



AGENDA OF THE WORKSHOP AND  
REGULAR MEETING OF THE CITY  
COUNCIL  
CITY OF BIRCHWOOD VILLAGE  
WASHINGTON COUNTY, MINNESOTA  
November 14, 2017  
6:30 AND 7:00 P.M.

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

**CITY COUNCIL WORKSHOP – 6:30PM**

**CALL TO ORDER**

**CITY BUSINESS – WORKSHOP AGENDA**

- A. Conditional Use Permits – City Code Section 306\* (p. 4)
- B. Workshop Minutes Protocol\* (p. 5)

*Time Budget: 20 Minutes*

**ADJOURN**

**REGULAR CITY COUNCIL MEETING – 7:00PM**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVE AGENDA**

**OPEN PUBLIC FORUM**

**ANNOUNCEMENTS**

- A. Calling for Volunteers to Help at the Ice Rink this winter. Contact City Hall.
- B. We are social, follow us on Facebook/Twitter or register for the email listserv

**ADMINISTRATIVE PRESENTATION**

- A. Sheriff Report\* (p. 6)
- B. Birch Easement Catch Basin Cleanout\* (p. 7)
- C. Staffing Update: Treasurer, Ice Rink Attendants\* (p. 8)
- D. City Hall Air Conditioning Update\* (p. 9-12)

## **CITY BUSINESS – CONSENT AGENDA**

- A. Approve Workshop Minutes from October 10, 2017\* (pp. 13-14)
- B. Approve Regular Meeting Minutes from October 10, 2017\* (pp. 15-19)
- C. Approve Workshop Minutes from October 25, 2017\* (pp. 20-22)
- D. Approve Treasurer’s Report\* (pp. 23-35)
- E. Approve Water Main Soil Storage Agreement\* (pp. 36-39)
- F. Approve Ordinance 2015-06-02 Deer Feeding Prohibition\* (pp. 40-42)
- G. Approve Resolution 2017-25 East County Line Rd Parking Restrictions\* (pp. 43-44)
- H. Approve Resolution 2017-23 Appoint Office Support Worker\* (pp. 45-46)

## **CITY BUSINESS – REGULAR AGENDA**

- A. City Project No. 2017-1 Sanitary Sewer Rehabilitation\* (pp. 47-62)
  - a. Public Hearing
  - b. Council Deliberation and Consideration of Approval

*Time Budget: 30 Minutes*
- B. Dog Park Committee Update – Survey Results
- Time Budget: 10 Minutes*
- C. Parks Committee Update and Recommendations – Survey Results, Ash Path, Etc.\* (pp. 63-87)
- Time Budget: 10 Minutes*
- D. Birchwood Dock Association (BDA)
  - a. Review and Approve BDA’s Annual Dock Permit Application – Authorize BDA to Apply for Dock Permits\* (pp. 88-118)
  - b. Continue Oct. 25, 2017 Council Workshop Discussion\* (pp. 88 & 20-22)

*Time Budget: 20 Minutes*
- E. Second Reading Ordinance 2017-01-01 – Impervious Surface Amendment\* (pp. 119-121)
  - a. Public Hearing
  - b. Council Deliberation

*Time Budget: 10 Minutes*
- F. First Reading Ordinance 2017-10-02 Public Right-of-Way\* (pp. 122-144)
  - a. Council Deliberation
  - b. Order Public Hearing for December 12, 2017

*Time Budget: 15 Minutes*
- G. First Reading Ordinance 2017-10-01 Zoning Administration Amendment – Ordinance 2017-10-01\* (pp. 145-153)
  - a. Public Hearing
  - b. Council Deliberation

*Time Budget: 15 Minutes*
- H. Council Member Reports:
  - a. Councilmember Woolstencroft
    - i. Update: City Hall Table Donation

- ii. Resolution 2017-24 – Accepting Donation from Birchwood Courts Residents\* (p. 154)
  - b. Mayor Wingfield
    - i. Pleasure Rink
  - c. Councilmember LaFoy
    - i. Update: Website Task Force
  - d. Councilmember Malvey
    - i. Update: School District Realignment Project
    - ii. Update: Capital Improvement Plan\* (pp. 155-164)
    - iii. Update: RCWD letter\* (p. 165)
- Time Budget: 35 Minutes*
- I. City Administrator’s Report

**ADJOURN**

# MEMORANDUM

**DATE:** November 14, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Conditional Use Permits – Section 306



Dear Mayor and Council Members,

I recently discovered a problem with the existing Conditional Use Permit (CUP) language in City Code. As written now, City Code requires a CUP for something as ordinary as putting sand on someone's beachfront property.

Under Section 301.070.1.a., a CUP is required any time there is:

Any *land disturbance activity* where the slope is toward a lake, pond, wetland, or watercourse leading to such waters, and the alteration is closer to such waters than the structure setback requirement...

According to 300.020.24., a Land Disturbance Activity is defined as:

Any land change that may result in soil erosion from water or wind and the movement of sediments including, but not limited to, grading, excavating, and filling of land, and removal of vegetation.

There is an exception to this definition for "Gardening or the planting of trees or shrubs."

Although it is understandable that a City Council might want oversight over the color and type of sand a resident wishes to put in their yard, especially when placed near a public area, such as a public lake, I don't think it was the intention of the Council to have Section 306 Conditional Use Permit govern something as common as sand.

A CUP requires a fixed application fee of \$400 and must be reviewed and approved by both the Planning Commission and the City Council before being granted. For certain uses, such as beach sand or even a small sand box, this seems onerous.

## **Recommendation/Request**

I recommend that Council request the Planning Commission look into Section 306 to determine what unintended uses could be caught up in the ordinance because of the language of 301.070.1.a., 300.020.24., and 306.

There are several ways the Council can rectify these unintended CUP uses, such as:

- 1) Amending the definition of Land Disturbance Activities in 300.020.24. to release unintended CUP uses;
- 2) Include these unintended uses in the list of 300.020.24. exceptions;
- 3) Amend the Fee Schedule to create a tiered fee structure for CUP's depending on the type of use;
- 4) Make a policy to waive the CUP fees for certain inexpensive uses; OR
- 5) Amend City Code so that ordinary uses, such as sand, be governed under a different permitting process other than a CUP, such as a Zoning Permit, which only requires a \$30 fee.

Thanks!

Tobin Lay

# MEMORANDUM

DATE: November 14, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Workshop Minutes Protocol



Dear Mayor and Council Members,

## **Rules of Procedure Article 6.04. RECORDING OF MEETINGS**

According to Article 6.04 of the City's Rules of Procedure, the Clerk "shall maintain a video or audio recording of each City Council meeting for which such a recording is available."

Staff requests Council's guidance on how to properly record Council Workshops. In the past, staff has been asked by Council Members to video record a workshop and at other times, to use audio recording.

As staff has access to both methods of recording, staff requests Council discuss a general preference to how these meetings should be recorded going forward. If Council prefers video recording then staff requests Council discuss a general preference to whether the video recordings should also be broadcast on the cable channel, at no cost to the City.

