sections 473.146 and 473.147.
- (b) **“Comprehensive plan”** means a local comprehensive plan update required under Minnesota Statutes section 473.864, subdivision 2 that complies with Minnesota Statutes sections 473.858 through 473.865 and other applicable laws, including those provisions in section 473.859 requiring housing elements and housing implementation programs.
- (c) **“Metropolitan Land Planning Act”** means the land use planning provisions of Minnesota Statutes Chapter 473, including Minnesota Statutes section 473.175 and sections 473.851 through 473.871.
- (d) **“Metropolitan system plans”** means the transportation portion of the *Comprehensive Development Guide*, and the policy plans, and capital budgets for metropolitan wastewater service, transportation, and regional recreation open space.

## II. GRANT FUNDS

**2.01 Grant Amount and Conditions.** The Council will provide to the Grantee the “Grant Amount” identified at Page 1 of this Agreement which the Grantee shall use for authorized purposes and eligible activities. The grant funds are made available to the Grantee subject to the following terms and conditions:

- (a) **Timely Plan Update Submission.** Notwithstanding the December 31, 2019 “End Date” identified on Page 1 of this Agreement, the Grantee must review and update its comprehensive plan as required by Minnesota Statutes section 473.864, subdivision 2, by December 31, 2018.
- (b) **Consultation with Council and Adjacent Review.** The Grantee must submit its draft plan update to adjacent governmental units for a 6-month adjacent review period as required by Minnesota Statutes section 473.858, subdivision 2 prior to submitting the plan update to the Council for review. Prior to submitting its draft plan to adjacent units, the Grantee must consult with the Metropolitan Council Sector Representative for its district at least twice to update the Council on plan progress and potential policy conflicts.
- (c) **Consultation with Watershed Management Organizations.** The Grantee must ensure local surface water management planning requirements of Minnesota Statutes sections 473.859, subdivision 2 and 103B.235 are met by the December 31, 2018, deadline.
- (d) **Completeness; Plan Content.** The comprehensive plan submitted by the Grantee must be “complete” as described in the Council’s *Local Planning Handbook*, which is available online at [metro-council.org/handbook.aspx](http://metro-council.org/handbook.aspx), and must comply with the plan content requirements of Minnesota Statutes section 473.859 and other applicable law. If the plan is not complete as described in the *Local Planning Handbook*, the plan must be made complete within three (3) months of the incompleteness determination, or as otherwise mutually agreed to by the Council and the Grantee.
- (e) **Conformance to Metropolitan System Plans and Policy Plans.** The comprehensive plan submitted by the Grantee must conform to metropolitan system plans of the Council. The comprehensive

plan is deemed to comply with this condition if the Council concludes after its review that the plan is not likely to have a substantial impact on or contain a substantial departure from metropolitan system plans and allows the plan to go into effect without a plan modification.

- (f) **Consistency and Compatibility.** The comprehensive plan update submitted by the Grantee must be consistent with the adopted policies of the Council, including housing policy. In addition, the comprehensive plan must also be compatible with the plans of adjacent and affected jurisdictions.

**2.02 Disbursement Schedule.** The Council will disburse fifty percent (50%) of the Grant Amount to the Grantee within thirty (30) days after final execution of this Agreement. The Council will disburse the remaining fifty percent (50%) of the Grant Amount after:

- (a) the Grantee has submitted, as appropriate, either (i) the entire current comprehensive plan and the certification required under Minnesota Statutes section 473.864, subdivision 2(a); or (ii) submitted the entire updated comprehensive plan and amendment or amendments to its comprehensive plan necessitated by its review to the Council for review; and
- (b) the Council has reviewed and acted upon the Grantee's submission; and
- (c) the Grantee has complied with the terms and conditions stated in Paragraph 2.01.

**2.03 Authorized Use of Funds.** The grant funds provided to the Grantee under this Agreement shall be used only for the purposes and eligible activities described in the Grantee's work plan and budget as approved by the Council. A copy of the Grantee's approved work plan and budget is attached to and incorporated into this Agreement as Attachment A. Eligible activities include, but are not limited to, staff pay, consultant and professional services, printing, and publishing. Grant funds may not be used for per diem payments to appointed or elected board or commission members. Grant funds also may not be used to purchase or acquire equipment or other tangible, nonexpendable personal property, or for activities inconsistent with the Council's *Comprehensive Development Guide*, the Metropolitan Land Planning Act, Minnesota's Critical Areas Act, or other applicable state laws. The Grantee agrees to promptly remit to the Council any unspent grant funds and any grant funds that are not used for the authorized purposes specified in this paragraph.

### III. REPORTING, ACCOUNTING, AND AUDIT REQUIREMENTS

**3.01 Progress Reports.** The Grantee will provide to the Grantee's assigned Sector Representative a written midpoint progress report and a written final progress report describing the status of the work plan activities described in Attachment A. These reports ensure the grant funds are appropriately expended as described in the work plan and budget. The reports shall be subject to the following content and schedule requirements.

- (a) **Midpoint Progress Report.** At approximately the midpoint of the Grantee's work plan activities, the Grantee must submit to the Council a written midpoint progress report which includes: a summary of the work plan activities completed; a summary of work plan activities to be accomplished during the remaining months of the work plan with associated anticipated completion dates; and a summary of unanticipated issues and opportunities that affect the work plan, time schedule for project completion, or budget. The midpoint progress report also must include a summary of project costs and sources of funds for those expenditures, and a list of itemized expenditures of funds received from the Council and matching funds by category in the budget.
- (b) **Final Progress Report.** Upon completion of the work plan activities described in Attachment A, the Grantee must submit to the Council a written final progress report which includes: a summary

of the work plan activities completed since the submission of the midpoint progress report; a summary of project outcomes, total project costs and sources of funds for those expenditures including both this grant, city funds, and other sources of funds; and a list of itemized expenditures of the grant funds.