## **Rules of Procedure Article 6.01. MINUTES**

According to Article 6.01 of the City's Rules of Procedure, meeting minutes are not required for workshops. Staff has provide minutes for workshops in the past, such as the two workshop minutes on the consent agenda for tonight's Regular City Council meeting. Going forward, staff will not provide minutes for workshops until instructed to do so by the body of the Council.

Staff requests that when the body of the Council does request minutes for workshops that they also include instruction as to how much detail is desired for those minutes.

## **Recommendation/Request**

Staff requests Council

- 1) Provide guidance to staff on whether to use video or audio recordings for future Council workshops; AND
- 2) If video recording, then provide guidance to staff on whether to broadcast those recordings on the City's cable channel.

Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

DATE: November 14, 2017

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



**Birchwood Village**

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Dear Mayor and Council Members,

Here is the Sheriff Report for the period October 1-31, 2017:

Date	Time	ICR #	ID#	Street Name	Complaint
10/02/17	8:47:58	117035485	0063	WILDWOOD AV	ALARM
10/02/17	21:11:22	117035601	0118	OAKRIDGE DR	CHECK THE WELFARE
10/02/17	21:45:04	117035602	0065	WILDWOOD AV	TRAFFIC CONCERN
10/05/17	13:56:37	117036004	0122	HALL AV	TRAFFIC - FAIL TO CHANGE ADDRE
10/05/17	14:28:21	117036007	0122	HALL AV	TRAFFIC-STOP SIGN VIOLATION
10/06/17	17:31:56	117036181	0118	CEDAR ST	MEDICAL LEVEL 1
10/08/17	21:03:52	117036409	1264	HALL AV	TRAFFIC: NO POI
10/09/17	0:14:18	117036420	0093	WILDWOOD AV	SUSPICIOUS ACTIVITY
10/09/17	8:08:36	117036448	0197	HALL AV	LIFT ASSIST
10/09/17	14:38:48	117036500	0063	HALL AV	NEIGHBOR COMPLAINT
10/13/17	16:39:44	117037068	0074	HALL AV	ANIMAL COMPLAINT **COMP
10/15/17	4:32:04	117037228	1264	HALL AV	INTOXICATED MALE
10/15/17	13:26:04	117037254	0122	BIRCHWOOD AV	ANIMAL ASSIST RESK/ CALL /WA
10/16/17	2:01:48	117037298	1264	HALL AV	MEDICAL LEVEL 3
10/17/17	15:09:12	117037554	0091	EAST CO LINE RD	SUSPICIOUS ACTIVITY
10/20/17	2:07:49	117037908	1202	HALL AV	TRAFFIC - GM NO POI/DAR/STOP S
10/20/17	20:16:51	117038041	0079	OAKHILL CT	ABANDONED VEHICLE
10/21/17	15:53:39	117038109	0076	WILDWOOD AV	PHONE CALL REQ **RSTK 122 CA
10/22/17	13:46:32	117038186	0122	HALL AV	LIFT ASSIST
10/23/17	17:00:52	117038314	0197	BIRCHWOOD AV	MEDICAL LEVEL 1
10/24/17	15:07:39	117038443	0197	CEDAR ST	VEHICLE INFO
10/24/17	16:27:31	117038464	0065	HALL AV	SUSPICIOUS VEHICLE
10/26/17	8:10:38	117038697	0088	WILDWOOD AV	ALARM
10/26/17	8:17:11	117038698	0064	WILDWOOD AV	BURG ALARM
10/29/17	12:06:28	117039066	0088	HALL AV	SUSPICIOUS PERSONS
10/29/17	12:21:31	117039069	0094	HALL AV	THREATS - TIME DELAY 15 MINS
10/29/17	18:16:59	117039100	0170	HALL AV	SUSPICIOUS ACTIVITY

Total ICRs Processed: 27

Regards,  
Tobin Lay

# MEMORANDUM

**DATE:** November 14, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Birch Easement Catch Basin Cleanout



**Birchwood Village**

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Dear Mayor and Council Members,

During the October regular City Council meeting, the Council discussed not cleaning out the catch basin on Birch Easement and to put the money saved towards a project next year that would replace the rain garden on Birch Easement. The Council asked staff to contact resident Brian McGinnis to ask his opinion about not cleaning out the catch basin now.

I shared the Council's discussion with Brian McGinnis and he felt that the Council's plan was a good one. If the Council replaces the rain garden next year then Brian believes the catch basin cleanout can be skipped for now.

Brian did recommend, however, that after the new rain garden is put in and a maintenance plan is prepared for it, the City have Schifskys clean out the new catch basin each year when they clean out the concrete catch basins throughout town.

The purpose of this memo is simply to report back to Council on this assignment; there is no request for Council at this time. Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

DATE: November 14, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Staffing Update: Treasurer, Ice Rink Attendants



**Birchwood Village**

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Dear Mayor and Council Members,

### **City Treasurer-Deputy Clerk**

As you are already aware, City Treasurer Bailey Beckman recently submitted her letter of resignation. We are sad to see her go and appreciate the enthusiasm and professionalism she brought to the position. I have already posted the vacancy for this position and will be holding interviews for this position throughout November, with the intent to have it filled by the December City Council meeting.

### **Ice Rink Attendants**

We have received several applications from people interested in the Rink Attendant position. I will be interviewing candidates for these positions throughout November and have them ready to begin in December. We have also already identified several volunteers in the community willing to help manage the warming house this winter (including Bailey Beckman). There is still room for a few more volunteers; please spread the word. Thanks!

Regards,  
Tobin Lay

# MEMORANDUM

**DATE:** November 14, 2017

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**TO:** Birchwood City Council  
**FROM:** Trilby White, City Council Member  
**SUBJECT:** City Hall Air Conditioning



**Birchwood Village**

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Dear Mayor and Council Members,

In June, the City Council authorized staff to spend up to \$1,000 to purchase and install a permanent air conditioning (a/c) unit in the cable room. The Council also discussed the possibility of cooling the council chambers at that time.

Staff invited several contractors to bid on installing an a/c unit in the cable room and asked those contractors to include in their bid a separate estimate for cooling the council chambers. Councilmember White, being the Councilmember assigned to City Buildings, took interest in attending the contractor visits and requested to be copied in on their estimates.

During the September 12, 2017 regular City Council meeting, Councilmember White presented and the Council discussed several contractor estimates for installing a/c in the council chambers. The Council voted in favor of approving the purchase and installation of a/c units in the council chambers if the cost could be covered by the equipment fund provided by the cable commission.

Accordingly, staff met with representatives from the cable commission to seek approval to use the equipment fund to purchase and install a/c in the council chambers. The request was brought to the board of directors of the cable commission and was approved. Cable commission staff also reassessed Birchwood's equipment fund and found that it does have enough room in the budget to pay for the expenses as bid (see enclosed).

Councilmember LaFoy, White and I met with representatives of the cable commission on Monday to go over the revised equipment budget and are prepared to answer questions, if any.

The purpose of this memo is to update the Council on the status of this project only. Since the project has already been approved by the Council and the cable commission, and there are enough funds in the equipment budget to cover the expenses, there are no additional requests for you at this time. Thanks!

Regards,  
Tobin Lay

Item	Description	Quantity	Unit Price	Ext. Price	Unit Discount	Ext. Discount	Comments
<b>PTZ Cameras</b>							
BRCH900	Sony 1/2" 3-CMOS HD PTZ Color Video Camera	0	\$8,700.00	\$0.00			Local power will need to be instaled by electrician at every camera location.
BRBKIP10	Sony BRC Camera IP Control Interface Card	0	\$1,475.00	\$0.00			
RMIP10	Sony IP Remnote Controller	0	\$1,765.00	\$0.00			
	Sony Camera Wall Mount	0	\$195.00	\$0.00			
<b>Production Switcher</b>							
MC-DT	Broadcast Pix Mica with 3 Keys	1	\$14,910.00	\$14,910.00			
1000	Broadcast Pix 1000 Control Panel	1	\$5,290.00	\$5,290.00			
800	Broadcast Pix Sony Camera Control	1	\$840.00	\$840.00			
<b>Production Equipment</b>							
Gen10	AJA Sync & Test Signal Generator	2	\$305.00	\$610.00			
3G-AMA	AJA 3G-SDI 4 Ch Analog Audio Embedder/Disembedder	1	\$700.00	\$700.00			
HD10DA	AJA Dual Rate HD/SD 1x6 Reclocking Dist Amplifier	1	\$305.00	\$305.00			
Hi5	AJA HD/SD SDI to HDMI converter	0	\$305.00	\$0.00			To feed overflow monitor. * No overflow in this room.
DRM Frame	AJA Mini Converter Rack Frame	1	\$520.00	\$520.00			
DRM Front Panel	AJA Front Panel for DRM Frame	1	\$90.00	\$90.00			
FS1	AJA Universal SD/HD Audio Video Frame Sync Converter	1	\$2,945.00	\$2,945.00			For transmission to Master Control.
BEM-1	Brighteye MITTO 3G HD/SD Scan Converter	1	\$4,190.00	\$4,190.00			Required to bring presentation into production system.
BERKMT-FULL	Ensemble Designs Brighteye Rack Mount Kit	1	\$155.00	\$155.00			
BEPS	Ensemble Designs Bright Eye Individual Power Supply	1	\$45.00	\$45.00			
M-Lynx-702W	Marshall Dual 7" RM w/HDMI 3G-SDI Component Composite Inputs	1	\$1,000.00	\$1,000.00			
MHDX/I	Matrox Monarch HDX File Recorder	1	\$1,875.00	\$1,875.00			On-site video recorder. May change to AJA model for Tightrope compatibility.
MARCH/Rack/Kit	Matrox Rack Mount Kit for Monarch HDX	1	\$130.00	\$130.00			
E325	NEC 32" Display	1	\$445.00	\$445.00			For multiviewer.
E243WMI-BK	NEC 24" Display	2	\$280.00	\$560.00			For multiviewer.
RCI Custom	Press Feed Plate with HD-SDI and XLR	0	\$40.00	\$0.00			*
<b>AV Equipment and Switching</b>							
1338	Elmo P30HD 1080P Visual Presenter	1	\$2,225.00	\$2,225.00			Desktop Document Camera.
99-3028-00	Vaddio Ceilingview HD-18 Doccam DVI/HDMI	0	\$3,760.00	\$0.00			Ceiling mounted document camera.
DM-MD8x8	Crestron DM Matrix Switcher	0	\$2,530.00	\$0.00			
DMC-4K-C	Crestron HDBaseT Certified 4K DM 8G+ Input Card for DM Switchers	0	\$765.00	\$0.00			
DMC-4K-HD	Crestron 4k HDMI Input Card for DM Switchers	0	\$470.00	\$0.00			
DMC-SDI	Crestron DM SDI Input Card	0	\$705.00	\$0.00			
DMC-4K-CO-HD	Crestron 2-Channel HDBaseT Certified 4K DM 8G+ Output Card for DM Switchers	0	\$765.00	\$0.00			
DMC-HDO	Crestron 2CH HDMI Output Card	0	\$410.00	\$0.00			
DM-TX-401-C	Crestron Digital Media Transmitter	0	\$1,175.00	\$0.00			Required each for any device you wish to be a source into the system.
DM-RMC-SCALER-C	Crestron Room Controller and DM Receiver with Scaler	0	\$825.00	\$0.00			Required each for any display type in order to receive image.
HD-DA8-4K-E	Crestron 1x8 HDMI DA	0	\$590.00	\$0.00			For Dais Monitors.
HD-DA4-4K-E	Vrestron 1x4 HDMI DA	0	\$295.00	\$0.00			For Dais Monitor.
121-016108-01	Christie Digital LWU501 3-LCD Projector 5000 Lumen (White)	0	\$4,535.00	\$0.00			
CMS-440	Chief 8" Ceiling Plate	0	\$85.00	\$0.00			
RPMAUW	Chief Projector Mount (White)	0	\$165.00	\$0.00			
CMS012018W	Chief 12-18" Adjustable Extension Column	0	\$80.00	\$0.00			
21890V	Da-Lite 137" Diagonal Fixed Frame Screen	0	\$1,645.00	\$0.00			
E203WI-BK	NEC 20 Inch Desktop Display	0	\$195.00	\$0.00			Dais Monitors
UN48J5200	Samsung 48" Consumer Display	0	\$545.00	\$0.00			
LSM1U	Chief Static Mount	0	\$145.00	\$0.00			

Microphones					
MX418D/C	Shure 18" Gooseneck w/Desktop base	0	\$230.00	\$0.00	
ULXD4Q-G50	Shure Quad Digital Wireless Receiver	0	\$4,680.00	\$0.00	*
ULXD2/B58-G50	Shure Handheld Transmitter with Beta 58A Microphone	0	\$515.00	\$0.00	*
ULXD1-G50	Shure Digital Wireless Bodypack Transmitter	0	\$410.00	\$0.00	*
SBC200-US	Shure Dual docking Charger with Power Supply	0	\$205.00	\$0.00	*

Audio Equipment					
Tesira Server-I-O	Biamp Tesira Server with I/O	1	\$3,950.00	\$3,950.00	*
Tesira DSP-2	Biamp Additional DSP Card for Tesira Server	1	\$490.00	\$490.00	*
Tesira SIC-4	BiAmp Tersira 4 Channel Input Card	6	\$210.00	\$1,260.00	*
Tesira SOC-4	Biamp Tesira 4 Channel Output Card	3	\$185.00	\$555.00	*
AD22S	Rane Audio Delay	0	\$750.00	\$0.00	
SS-R200	Tascam SD Audio Recorder	1	\$530.00	\$530.00	* SD Card audio recorder for recording minutes.
PPA-458 PRO	Wilaims FM Asistive Listening system	0	\$1,095.00	\$0.00	
8001 7860	Tannoy Reveal 402 Active Monitor Speaker	2	\$115.00	\$230.00	Control room Audio monitors
992292011	Lab Gruppen E4:2 400W 2 Channle Power Amp	1	\$585.00	\$585.00	
8001 4450	Tannoy CMS-501BM Ceiling Speake r (White)	0	\$125.00	\$0.00	
8001 7980	Tannoy AMS 6ICT Wall Mount Speaker (Black)	0	\$180.00	\$0.00	
8001 8115	Tannoy Variball Bracket for AMS 6 Speaker (Black)	0	\$180.00	\$0.00	