**3.02 Accounting and Records.** The Grantee agrees to establish and maintain accurate and complete accounts, financial records, and supporting documents relating to the receipt and expenditure of the grant funds. Notwithstanding the expiration and termination provisions of Paragraphs 4.01 and 4.02, such accounts and records shall be kept and maintained by the Grantee for a period of six (6) years following the completion of the work plan activities described in Attachment A. If any litigation, claim or audit is started before the expiration of the three-year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved or until the end of the regular six-year period, whichever is later.

**3.03 Audits.** The books, records, documents, and accounting procedures and practices of the Grantee that are relevant to this Agreement are subject to examination by the Council and either the Legislative Auditor or the State Auditor, as appropriate, for a minimum of six (6) years following the completion of the work plan activities described in Attachment A.

**3.04 Authorized Agent.** The Council's authorized agent for purposes of administering this Agreement is the individual identified on page 1 of this Agreement, or another designated Council employee. Written reports submitted to the Council should be directed to the attention of the authorized agent at the following address:

Metropolitan Council  
Community Development Division  
390 Robert Street North  
Saint Paul, Minnesota 55101-1805

#### IV. GRANT AGREEMENT TERM

**4.01 Term and End Date.** This Agreement is effective upon execution of the Agreement by the Council. Unless terminated pursuant to Paragraph 4.02 or extended by written agreement pursuant to Paragraph 4.03, this Agreement will expire on the "End Date" identified at Page 1 of this Agreement. The term of this Agreement may be extended by written agreement of the Council, but only in conjunction with an extension authorized under Minnesota Statutes section 473.864, subdivision 2.

**4.02 Termination.** This Agreement may be terminated by the Council for cause at any time upon fourteen (14) calendar days' written notice to the Grantee. Cause shall mean a material breach of this Agreement and any amendments of this Agreement. Termination of this Agreement does not alter the Council's authority to recover funds on the basis of a later audit or other review, and does not alter the Grantee's obligation to return any funds due to the Council as a result of later audits or corrections. If the Council determines the Grantee has failed to comply with the terms and conditions of this Agreement, the Council may take any action to protect its interests and may require the Grantee to return all or part of the funds.

**4.03 Amendment.** The Council and the Grantee may amend this Agreement by written mutual consent. Amendments, changes, or modifications to the Grantee's approved work plan and budget shall be effective only on the execution of written amendments signed by authorized representatives of the Council and the Grantee.

**V. GENERAL PROVISIONS**

**5.01 Conflict of Interest.** The members, officers, and employees of the Grantee shall comply with all applicable federal and state statutory and regulatory conflict of interest laws and provisions.

**5.02 Liability.** To the fullest extent permitted by law, the Grantee shall defend, indemnify and hold harmless the Council and its members, employees and agents from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from the conduct or implementation of the funded work plan activities. This obligation shall not be construed to negate, abridge, or otherwise reduce any other right or obligation of indemnity which otherwise would exist between the Council and the Grantee. The provisions of this paragraph shall survive the expiration or termination of this Agreement. This indemnification shall not be construed as a waiver on the part of either the Grantee or the Council of any immunities or limits on liability provided by Minnesota Statutes Chapter 466, or other applicable state or federal law.

**5.03 Compliance with Law.** The Grantee agrees to conduct the work plan activities in compliance with all applicable provisions of federal, state, and local laws.

**5.04 Acknowledgment.** The Grantee shall appropriately acknowledge the funding assistance provided by the Council in promotional materials, reports, publications, and notices relating to the project activities funded under this Agreement.

**5.05 Warranty of Legal Capacity.** The individual signing this Agreement on behalf of the Grantee represents and warrants that the individual is duly authorized to execute this Agreement and that this Agreement constitutes the Grantee's valid, binding, and enforceable agreements.

IN WITNESS WHEREOF, the Grantee and the Council have caused this Agreement to be executed by their duly authorized representatives. This Agreement is effective on the date of final execution by the Council.

**METROPOLITAN COUNCIL**

By: Beth Reetz  
Beth Reetz, Director  
Community Development Division

Date: 1/3/2017

**GRANTEE**

By: Mike Anderson  
Mike Anderson, City Administrator  
City of Birchwood

Date: 11/8/16

By: Tobin Lay  
Tobin Lay, Treasurer  
City of Birchwood

Date: 11/8/16

## ATTACHMENT A

### Grantee's Work Plan and Budget

This Attachment A comprises this page and the Grantee's work plan and budget as approved by the Council.

# City of Birchwood Village 2040 Comprehensive Plan Update

Proposed Work Plan

Date: September 27, 2016

	Estimated Timetable (months)	Task Lead (Staff / Consultant)	Estimated Cost (Grant Funded)
<b>TOTAL - COMPREHENSIVE PLAN UPDATE</b>	<b>Jan 2017 - Aug 2018</b>	<b>Anderson M.</b>	<b>\$10,000</b>
<b>1: Community Character, Profile, and Future Vision</b>	<b>Jan - Mar '17</b>	<b>Anderson M.</b>	<b>\$1,000</b>
1.1 Acknowledge Population, Household, and Employment Forecasts and other Demographic Characteristics			
1.2 Acknowledge Community Designation			
<b>2: Land Use Plan</b>	<b>Mar - Jun '17</b>	<b>Lay T.</b>	<b>\$2,000</b>
2.1 Existing Land Use Analysis			
2.2 Future Land Use			
2.3 Density Calculations			
2.4 Preservation, Conservation, and Restoration of Natural Resources			
2.5 Historic Resources			
2.6 Solar Access Protection			
2.8 Creation of Land Use Policy Statements and Implementation Strategies			
<b>3: Housing</b>	<b>Mar - Jun '17</b>	<b>Lay T.</b>	<b>\$1,000</b>
3.1 Existing Housing Needs			
3.2 Projected Housing Needs			
3.3 Implementation Plan			
<b>4: Transportation Plan</b>	<b>Jul - Nov '17</b>	<b>Anderson/Lay</b>	<b>\$3,000</b>
4.1 Transportation Analysis Zones			
4.2 Roadways			
4.3 Transit			
4.4 Bicycling & Walking			
4.7 Healthy Environment			
<b>5: Water Resources</b>	<b>Jan - Jun '18</b>	<b>Anderson/Lay</b>	<b>\$3,000</b>
4.1 Wastewater and Comprehensive Sewer Plan			