Control system					
CP3	Crestron 3-Series Control system	0	\$1,060.00	\$0.00	
TSW-1052-B-S	Crestron 10.1" Tocuh Screen Black Smooth	0	\$1,410.00	\$0.00	
TSW-1050-TTK-B-S	Crestron Tabletop Kit for TSW-1050 Black Smooth	0	\$150.00	\$0.00	
TSW-752-B-S	Crestron 7" Tocuh Screen Black	0	\$940.00	\$0.00	
TSW-750-TTK-B-S	Crestron Touch Screen Base	0	\$115.00	\$0.00	
IRP2	Crestron IR Probe	0	\$30.00	\$0.00	
J9983A#ABA	HP 1820-24G-POE+ 24 Port Network switch with POE	0	\$445.00	\$0.00	Required Network switch for whole system.

Rack and Power					
BGR-45SA-32LRD	Middle Atlantic 45 RU Equipment Rack (No Rear Door)	1	\$940.00	\$940.00	
CBS-BGR	Middle Atlantic BGR Series Caster Base	1	\$125.00	\$125.00	
LACE-44-OWP	MAP Lacing Bars	1	\$175.00	\$175.00	
LBP-1.5	Middle Atlantic Lacing Bar with 1.5" Offset (pk of 10)	1	\$60.00	\$60.00	
D3	Middle Atlantic 3 Space Drawer	1	\$135.00	\$135.00	
EB-2	Middle Atlantic 2 Space Blank Panel	5	\$15.00	\$75.00	
EB-1	Middle Atlantic 1 Space Blank Panel	5	\$10.00	\$50.00	
HP	Middle Atlantic Rack Screws (pkg 100)	1	\$15.00	\$15.00	
SMX3000RMLV2UNC	APC Smart-UPS X 3000VA Rackmount IPS	1	\$1,750.00	\$1,750.00	Will need 30A twist lock service installed by electrician in control room.
PDS-615R	Middle Atlantic Power Conditioner w/Outlet Sequencing	1	\$345.00	\$345.00	
PDT-1220C-NS	Middle Atlantic 12 Outlet 20A Power Strip	1	\$125.00	\$125.00	

Console					
56006	Winsted 72" Triple Bay Chase	1	\$1,135.00	\$1,135.00	
56046	Winsted 72" Change Hinged Cover	1	\$170.00	\$170.00	
56082	Winsted Bottom Shelf	3	\$95.00	\$285.00	
56061	Winsted Sight-Line End Frames	2	\$475.00	\$950.00	
56262	Winsted Work Surface Support Brackets	4	\$95.00	\$380.00	
56302	Winsted Vented Door	6	\$245.00	\$1,470.00	
56520	Winsted Truform Side Panel	2	\$610.00	\$1,220.00	
57576	Winsted 72" Marmoleum Work Surface	1	\$625.00	\$625.00	

W5698	Winsted Single LCD Pole Mount	1	\$370.00	\$370.00
W5772	Winsted Dual LCD Pole Mount	1	\$555.00	\$555.00

**Commissioning**

	Control System, Commissioning Labor	0	\$3,565.00	\$0.00
	Audio System, Commissioning Labor	1	\$1,145.00	\$1,145.00

Total Estimated Telecasting System Update Cost (equipment only) **\$56,535.00**

Birchwood Village Total Remaining Allocation from Muni Policy II **\$116,728.00**

Remainder allocation **\$60,193.00**

\*Highlited items are already purchased.

\*Does not apply in this design/configuration

**CITY OF BIRCHWOOD VILLAGE  
CITY COUNCIL WORKSHOP  
October 10, 2017**

**MINUTES**

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

**STAFF PRESENT:** Tobin Lay, City Administrator

**OTHERS PRESENT:** Terry Granec, Judy and Larry Walker, Brian McGinnis, Birch Plowing Representatives (3).

**Acting Mayor LaFoy** called the workshop to order at 6:30 p.m. (Mayor Wingfield was present but was losing her voice so she asked the Acting Mayor to lead the workshop).

**CITY BUSINESS - REGULAR AGENDA**

**A. Snow Removal Contract**

1. City Administrator Lay: He introduced the agenda item and explained the research he and members of the Roads Committee had found regarding best practices for snow removal; particularly the effectiveness of pre-treating roads before a snowfall and in lowering the trigger point for plowing from the current 2" depth to 1". He explained the snow removal bid from Birch and introduced representatives of Birch who were in attendance and Terry Granec who represents the Roads Committee.
2. Birch Representatives and Terry Granec: They answered questions from the City Council regarding the bid and research findings.

**B. Parks Committee Guiding Principles**

1. Council Member Malvey: She explained why the Parks and Natural Resources Committee felt they needed guiding principles. She didn't believe guiding principles conflicted at all with bylaws.
2. Mayor & Council Members: They discussed the correlation between guiding principles and bylaws.
3. Mayor Wingfield: She said she doesn't have a problem with guiding principles that are philosophical but when they become substantive, as she felt these principles had, then it becomes problematic because that is the purpose of bylaws. These guiding principles seem to conflict with the Committee's bylaws. If this committee wants to have guiding principles then we should see what other committees want to do. She said she would like to stick with bylaws.
4. Judy Walker (Parks Committee Member): She explained her understanding of why the

Parks Committee wanted guiding principles.

5. Councilmember White: She suggested that if there are to be guiding principles then maybe it should be a standard guiding principle for all the committees to adhere to, rather than separate guiding principles for each committee. She also was concerned about the specificity of these guiding principles rather than broad general principles.
6. Councilmember LaFoy: He said he had no problem with the Committee making guiding principles and suggested that the Council give the Parks Committee's guiding principles a chance for a few months and see if it works or not.

**C. RCWD Letter**

1. City Administrator: He explained what this agenda item was about and turned the time over to Councilmember Malvey, the author of the letter, to further explain.
2. Councilmember Malvey: She explained why she drafted the letter the way she did.
3. Mayor Wingfield: She explained that she felt the format of the letter should follow that of the letter written by the Washington County Commissioners on this topic. She suggested that she and Malvey work together to rewrite the letter then distribute it to the council and if nobody objects to that draft then they will send the letter that week.

Councilmember Malvey and others expressed their agreement with the Mayor's suggestion.

**ADJOURN**

**ACTING MAYOR LAFOY ADJOURNED THE MEETING AT 6:54 P.M.**

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Mary Wingfield  
Mayor

ATTEST:

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Tobin Lay  
City Administrator-Clerk

**CITY OF BIRCHWOOD VILLAGE  
REGULAR CITY COUNCIL MEETING  
October 10, 2017**

**MINUTES**

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

**STAFF PRESENT:** Alan Kantrud, City Attorney; Tobin Lay, City Administrator

**OTHERS PRESENT:** Larry and Judy Walker, Terry Granec, Brian McGinnis, Doug Danks, Steve Dean, Birch Plowing Representatives (3)

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

**AGENDA APPROVAL:**

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

**OPEN PUBLIC FORUM:**

- A. Larry Walker (4020 East County Line Rd):** He announced that residents of Birchwood have the opportunity to be eligible for a greater White Bear Lake Community Leadership Program beginning January 2018. There will 16-20 people in the cohort that will meet for 5 hours/ month on the second Thursday of every month (except July and August) and will run through the year. He is excited to bring this opportunity for learning to people in the area.
- B. Brian McGinnis (194 Wildwood Ave):** He expressed his approval of the Council's search for a new Snow Plowing company in Birchwood.

**ANNOUNCEMENTS:**

- A.** Fall Leaf Pickup –November 6 and November 13, 2017
- B.** Calling for Volunteers to Help at the Ice Rink this winter–Contact City Hall
- C.** Final reminder to complete Parks and Dog Park survey found on City website
- D.** Halls Marsh Project is nearing completion; water levels already dropping
- E.** We are social! Follow us on Facebook/ Twitter or register for the email listserv.
- F.** Fire Hydrants will be flushed October 18- 20, 2017.
- G.** Reminder to remove Kayaks/ Canoes from the racks by October 31, 2017. Any remaining kayaks/ canoes will be impounded and there is a cost of \$50 to reclaim them.

**ADMINISTRATIVE PRESENTATION:**

- A. Sheriff Report-** See page 14 of Agenda Packet
- B. Wildwood Park Improvements-** Thank you to Houstoun Clinch for getting Abrahamson Nursery

to plant around the generator box and Wildwood Park. Thank you to Bridget Sperl for making the City aware of a grant that was available.

### **CITY BUSINESS – CONSENT AGENDA**

- A. Approval of Regular Meeting Minutes from September 12, 2017**
- B. Approval of Treasurer’s Report**
- C. Approval of Resolution 2017-22, Extension of Interim City Administrator**
- D. Order Public Improvement Hearing for Sewer Lining Project**

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

### **CITY BUSINESS - REGULAR AGENDA**

#### **A. Roads Committee Update and Recommendations**

- 1. Snow Removal Contract and Recommendation**
  - a. Terry Granec; Roads Committee-** He referenced the discussion that took place during the workshop before the council meeting, including the bid from Birch. Based on the surrounding communities’ recommendations, he suggested that Birchwood move to a 1-inch plowing policy. He also spoke about a pretreatment option that would decrease the amount of chemicals used during plowing, as well as making plowing easier.
  - b. Birch Plowing Representatives-** They introduced themselves to the community and stated a few of their goals for this winter.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER WHITE TO AUTHORIZE ADMINISTRATOR LAY AND ATTORNEY KANTRUD TO NEGOTIATE CONTRACT TERMS AND ENTER INTO A THREE YEAR CONTRACT ON BEHALF OF THE CITY WITH BIRCH IN ACCORDANCE WITH THE ENCLOSED BID, INCLUDING OPTION B, AND TO NEGOTIATE AND ENTER INTO AGREEMENT WITH MAHTOMEDI TO PURCHASE SALINE SOLUTION FROM MAHTOMEDI’S PUBLIC WORKS DEPARTMENT. ALL AYES. MOTION PASSED.

- 2. Cedar/ Hall Stripping Quote and Recommendations:**
  - a. Gene Ruehle; Roads Committee-** He mentioned that the “package” deal is more cost effective and it decreases the time line before the temperature drops. He stated that during the September Roads Committee meeting, the group voted unanimously to have a full painting done, including center stripes.
  - b. The Council discussed the benefits and disadvantages of painting center stripes.**

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER LAFOY TO APPROVE THE CONTRACT PROPOSAL ON PAGE 35 TO FULLY STRIPE THE ROADS. ALL AYES. MOTION PASSED.

#### **B. First Reading Ordinance 2017-01-01–Impervious Surface Amendment**

- 1. Public Hearing:**

- a. Brian McGinnis- He questioned if the notices for this public hearing went out properly. He stated that even though it was posted in the paper, there was nothing posted on the bulletin board or on the website. He commended the Planning Commission on putting together a thorough ordinance. He had minor recommendations, briefly describing them to the Council. He stated that he would give the recommendations directly to the Planning Commission and to Administrator Lay.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER LAFOY TO CLOSE THE PUBLIC HEARING FOR ORDINANCE 2017-01-01.

**2. Council Deliberation and Consideration of Approval**

- a. Councilmembers discussed the language of the ordinance and whether the language in proposed 302.050.f should be amended. Mayor Wingfield suggested that the City Engineer give advice on the ordinance.

MOTION WAS MADE BY COUNCILMEMBER MALVEY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE OF THE FIRST READING OF ORDINANCE 2017-01-01 AS PRESENTED ON PAGE 38-39 AND REQUEST STAFF TO RUN THE ORDINANCE BY THE CITY ENGINEER AND TAKE THOSE COMMENTS ALONG WITH COMMENTS FROM BRIAN MCGINNIS BACK TO THE PLANNING COMMISSION TO MAKE ADDITIONAL CHANGES TO THE ORDINANCE AND PRESENT THE ORDINANCE AGAIN AT THE NOVEMBER 14, 2017 CITY COUNCIL MEETING FOR PUBLIC HEARING AND SECOND READING. ALL AYES. MOTION PASSED.

**C. Planning Commission Recommendations**

**1. Right of Way Ordinance**

- a. City Attorney Kantrud- He explained the need for a Right of Way Ordinance that would allow the City to have more control over work that is done in the City's Right of Way. He explained the purpose of the Ordinance is to manage the City's Right of Way, and that those disturbing it will need a permit.
- b. Doug Danks; Planning Commission- He gave background information as to why the Planning Commission chose Kantrud's Ordinance language.
- c. Council- They discussed various implications of the Right of Way Ordinance and the purpose of the ordinance. The Ordinance should apply to utility companies as well as individual resident projects.

MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER MALVEY TO ORDER A PUBLIC HEARING AND FIRST READING OF THE RIGHT OF WAY ORDINANCE FOR THE NOVEMBER 14, 2017 CITY COUNCIL MEETING AND TO DIRECT STAFF TO DETERMINE THE SECTION IN CITY CODE FOR THE ORDINANCE. ALL AYES. MOTION PASSED.

**2. Zoning Administration Amendment–Ordinance 2017-10-01**

- a. Administrator Lay- He summarized the Zoning Administration Ordinance, beginning with the Planning Commission's request to change their meeting date. It was realized that the Zoning Administration Ordinance needed a major overhaul. The presented ordinance is modeled after the League of Minnesota

Cities' model ordinance for Planning Commissions.