**City of Birchwood Village 2040 Comprehensive Plan Update**

Proposed Work Plan

Date: September 27, 2016

	Estimated Timetable (months)	Task Lead (Staff / Consultant)	Estimated Cost (Grant Funded)
<b>4.2</b> Surface Water Management Plan			
<b>4.3</b> Water Supply Plan			
<b>6: Parks &amp; Trails Plan</b>	<b>Mar - Jun '18</b>	<b>Anderson M.</b>	<b>\$0</b>
<b>7: Implementation</b>	<b>May - Aug 18'</b>	<b>Anderson/Lay</b>	<b>\$0</b>

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Data Retention Policy



**Birchwood Village**

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Dear Mayor and Council Members,

During the March 21 Special Council meeting, the City Council discussed the City's data retention policy. Due to the immensity of the policy, the Council tabled the topic to allow themselves more time to review the materials before further discussion.

To assist Council Members in discussion of this topic tonight, please see the attached sample/proposed data retention policies that were provided during the March 21 meeting. In addition to these materials, Council Members are encouraged to use the materials provided on pages 23-125 of the March 21 Special Council meeting packet – this includes the City's existing data retention policy. Thanks!

Regards,  
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE**  
**ELECTRONIC MAIL RETENTION POLICY**

Effective Date \_\_\_\_\_; Retention Schedule Effective 8/1/2017

**Introduction**

The City of Birchwood Village is subject to multiple laws regulating City information and records, including electronic mail (email). Email is a means of exchanging messages and documents using telecommunications equipment and computers. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and names of members of groups), and any attachments.

If an email message is an official record, as defined below, the responsible party must retain said record and the transactional information pursuant to the retention schedule and the user departments' document management filing system or repository.

**Records**

Minnesota law requires the City, its employees and officials "make and preserve all records necessary to a full and accurate knowledge of their official activities." Minn. Stat. §15.17 (Official Records). An official record is recorded information that is prepared, owned, used, in the possession of, or retained by the City in performance of an official function. The record of the official function may be the email message, attachments to the email, or both. The law requires that all official records be listed on an approved retention schedule that identifies how long the records must be kept, and when they may be destroyed. Just like paper records, senders and recipients of email messages must evaluate each email message to determine if they need to keep it as documentation of their role in the business process. Not all email is an official record. Just like paper records, the retention period for an email message is based upon its content and purpose, and it must be retained in accordance with the approved retention schedule.

Official Records: If the email message itself has been determined to be an "official record," it may be correspondence. Official correspondence can be destroyed pursuant to the adopted records retention schedule.

Non-Official Records: If the email message is not an official record it may be a 1) transitory record 2) non-record or 3) personal record.

- 1) Transitory records are non-vital records relating to City business or activities which have a temporary value and do not need to be retained once their intended purpose has been fulfilled.
- 2) Non-records are emails or information in the possession of the City that is not needed to document the performance of an official function. These records are not subject to any record retention schedule and do not need to be retained.

**CITY OF BIRCHWOOD VILLAGE  
ELECTRONIC MAIL RETENTION POLICY**

Effective Date \_\_\_\_\_; Retention Schedule Effective 8/1/2017

Page Two

- 3) Personal records are emails that document non-government business or activities. These records are not subject to the records retention schedule and do not need to be retained.

**Data Requests and Litigation**

In accordance with the Minnesota Government Data Practices Act (MGDPA) (Chapter 13, Minnesota Statutes), email messages created or received as part of a public employee’s official duties are government data and are subject to requests for review and/or copying pursuant to the MGDPA. If a government data request is received for email relating to a particular subject, emails will be identified and produced without regard to whether they are official records or non-official records. If an employee is responding to a government data request, and that data is contained within the City’s email system, the employee must identify and produce the relevant email. Just like paper records, email messages may be subject to disclosure during the discovery phase of litigation. Attorneys representing the City are responsible for identifying if the records requested through the discovery process are stored in email. Attorneys are responsible for ensuring information technology staff is notified that a discovery order involving email was received to prevent the destruction of relevant messages.

**Employee Responsibilities**

As public sector employees subject to MGDPA and Official Records Act, City employees are responsible for identifying emails that are official records and keeping the official record in the location and format their department has identified for that type of document. Official records should not be maintained solely as emails in the email system, unless the department has established an email account for that particular purpose.

**Email Retention Schedule**

Inbox	180 days
Drafts	180 days
Sent Items	180 days
Deleted Items	14 days
Cabinet/Folders	3 years
Junk Email	14 days
Calendar	1 year

## Proposed standards help staff responsibly manage data

This is a proposal to implement a new email management and storage policy for the City of Birchwood Village. This policy allows staff to save emails in the city’s system for up to 3 years. It also requires official records to be stored in a system of record, not the email system. This policy helps to set technology standards and is a business best practice that balances transparency and data management.