- b. Mayor Wingfield- She made recommendations to the language of the ordinance, including: declaring the conflict of interest in the oath, updating the City Clerk/ Administrator as the new office, adding the City Council as a representative when a member wishes to be excused from a position, and changing "shall" to "may" in the capital improvement category.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WHITE TO SET UP ORDINANCE 2017-10-01 ZONING ADMINISTRATION AMENDMENT FOR A PUBLIC HEARING AND FIRST READING AT THE NOVEMBER 14, 2017 CITY COUNCIL MEETING AND IN THE MEANTIME TO HAVE THE PLANNING COMMISSION MEET WITH ALAN MITCHELL TO CONSIDER HIS SUGGESTED AMENDMENTS AND THOSE FROM MAYOR WINGFIELD. ALL AYES. MOTION PASSED.

#### **D. Council Member Reports:**

1. Councilmember LaFoy
  - a. Update: .Gov Website Purchase- The cost to purchase a ".gov" website costs \$400 per year, which is more expensive than the current website that the City uses. However, it costs \$20 per year to purchase a ".org" website. He found that birchwood.mn.org is available.

MOTION WAS MADE BY COUNCILMEMBER WHITE AND SECONDED BY COUNCILMEMBER MALVEY TO APPROVE THE PURCHASE OF "BIRCHWOODMN.ORG" WEB PAGE AND TO FACILITATE THE TRANSFER OF BIRCHWOOD'S DOMAIN HOSTING. ALL AYES. MOTION PASSED.

2. Councilmember Woolstencroft
  - a. Update: City Hall Table Donation- Councilmember Woolstencroft has access to solid foldable tables available for \$34 each plus his additional 10% discount. He has been looking for a cheaper table but there have been changes at the corporate level so he has not made progress finding something less expensive.

#### **E. City Administrator's Report**

1. Kay Beach Dock– Removal and Ladder Purchase: White Bear Dock and Lift notified Administrator Lay that several residents were asking about the price for a step ladder at the Kay Beach Dock. White Bear Dock and Lift recommended a 4-step ladder. Mayor Wingfield informed the Council that she was aware of those inquiries and that the step ladder would be purchased as a donation to the City.
2. City Diseased Trees: City Tree Inspectors found 7 diseased Elm trees, and 4 various dead trees on city property or Right of Way that need to be removed. John Lund made a bid for \$2,310. Steve Dean submitted a bid for \$2,100. Council Members requested that Administrator Lay seek out a third bid and select the lowest bid – no need to bring this back to the Council again.

MOTION WAS MADE BY MAYOR WINGFIELD AND SECONDED BY COUNCILMEMBER LAFOY TO DIRECT ADMINISTRATOR LAY TO OBTAIN A THIRD BID ON THE REMOVAL OF DISEASED AND DEAD TREES IDENTIFIED BY THE TREE INSPECTORS AND TO AUTHORIZE

LAY TO AWARD THE LOWEST BIDDER. ALL AYES. MOTION PASSED.

3. Hall/ Cedar Tree Trim and Removal: There have been fears that with the excess rains that the trees on Hall/ Cedar may uproot and fall. Both Steve Dean and John Lund surveyed the trees; they found many branches that were hanging too low – one that has been hitting large trucks. Administrator Lay learned that there is a state law requiring that the trees must be trimmed to a minimum height of 14 feet. Steve Dean recommends the City trim between 14-16 feet, remove any small trees that are in the right of way, remove any leaning trees in the right of way, and mowing up to 6 feet in the right of ways. Steve Dean and John Lund would like to work on the project together for a bid of \$2,500.
  - a. Councilmember Malvey suggested that the large low hanging branch be removed now along with the trimming up to 14 or 16 feet but the mowing be tabled until next spring. The council requested Administrator Lay to obtain clarification from Steve Dean on what the cost breakdown is for both trimming the trees and for mowing, obtain another bid for the same, and provide Council with the information at the next Council meeting.
4. Birch Easement Catch Basin Cleanout Quote: Schifskys gave a quote to clean out the Catch Basin at Birch Easement for \$225 per hour. They estimated that the project is roughly 12 yards and would take 3 hours with a vacuum truck. However, Brian McGinnis measured the Catch Basin and found that it is only 3 yards of sediment, meaning that it should take 1 hour. White Bear Township also gave a quote for \$215 per hour for the truck and \$134.50 per hour for 2 men, for a total of \$349.50 per hour.
  - a. The Council met with Rice Creek Watershed District and discussed a possible reconstruction of the Catch Basin that the Watershed District might price share on. The consensus was to not cleanout the catch basin at this point due to the potential project. Administrator Lay was asked to consult Brian McGinnis on the Council's decision and return with his feedback in November.

**F. City Attorney Report**

1. Attorney Kantrud- He stated that he had a nice meeting with the Planning Commission and he was thankful for their hard work.

**ADJOURN**

**MOTION WAS MADE BY COUNCILMEMBER WOOLSTENCROFT AND SECONDED BY COUNCILMEMBER WHITE TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 8:49 P.M.**

ATTEST:

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

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

**CITY OF BIRCHWOOD VILLAGE  
CITY COUNCIL WORKSHOP  
October 25, 2017**

**MINUTES**

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

**STAFF PRESENT:** Tobin Lay, City Administrator

**OTHERS PRESENT:** Dana Klimp, Chris Churchill, Mary Sue Simmons, Lynn Hanson, Alan Mitchell, Dick Galena, Steve Huntley, Kathy Blegen-Huntley, Len Pratt, and others.

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

**CITY BUSINESS - REGULAR AGENDA**

**A. Review and Discuss City Code Section 617: Public Lake Tracts and Other Relevant Topics**

1. Councilmember White summarized the outcome of past meetings. City Council Members talked with board members of the Birchwood Docks Association (BDA) and with members of the audience. The subjects ranged from discussion about previous City Council meetings regarding the BDA to proposed amendments to Section 617 of City Code. There was discussion about the legal formation of the BDA, whether they are a 501(c)3 charitable organization or another form. A few takeaways are as follows:

**Lynn Hanson:** acknowledged that things could have been done better by both the BDA and the City and that together things can improve.

**Dana Klimp:** shared how far the dock community has come since BDA. There is much to know and do for both the BDA and the City and there shouldn't be any new burden placed on the City or BDA.

**Councilmember Malvey:** explained that she was surprised by the proposed amendments to Section 617 that were included in the workshop packet because she understood from past meetings that there were not going to be dramatic changes to the ordinance or the existing structure.

**Mayor Wingfield:** explained the reasoning behind her proposed amendments to Section 617. BDA's assets need to be monitored. The BDA controls a lot of money and there needs to be accountability for those assets. The beaches are a City resource so there should be accountability to the City by the BDA because they take up most of those resources. There is an equity issue here. She explained the benefits of having the docks managed by the City, such as the City must be open and transparent; bids must be open; the City already carries insurance that would include the docks if the City managed them – that would save money. With a private entity managing those assets, there isn't the

same transparency. Residents can't complain about something they aren't aware of.

**Dana Klimp:** explained that the BDA can be more nimble and flexible than a government entity. Also, he felt at the end of the last meeting that things were more amicable; he hopes everyone can get back to that place again. He proposed that if there are complaints about the docks, they should be presented to the BDA to have a chance to address them.

**Councilmember White:** pointed out that the beaches need to be shared with non-boaters in the community. Currently the docks occupy most of the beaches and little is left for others.

**Lynn Hanson:** said that the funds up to this point have been set aside to purchase new docks. At some point in the future, after new docks have been purchased, those funds could be donated to the City to fund non-dock projects.

**Chris Churchill:** suggested that the BDA be left as is and that members of the BDA work in committee with the City to figure out new goals and work out the bugs.

**Mayor Wingfield:** agreed with Chris Churchill's suggestion and further suggested that a standing committee be created that is made up of a member from the City Council, the BDA, the Parks Committee, and maybe several at-large members from the community.

**Mary Sue Simmons:** agreed with the Mayor's suggestion. She explained that there has been much slippage in how Section 617 has been managed and a Committee could help get things back on track.

**Councilmember White:** explained that the Committee would probably need to be more of a working committee.

**Lynn Hanson:** explained that a committee would require more time than is currently required to manage the docks and more time than he is willing to commit to.

**Dana Klimp:** proposed that the BDA stay status quo and that through continued dialogue they figure out what the problems are and how to help the BDA integrate better with the community but do not turn the BDA into a committee.

2. Mayor Wingfield summarized the conclusions of the workshop, stating that at the November 14, 2017 City Council meeting, the City Council will continue discussing the idea of creating a standing committee that is made up of at least one member from the City Council, the BDA, and the Parks Committee.

## **ADJOURN**

**MAYOR WINGFIELD ADJOURNED THE MEETING AT 7:07 P.M.**

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Mary Wingfield  
Mayor

ATTEST:

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Tobin Lay  
City Administrator-Clerk

City of Birchwood Village

Cash Control Statement

For the Period : 10/10/2017 To 11/10/2017

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$469,499.53	\$2,136.30	\$22,314.56	\$449,321.27
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	\$5,000.00	\$0.00	\$540.00	\$4,460.00
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$3,299.59	\$400.00	\$35.00	\$3,664.59
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
Reimbursed Contracted Services	(\$8,961.77)	\$0.00	\$0.00	(\$8,961.77)
Birchwood In Re-hab Bond	\$1,687.21	\$0.00	\$0.00	\$1,687.21
Sewer Re-hab 2008 Debt	\$5,890.02	\$147.61	\$0.00	\$6,037.63
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Improvement Projects	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$66,233.91	\$0.00	\$0.00	\$66,233.91
Water	\$38,960.55	\$4,224.54	\$4,050.00	\$39,135.09
Sewer	\$58,636.77	\$3,920.52	\$6,165.65	\$56,391.64
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	(\$4,972.50)	\$0.00	\$765.00	(\$5,737.50)
<b>Total</b>	<b>\$635,313.31</b>	<b>\$10,828.97</b>	<b>\$33,870.21</b>	<b>\$612,272.07</b>



Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

<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>
10/24/2017	My Plumber Inc.	171734141*	Plumbing Permit	(10/24/2017) -	N Building Permits	100-32211-	\$ 84.50 \$ <b>84.50</b>
10/24/2017	Barton, Keith/Kathleen	171734142*	Permit	(10/24/2017) -	N Building Permits	100-32211-	\$ 115.26 \$ <b>115.26</b>
10/24/2017	Twin City Roofing	171734143	Permit	(10/24/2017) -	N Building Permits	100-32211-	\$ 156.80 \$ <b>156.80</b>
10/24/2017	Dronen's Heating & Air Conditioning	171734144*	Permit	(10/24/2017) -	N Building Permits	100-32211-	\$ 60.20 \$ <b>60.20</b>
10/27/2017	Residents - via St Anthony Village	171734152	U/B 10/27/2017	(10/27/2017) -	N Water Fee	601-34110-	\$ 524.84
11/01/2017	Mahtomedi Fast Pitch Assn.	171734145*	Hall Rental	(11/01/2017) -	N City/Town Hall Rent	100-34101-	\$ 25.00 \$ <b>25.00</b>
11/01/2017	Birchwood Dock Association	171734146*	2018 Dock Application	(11/01/2017) -	N Dock/Lift Permit Fee	210-32260-	\$ 400.00 \$ <b>400.00</b>
11/01/2017	Sorenson, Chris/Mary	171734147*	Boat Lift Storage	(11/01/2017) -	N Lift Storage	100-32265-	\$ 100.00 \$ <b>100.00</b>
11/01/2017	Arlandson, John/Martha	171734148*	Dock/Lift Storage	(11/01/2017) -	N Lift Storage	100-32265-	\$ 100.00 \$ <b>100.00</b>
11/01/2017	Rahkola, Urho/Pamela	171734149*	Boat Lift Storage	(11/01/2017) -	N Lift Storage	100-32265-	\$ 100.00 \$ <b>100.00</b>

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

<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>
11/01/2017	Fireside Hearth & Home Retail Permi	171734150*	Building Permit	(11/01/2017) -	N Building Permits	100-32211-	\$ 51.76
11/01/2017	Residents - via St Anthony Village	171734151	U/B 11/01/2017	(11/01/2017) -	N Water Fee	601-34110-	\$ 107.78
					Penalty - Late Water/Sewer	601-34160-	\$ 0.11
					State and Misc fees	601-34170-	\$ 3.23
					Water Main Break	601-34905-	\$ 19.07
					Penalty - Late Water/Sewer	605-34160-	\$ 0.18
					Sewer Fee	605-34190-	\$ 166.17
							\$ 296.54
11/06/2017	Steinhauser, Paul/Meryl	171734159*	Boat Lift Storage Fee	(11/06/2017) -	N Lift Storage	100-32265-	\$ 100.00
11/06/2017	Edina Realty Title	171734160*	Sewer Assessment Payoff	(11/06/2017) -	N Sewer Re-hab A and B	305-36110-	\$ 147.61
11/06/2017	Paradise, Kelly/Marc	171734161*	Boat Lift Storage Fee	(11/06/2017) -	N Lift Storage	100-32265-	\$ 100.00
11/06/2017	Felt, Randy	171734162*	Boat Lift Storage Fee	(11/06/2017) -	N Lift Storage	100-32265-	\$ 100.00
11/06/2017	Danus, Sandy/Claudio	171734163*	Boat Lift Storage Fee	(11/06/2017) -	N Lift Storage	100-32265-	\$ 100.00
11/06/2017	Klump, Dana/Lori	171734164*	Boat Lift Storage Fee	(11/06/2017) -	N Lift Storage	100-32265-	\$ 100.00
11/06/2017	Bear Roofing & Exteriors, Inc	171734165*	Building Permit	(11/06/2017) -	N Building Permits	100-32211-	\$ 200.35
11/06/2017	W, S & D Permit Service, Inc	171734166*	Building Permit	(11/06/2017) -	N Building Permits	100-32211-	\$ 403.75