With just one full-time employee, Birchwood Village currently has \_\_\_\_\_ emails on our server. Staff receive \_\_\_\_\_ new emails per month. Without change, email growth and cost is exponential.

## New standards are based on public and private industry standards

Prior to March 21, 2017, the City of Birchwood Avenue had no formal email management policy or standards in place. With this new policy, the City of Birchwood Village is further formalizing the management of email. This ensures that email is not used as a system of record or long-term storage tool. The new policy and standards are based on:

- IT Advisory Board recommendations—a group of Twin Cities based chief information officers who help guide Hennepin County to keep current with industry standards.
- Successful similar policies created by our peer public agencies both regionally and across the nation.

## Policy and standards improve our data management for many reasons

The City of Birchwood Village’s transparency and ability to provide pertinent information will improve after removing old emails that currently bog down the system. Our staff will be able to better respond to information requests of all types.

We are implementing this email policy and standards for two key reasons:

- Efficient and reliable systems – Large attachments and too many emails cause performance and reliability problems for the email system.
- Email is not a safe or secure way to retain important city data. Employees must begin to use other methods, in line with each department’s data policy.

The new standards of retaining emails for 3 years or less will reduce taxpayer burden related to storage costs.

## Standards created after extensive research

The City of Birchwood Village identified best practices from other public agencies. This ensures email remains a cost-effective and reliable service.

Email retention schedule allows staff to save email up to 3 years

Email location	Moved to archive folder	Auto-delete if not official record or business need	Auto-delete if moved to folder for business need
Inbox	90 days after receiving	180 days after receiving	3 years after receiving
Sent	90 days after sending	180 days after sending	3 years after sending
Deleted/Junk	N/A	14 days after receiving	N/A

Standards are compliant with state law

The City of Birchwood Village remains compliant with the Minnesota Government Data Practices Act. Employees must keep official records in other systems of record, such as personnel documents, contracts, financial information, security reports, injury reports, correspondence from clients and others.

Email accounts under litigation holds or preservation holds are exempt from the automatic deletion schedule.

# MEMORANDUM

**DATE:** May 9, 2017

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Resolution 2017-10: Establishing ... Policy



**Birchwood Village**

---

Dear Mayor and Council Members,

During the March 14 City Council meeting, Council considered two resolutions relating to surcharges for unbudgeted water main breaks, 2017-09 and 2017-10. At that time, the Council passed 2017-09 to create a utility surcharge for the 2016-2017 unbudgeted water main break but tabled 2017-10 for redraft.

At this time, staff presents to Council the attached revised Resolution 2017-10: Establishing Water Main Surcharge Policy for your consideration.

Thanks!

Regards,  
Tobin Lay

CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA  
RESOLUTION 2017-10

RESOLUTION ESTABLISHING A WATERMAIN BREAK SURCHARGE FOR UNBUDGETED WATER MAIN  
BREAKS AND EFFECTIVE FOR EACH WINTER SEASON AND APPORTIONED THE FOLLOWING THREE  
QUARTERS OF THE CITY'S UTILITY BILLING

WHEREAS, historically changes to Water Rates have been made when it is necessary to maintain structurally-balanced operations and to ensure a sufficient Fund Balance to meet recurring costs as they become due; and

WHEREAS, expenses for unbudgeted water main breaks exceeding two per winter season are in excess of the average costs anticipated and factored into the City's water rates; and

WHEREAS, the remaining quarterly water main break surcharge amounts will produce the additional revenues in the calendar year needed to support the excess costs due to water main break(s) and to retain a sufficient Fund Balance; and

WHEREAS, therefore the Water charges will be expanded to include a water main break surcharge for each water main break exceeding two per winter season.

NOW THEREFORE BE IT RESOLVED, the City Council of the City of Birchwood Village approves establishing a quarterly water main break surcharge, for all households connected to City water, equal to the amount of all costs to repair water main breaks in excess of two per winter season and apportioned over the succeeding summer, fall and winter billing quarters.

FURTHER, this Resolution to cover these unanticipated excess costs shall be ongoing from year to year until further action by the City Council.

Adopted this 9<sup>th</sup> day of May, 2017

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

ATTEST: \_\_\_\_\_  
Tobin Lay, City Administrator

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Town Hall Meeting



**Birchwood Village**

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Dear Mayor and Council Members,

Councilmember Malvey asked that I include this memo in the packet for Council's consideration:

"I'd like to propose Council hold a workshop/town hall with community members to work on specific topics with the Council. The Council has had requests from a number of community members for an opportunity to meet with the council to discuss both ideas and concerns. We are lucky to have an engaged and involved community and I think it's important that we give community members the opportunity to work with the council. I think the IPAD opinion regarding open meeting law demonstrates that the Council could benefit from community involvement regarding processes and procedures. We should strive for transparency and cooperation between the council and the community.

I'd suggest we use the workshop/town hall format as described below. The preparation, presentation and request would be driven by the requestor. The council would listen, ask questions, provide feedback and work with the community member(s) who raised the topic to identify next steps for the council and/or for the requestor/community members.

Proposed process:

- Community members (1-2 people) identify a topic they would like to discuss with the council by sending the following info to Tobin:
  - Description of idea/concern
  - Relevant examples/details
  - Summary of request – be specific including timing
  - Resources needed and/or available (describe approximate cost to complete, volunteers available to help, etc.)
- A town hall/workshop would be held at which pre-selected topics would be discussed. The meeting would be no longer than 2 hours with a hard limit of 20 minutes per topic (so six topics could be discussed). Ideally next steps/target goal would be identified for each topic during the meeting.
- If more than six topics are identified by community members in advance, the remaining ideas could be "shelved" for consideration at the next workshop (assuming it goes well and the council and community members see value in another workshop, perhaps quarterly). Perhaps Tobin would select which six topics would be discussed or council members would need to vote on the topics to be discussed at a meeting prior to the workshop.
- The workshop would be open to the entire community. Discussion would be led by the community member who submitted the topic, but other community members could be invited by the submitter or council members to participate in the discussion.

I suggest this for discussion at the meeting in May, which I will not be present for. If this is unclear or the council does not wish to act on a proposal like this in May, I will request discussion about it in June, when I will be present. If the council likes this idea and wants to make a motion to proceed with something like this, please do so in my absence.”

Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

DATE: May 9, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Buckthorn Removal Day



**Birchwood Village**

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Dear Mayor and Council Members,

Mayor Wingfield has asked that I include this memo in the packet for your consideration and discussion:

“The Mahtomedi HS Eco Club has volunteered to help clear out buckthorn at Bloomquist Park. They ask the city to provide their group with some bow saws in return. These are relatively inexpensive tools. (i.e. less than \$100).

Buckthorn is an invasive species. Buckthorn (*Rhamnus cathartica*) is a dense plant that prevents other native species from growing. The best way to correct the problem is to remove the entire plant, roots and all.

Previous attempts to remove it have resulted in compounding the problem because the trunk of the plant was removed, but not the roots.

The resulting multiple sprouts have led to a thick blanket of suckers throughout the park.

The good thing is the plant has shallow, limited root system that allows one to sever the roots and pull out each plant without too much difficulty.

Honeysuckles (*Lonicera* sp) is another invasive and is also prevalent in the park. It can be cut out along the way.

Volunteer residents can join in the fun. Planned work day is \_\_\_\_\_. Volunteers should come with spade shovels, bow saws, leather gloves and a happy attitude.

I am asking for council approval to proceed under these terms.”

Thanks!

Regards,  
Tobin Lay



April 17, 2017

Residents affected by Halls Marsh, and other stakeholders;

As you may know, the Rice Creek Watershed District's (District) outlet structure (Outlet) at Halls Marsh is failing – threatening both public and private infrastructure and private properties around Halls Marsh. The District has initiated the process to complete final engineering design and construction for the repair of the Outlet. The Outlet is located along and under a shared private driveway between Halls Marsh and White Bear Lake in the City of Mahtomedi. The purpose of this informational letter is to provide affected residents a brief summary of the District's current plan to repair of the Outlet, outline the process the District will undertake to complete the project, and provide a preliminary schedule.

The Outlet was permitted by the DNR and constructed by the District in 1980. As a result of complaints from residents regarding high water levels in Halls Marsh, the District investigated the condition of the Outlet in 2015, determining that the high-water conditions resulted from a blockage in the "low flow" culvert that transports seasonal flow from Halls Marsh to White Bear Lake. This 12" culvert is located below the sanitary sewer and watermain servicing the homes accessed by the private drive. The water and sewer utilities are located below three (3) high-flow culverts that are also components of the Outlet.

As part of the investigation effort the District considered various alternatives to repair the Outlet, including open cut replacement of the culverts, and in-place cleaning and lining of the low-flow culvert. In-place lining methods were determined to be the most cost effective and least disruptive alternatives, and last fall, the District secured a contractor to complete the work.

However, when the contractor began cleaning out the culvert in January using a water jet, they discovered that the culvert was severely corroded and in danger of collapse if jetting operations continued. Work on the Outlet was then ceased, and the District reevaluated its repair options, determining that open-cut replacement of the structure is the only viable repair option.

The District is currently proceeding with the design of the Outlet repair and assembling construction plans and documents to accommodate the open cut option. The blocked culvert will be replaced with a reinforced concrete pipe (RCP) for a more durable and corrosion resistant alternative to the existing corrugated metal pipe. In consultation with the DNR, the existing fish barrier has been determined to be ineffective and unnecessary and will not be reinstalled. Instead, the District plans to install a sediment control device at the inlet of the low flow culvert to reduce maintenance needs. The proposed construction methods will require temporary removal of a portion of the sanitary sewer (which is past its life expectancy and has diminished function) and replacing it with new pipe.

Plan preparation and permit acquisition from the DNR is anticipated to be completed in early summer. Construction activity is expected to begin in the Fall 2017. The replacement of the culverts and sanitary line improvements are expected to take approximately three days to five working days. Due to the limited access, the difficulty in providing an alternative access road for safety considerations and the interruption of utility services, the District is considering several mitigation options. One possible option to mitigate the inconvenient is to provide alternative, temporary lodging and meals to affected

households during construction. Collaboration with affected landowners on both access options and inconvenience mitigation during construction is a top priority for the District and will be discussed at an upcoming information meeting. After installation of the culverts, the disturbed and/or damaged portions of the driveway will be repaved. Costs for the project will be borne by the Rice Creek Watershed District.

The District will be coordinating an informational meeting with affected residents beginning in late April or May to address questions or concerns. Our first priority is to meet with the landowners serviced by the shared driveway, to collaborate on how access to their properties during construction will be mitigated and coordinated. The date and time for the meetings will be sent to affected residents when determined.

We appreciate your feedback and strive to answer your questions in a thorough and timely manner. Thank you for your patience while we continue the process of repairing this important component of the regional water management infrastructure. If you have any questions, please contact Tom Schmidt at 763.398.3076 or [tschmidt@ricecreek.org](mailto:tschmidt@ricecreek.org).

Sincerely  
RICE CREEK WATERSHED DISTRICT



Phil Belfiori  
Administrator

# MEMORANDUM

DATE: May 9, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Council and Staff Chairs



Birchwood Village

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Dear Mayor and Council Members,

Councilmember LaFoy asked that I include the following information to supplement his introduction of this topic:



MN State Surplus: <https://mn.gov/admin/government/surplus-property/state/available-property/>

MN State Surplus: <https://mn.gov/admin/government/surplus-property/eligibility/>

Craig's List: <https://minneapolis.craigslist.org/search/zip?query=office+chairs>

Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** City Hall Camera Upgrade



**Birchwood Village**

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Dear Mayor and Council Members,

Tim Finnerty from the Ramsey/Washington Cable Commission has contacted staff and Councilmember LaFoy regarding updating the video cameras at City Hall. The Cable Commission has been working toward upgrading video equipment for all of their member cities and has received the attached competitive bids.

By negotiating for all of the cities at once, the Cable Commission has been able to secure reduced pricing for these upgrades that the cities would not be able to obtain separately. Additionally, the cost of these upgrades will be paid for through a grant, so will not be realized at the city level.

The Cable Commission requests and staff encourages Council approve Birchwood's participation in these upgrades to City Hall's cameras. Once updated, the new equipment will be compatible with future technology for many years to come.

Please see the attached email from Mr. Finnerty along with the attached equipment info and bids. Thanks!

Regards,  
Tobin Lay

**FINAL**  
**RAMSEY/WASHINGTON COUNTIES CABLE COMMISSION MUNICIPAL**  
**TELECASTING EQUIPMENT - GRANT FUNDING POLICY II**

**Reserve Fund:** The Municipal Equipment Grant Funding Reserve Fund ("Muni Policy II) is created as a reserve within the Commission's Equipment & Capital Improvements Fund. This Muni Policy II is created as a successor to the previous municipal equipment funding policy that expired as of July 31, 2014 ("Muni Policy I"). This policy replaces all previous approaches for use of equipment reserve funds designated by the Commission in support of municipal telecasting equipment. The source of such funds are capital equipment grant payments received by the Commission from the cable company as required by the Cable Franchise Agreement, as well as funds from other sources as transferred from time to time by the Commission into Muni Policy II.

**General Purpose:** The purpose of Muni Policy II is to provide financing for equipment required for telecasting the meetings of member municipalities.

**Gross Amount Reserved:** The total amount reserved for municipal equipment replacement for the 12 member municipalities is as follows:

MUNICIPALITY	MUNI POLICY II BASIC ALLOCATION	REDISTRIBUTION OF MUNI POLICY I ENDING BALANCE	MUNI POLICY II TOTAL ALLOCATION
Birchwood	\$115,000	\$1,728	\$116,728
Dellwood	\$115,000	\$2,875	\$117,875
Grant	\$115,000	\$4,731	\$119,731
Lake Elmo	\$115,000	\$12,514	\$127,514
Mahtomedi	\$115,000	\$13,755	\$128,755
North St. Paul	\$115,000	\$15,684	\$130,684
Oakdale	\$115,000	\$40,363	\$155,363
Vadnais Heights	\$115,000	\$20,386	\$135,386
White Bear Lake	\$115,000	\$39,449	\$154,449
White Bear Township	\$115,000	\$19,076	\$134,076
Willernie	\$115,000	\$765	\$115,765
<b>TOTALS</b>	<b>\$1,265,000</b>	<b>\$171,326</b>	<b>\$1,436,326</b>

**Eligible Equipment:** The equipment eligible for funding consists of the essential video production components needed for a complete telecasting system (one per meeting origination site used by each member municipality) for municipal meeting coverage. Such eligible equipment is represented by the attached list of components. The list may be amended by the Commission from time to time. Municipalities may seek reimbursement for purchases made prior to the enactment of this policy for equipment that is in use and meets eligibility requirements. The amounts attributed to each item listed on the attached list of components are intended to reflect approximate amounts for budgetary purposes. A Municipality may choose to spend more or less for any single component than reflected in the attachment, so long as the total amount requested for all equipment does not exceed the total amount allocated for the municipality as reflected in the table above.

**Priority Consideration for Commission Processing of Funding Requests:** Funding reserves have been allocated to immediately account for a complete telecast system for each member municipality. While it is not inconceivable that multiple funding requests could be processed at the same time, the Commission, if necessary, will give priority to processing funding requests based upon the age and operating condition of current equipment in use.

**Longevity of Maximum Allocation for Municipalities.** The total allocation amount listed in the table above for each municipality will remain reserved until expended pursuant to this policy or until December 31, 2019. After applying this policy, any funds unexpended as of December 31, 2019 will be made available to all member municipalities for financing of municipal production equipment in accordance with the attached list as amended and authorized by the Commission at such time. Such unexpended funds as of December 31, 2019 will be made available to any member municipality at a rate consistent with the weighted vote of members as set forth by the Commission's Joint and Cooperative Agreement (i.e. a municipality that has 12 votes may request and be awarded 12% of unexpended funds).

## FINAL

### Attachment — Specifying Components, Minimum Standards/Assumptions & Maximum Allocations for Municipal Policy II

<b>Component</b>
<p><b>Cameras</b> (including camera body, lens, pan/tilt, remote control, cable, and mount for each camera (assumes a quantity of four)                      Minimum standard: as recommended by Commission staff</p>
<p><b>Production Switcher</b> (assumes a quantity of one)                      Minimum standard: as recommended by Commission staff</p>
<p><b>Tilting CG</b>                      Minimum standard: as recommended by Commission staff</p>
<p><b>Video Production Monitors</b> (assumes a production monitor for simultaneous monitoring of each camera, the tilting CG, the production switcher preview, the production switcher program output and general viewing monitors)                      Minimum standard: as recommended by Commission staff</p>
<p><b>Signal Processing Equipment</b> (general assumption for case-specific signal routing/process needs)                      Minimum standard: as recommended by Commission staff</p>
<p><b>Audio Signal Mixer, Processing, Monitoring Equipment and Microphones</b>                      Minimum standard: as recommended by Commission staff</p>
<p><b>Lighting</b>                      Minimum standard: as recommended by Commission staff</p>
<p><b>Equipment for program Record/Playback/Bulletin Board/Transport</b> (general assumption for video recorder, automated on-channel playback system, on-channel text message generator, and video electronics necessary for transport to cable system)</p>
<p><b>Installation Supplies</b> (general assumption cables, connectors, etc. for component installation)                      Amount does not include cost of installation labor or installation fees.</p>
<p><b>System Engineering/Design Costs</b> not otherwise provided by Commission staff</p>
<p><b>Presentation/Production Control Systems</b> (ex. Crestron control systems)</p>

**Ramsey/Washington Suburban Cable Commission II  
Request for Sealed Bids — Item #1**

**(The intention of this format is to express quantity discount pricing, if any)**

<b>Item No.</b>	<b>Make</b>	<b>Model</b>	<b>Description</b>	<b>If This Quantity is Purchased</b>	<b>Great Lakes Unit Price</b>	<b>Alpha Video Unit Price</b>
1-a	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	1	7,460.08	7,895.00
1-b	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	2	7,460.08	7,895.00
1-c	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	3	7,460.08	7,895.00
1-d	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	4	7,460.08	7,895.00
1-e	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	5	7,460.08	7,895.00
1-f	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	6	7,460.08	7,895.00
1-g	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	7	7,460.08	7,895.00
1-h	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	8	7,460.08	7,895.00
1-i	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	9	7,460.08	7,895.00
1-j	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	10	7,360.08	7,895.00
1-k	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	11	7,360.08	7,495.00
1-l	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	12	7,360.08	7,495.00
1-m	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	13	7,360.08	7,495.00
1-n	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	14	7,360.08	7,495.00
1-o	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	15	7,360.08	7,495.00
1-p	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	16	7,310.08	7,495.00
1-q	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	17	7,310.08	7,495.00
1-r	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	18	7,310.08	7,495.00
1-s	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	19	7,310.08	7,495.00
1-t	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	20	7,310.08	7,495.00
1-u	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	21	7,290.08	7,495.00
1-v	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	22	7,290.08	7,495.00
1-w	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	23	7,290.08	7,495.00
1-x	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	24	7,290.08	7,495.00
1-y	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	25	7,290.08	7,495.00
1-z	Sony	BRC-H900	HD 1/2" type 3CMOSs P/T/Z Color Video Camera	26	7,290.08	7,495.00

**Sealed Bids due by 10:00 am on Wednesday,  
April 12, 2017**

**Purchases are tax-exempt**

**Shipping to be paid by vendor**

**Ramsey/Washington Suburban Cable Commission II  
Request for Sealed Bids — Item #2**

**(The intention of this format is to express quantity discount pricing, if any)**

<b>Item No.</b>	<b>Make</b>	<b>Model</b>	<b>Description</b>	<b>If This Quantity is Purchased</b>	<b>Great Lakes Unit Price</b>	<b>Alpha Video Unit Price</b>
2-a	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	1	1,302.60	1,335.00
2-b	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	2	1,302.60	1,335.00
2-c	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	3	1,302.60	1,335.00
2-d	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	4	1,302.60	1,335.00
2-e	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	5	1,302.60	1,335.00
2-f	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	6	1,302.60	1,335.00
2-g	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	7	1,302.60	1,335.00
2-h	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	8	1,302.60	1,335.00
2-i	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	9	1,302.60	1,335.00
2-j	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	10	1,302.60	1,335.00
2-k	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	11	1,292.30	1,295.00
2-l	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	12	1,292.30	1,295.00
2-m	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	13	1,292.30	1,295.00
2-n	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	14	1,292.30	1,295.00
2-o	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	15	1,292.30	1,295.00
2-p	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	16	1,292.30	1,295.00
2-q	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	17	1,292.30	1,295.00
2-r	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	18	1,292.30	1,295.00
2-s	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	19	1,292.30	1,295.00
2-t	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	20	1,285.18	1,295.00
2-u	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	21	1,285.18	1,295.00
2-v	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	22	1,285.18	1,295.00
2-w	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	23	1,285.18	1,295.00
2-x	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	24	1,285.18	1,295.00
2-y	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	25	1,285.18	1,295.00
2-z	Sony	BRBKIP10	IP CONTROL INTERFACE CARD FOR BRC-H900	26	1,285.18	1,295.00

**Sealed Bids due by 10:00 am on Wednesday,  
April 12, 2017**

**Purchases are tax-exempt**

**Shipping to be paid by vendor**

**Ramsey/Washington Suburban Cable Commission II  
Request for Sealed Bids — Item #3**

**(The intention of this format is to express quantity discount pricing, if any)**

<b>Item No.</b>	<b>Make</b>	<b>Model</b>	<b>Description</b>	<b>If This Quantity is Purchased</b>	<b>Great Lakes Unit Price</b>	<b>Alpha Video Unit Price</b>
3-a	Sony	BRCWMALL	Wall Mount for BRC-H900	1	171.60	185.00
3-b	Sony	BRCWMALL	Wall Mount for BRC-H900	2	171.60	185.00
3-c	Sony	BRCWMALL	Wall Mount for BRC-H900	3	171.60	185.00
3-d	Sony	BRCWMALL	Wall Mount for BRC-H900	4	171.60	185.00
3-e	Sony	BRCWMALL	Wall Mount for BRC-H900	5	171.60	185.00
3-f	Sony	BRCWMALL	Wall Mount for BRC-H900	6	171.60	185.00
3-g	Sony	BRCWMALL	Wall Mount for BRC-H900	7	171.60	185.00
3-h	Sony	BRCWMALL	Wall Mount for BRC-H900	8	171.60	185.00
3-i	Sony	BRCWMALL	Wall Mount for BRC-H900	9	171.60	185.00
3-j	Sony	BRCWMALL	Wall Mount for BRC-H900	10	171.60	185.00
3-k	Sony	BRCWMALL	Wall Mount for BRC-H900	11	171.60	185.00
3-l	Sony	BRCWMALL	Wall Mount for BRC-H900	12	171.60	185.00
3-m	Sony	BRCWMALL	Wall Mount for BRC-H900	13	171.60	185.00
3-n	Sony	BRCWMALL	Wall Mount for BRC-H900	14	171.60	185.00
3-o	Sony	BRCWMALL	Wall Mount for BRC-H900	15	171.60	185.00
3-p	Sony	BRCWMALL	Wall Mount for BRC-H900	16	171.60	185.00
3-q	Sony	BRCWMALL	Wall Mount for BRC-H900	17	171.60	185.00
3-r	Sony	BRCWMALL	Wall Mount for BRC-H900	18	171.60	185.00
3-s	Sony	BRCWMALL	Wall Mount for BRC-H900	19	171.60	185.00

**Sealed Bids due by 10:00 am on  
Wednesday, April 12, 2017**

**Purchases are tax-exempt**

**Shipping to be paid by vendor**

Ramsey/Washington Suburban Cable Commission II  
Request for Sealed Bids — Item #4

(The intention of this format is to express quantity discount pricing, if any)

Item No.	Make	Model	Description	If This Quantity is Purchased	Great Lakes Unit Price	Alpha Video Unit Price
4-a	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	1	1,606.80	1,650.00
4-b	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	2	1,606.80	1,650.00
4-c	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	3	1,606.80	1,595.00
4-d	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	4	1,606.80	1,595.00
4-e	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	5	1,606.80	1,595.00
4-f	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	6	1,606.80	1,595.00
4-g	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	7	1,606.80	1,595.00
4-h	Sony	RMIP10	IP REMOTE CONTROLLER FOR THE SELECT BRC & SRG PTZ	8	1,606.80	1,595.00

Sealed Bids due by 10:00 am on Wednesday,  
April 12, 2017

Purchases are tax-exempt

Shipping to be paid by vendor

Ramsey/Washington Suburban Cable Commission II  
Request for Sealed Bids — Item #5

(The intention of this format is to express quantity discount pricing, if any)

Item No.	Make	Model	Description	If This Quantity is Purchased	Great Lakes Unit Price	Alpha Video Unit Price
5-a	HP	1820-24G-POE+	24 Port Network Switch with POE	1	399.99	445.00
5-b	HP	1820-24G-POE+	24 Port Network Switch with POE	2	399.99	445.00
5-c	HP	1820-24G-POE+	24 Port Network Switch with POE	3	399.99	445.00
5-d	HP	1820-24G-POE+	24 Port Network Switch with POE	4	399.99	445.00
5-e	HP	1820-24G-POE+	24 Port Network Switch with POE	5	399.99	445.00
5-f	HP	1820-24G-POE+	24 Port Network Switch with POE	6	399.99	445.00
5-g	HP	1820-24G-POE+	24 Port Network Switch with POE	7	399.99	445.00
5-h	HP	1820-24G-POE+	24 Port Network Switch with POE	8	399.99	445.00

**Sealed Bids due by 10:00 am on  
Wednesday, April 12, 2017**

**Purchases are tax-exempt**

**Shipping to be paid by vendor**

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** 2017 Clerks' Orientation Conference



**Birchwood Village**

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Dear Mayor and Council Members,

The League of Minnesota Cities will be hosting an orientation conference this June 14-16 in Rochester, MN, specifically tailored for training new City Clerks. Registration for this conference costs \$275 and does not include hotel expenses.

I request Council's approval to pay for this training as the City will have a direct benefit from my receiving this Clerk training. Conference details are included below.



## Discover Tools and Skills Designed Just for You!

Explore the fundamentals and focus on key topics for your role during the [2017 Clerks' Orientation Conference](#), held concurrently with the League of Minnesota Cities' 2017 Annual Conference, June 14-16 in Rochester.

Highlights of the 2017 Clerks' Orientation Conference include:

- How to effectively navigate the Open Meeting Law, data practices, and legal compliance rules
- Learning about human resources, financial management, and other skills needed in your city leadership role
- Time to network and share insights with new city clerks from around the state

You'll also have time to discover the signs of a vibrant city as you take part in 2017 Annual Conference keynote sessions, an educational session, and networking events.

**Explore the agenda and register:**

[www.lmc.org/17clerks2](http://www.lmc.org/17clerks2)

*Don't forget! Lodging is not included in the conference fee—visit the [conference hotel page](#) to get details on League room blocks and don't forget to book your room by May 15!*

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Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

**DATE:** May 9, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** CTAS Training



**Birchwood Village**

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Dear Mayor and Council Members,

As you are aware, the City has been struggling with the recent upgrade of its financial software, CTAS. This software was developed by the State as an affordable solution to small cities and towns. Although the State supports this software, it does not offer training of the software.

Staff has recently learned that CTAS training is available through the Minnesota Association of Townships. This Association has several upcoming training sessions on CTAS and staff requests Council's approval to pay for Administrator Lay and Treasurer Beckman to attend this one-day training in June. Early registration for this training is \$50 per person; on-site registration is \$60/person.

Thanks!

Regards,  
Tobin Lay