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

Date Remitter  
Total for Selected Receipts

Receipt #

Description

Deposit ID

Void Account Name

F-A-P

Total  
\$ 10,828.97

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

<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>
10/12/2017	Payroll Period Ending 10/13/2017	29786		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
	<b>Total For Check</b>	<b>29786</b>					<b>\$ 1,575.80</b>
10/12/2017	Payroll Period Ending 10/13/2017	29787		N	Clerk - Treasurer	100-41401-100-	\$ 422.04
	<b>Total For Check</b>	<b>29787</b>					<b>\$ 422.04</b>
10/12/2017	Xcel Energy	EFT101217*	Electric for Street Lights	N	Street Lighting	100-43160-380-	\$ 1,188.87
	<b>Total For Check</b>	<b>EFT101217</b>					<b>\$ 1,188.87</b>
10/12/2017	PERA	EFT101217B	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	<b>Total For Check</b>	<b>EFT101217B</b>					<b>\$ 274.40</b>
10/18/2017	Manship Plumbing & Heating Inc	29788	Monthly Standby/locates/services	N	Water Utility	601-43180-314-	\$ 1,030.00
	<b>Total For Check</b>	<b>29788</b>					<b>\$ 1,030.00</b>
10/24/2017	SHC LLC	29789*	Comp Plan 2040	N	Grants	204-41905-438-	\$ 540.00
	<b>Total For Check</b>	<b>29789</b>					<b>\$ 540.00</b>
10/24/2017	Birchwood Dock Association	CASH102417	Cash Payment for Sandy Danus Dock Assoc.	N	Unallocated Expenditures	210-49201-437-	\$ 35.00
	<b>Total For Check</b>	<b>CASH102417</b>					<b>\$ 35.00</b>
10/27/2017	Payroll Period Ending 10/27/2017	29790		N	Clerk - Treasurer	100-41401-100-	\$ 1,575.80
	<b>Total For Check</b>	<b>29790</b>					<b>\$ 1,575.80</b>
10/27/2017	PERA	EFT102717	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 274.40
	<b>Total For Check</b>	<b>EFT102717</b>					<b>\$ 274.40</b>
11/01/2017	Manship Plumbing & Heating Inc	29791	Monthly Standby/locates/services	N	Water Utility	601-43180-314-	\$ 3,020.00
	<b>Total For Check</b>	<b>29791</b>					<b>\$ 3,020.00</b>
11/01/2017	City of Roseville	29792*	October 2017 IT/Phone Services	N	General Government Buildings and Plant	100-41940-320-	\$ 329.67
	<b>Total For Check</b>	<b>29792*</b>					<b>\$ 329.67</b>
		29792*				100-41940-320-	\$ 50.63
	<b>Total For Check</b>	<b>29792</b>					<b>\$ 380.30</b>

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

Date Vendor  
11/01/2017 Allstream

Check #

Description

Void

Account Name

F-A-O-P

Total

\$ 45.82

Total For Check 29793

11/01/2017 Melcoch, Jeffrey

29794

Council Meeting Recording

N

Cable Eqpmt and Service

100-41950-314-

\$ 50.63

Total For Check 29794

11/01/2017 Thatcher Engineering, Inc

29795\*

Plan Review and Sewer Lining Project

N

Engineer Service

100-41650-300-

\$ 42.50

29795\*

703-41650-300-

\$ 765.00

Total For Check 29795

11/01/2017 TSE, INC

29796\*

Janitorial Services x2

N

General Government Buildings and Plant

100-41940-314-

\$ 25.00

29796\*

100-41940-314-

\$ 25.00

Total For Check 29796

11/01/2017 Steve Dean Tree Trimming

29797

2017 Tree Inspections, training John Lund, spicy 2 trees

N

Tree Removal

100-43135-314-

\$ 510.00

Total For Check 29797

11/01/2017 Sauve's Outdoor Services, Inc. SOS

29798\*

Layout/Striping

N

Streets and Road Mntnc

100-43101-314-

\$ 4,440.00

Total For Check 29798

11/01/2017 White Bear Township

29799\*

Service Work for LS2

N

Sewer Utility

605-43190-314-

\$ 314.98

Total For Check 29799

11/01/2017 White Bear Township

29800\*

PW Maintenance Worker/ Equipment

N

Sewer Utility

605-43190-314-

\$ 194.50

Total For Check 29800

11/01/2017 White Bear Township

29801\*

PW Maintenance Worker/ Equipment

N

Sewer Utility

605-43190-314-

\$ 194.50

Total For Check 29801

11/01/2017 White Bear Township

29802\*

PW Maintenance Worker/ Equipment

N

Sewer Utility

605-43190-314-

\$ 598.74

Total For Check 29802

11/01/2017 City of White Bear Lake Fire

29803

Fire Svc - October 2017

N

Fire

100-42201-314-

\$ 1,599.84

Total For Check 29803

11/01/2017 Amazon

EFT110117A

Permanent Key Lock Box

N

Office Operations Supplies

100-41911-230-

\$ 53.31

Report Version: 03/31/2015

Page 2 of 4

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

<u>Date</u>	<u>Vendor</u>	<u>Total For Check</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
11/01/2017	Xcel Energy	EFT110117A	EFT110117B*	Electric for Street Lights	N	General Government Buildings and Plant	100-41940-380-	\$ 140.12
			EFT110117B*			Parks	100-45207-380-	\$ 12.25
			EFT110117B*			Sewer Utility	605-43190-380-	\$ 148.56
			EFT110117B*				605-43190-380-	\$ 32.93
			EFT110117B				605-43190-380-	\$ 352.22
		<b>Total For Check</b>	<b>EFT110117B</b>					<b>\$ 686.08</b>
11/01/2017	Xcel Energy	EFT110117C*	EFT110117C*	Gas for Generator	N	Sewer Utility	605-43190-383-	\$ 27.80
		<b>Total For Check</b>	<b>EFT110117C</b>					<b>\$ 27.80</b>
11/01/2017	IRS - US Treasury	EFTIRS1117	EFTIRS1117	Q4 2017 Oct Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,179.53
		<b>Total For Check</b>	<b>EFTIRS1117</b>					<b>\$ 1,179.53</b>
11/02/2017	Payroll Period Ending 10/31/2017	29804	29804		N	Parks	100-45207-100-	\$ 467.01
		<b>Total For Check</b>	<b>29804</b>					<b>\$ 467.01</b>
11/02/2017	Payroll Period Ending 10/31/2017	29805	29805		N	Clerk - Treasurer	100-41401-100-	\$ 401.03
		<b>Total For Check</b>	<b>29805</b>					<b>\$ 401.03</b>
11/06/2017	Leeves, Robert	29806	29806	Council Meeting Recording 10/10/17	N	Cable Eqpm and Service	100-41950-314-	\$ 65.00
		<b>Total For Check</b>	<b>29806</b>					<b>\$ 65.00</b>
11/06/2017	TSE, INC	29807*	29807*	Janitorial Services x2	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		<b>Total For Check</b>	<b>29807</b>					<b>\$ 25.00</b>
11/06/2017	Metropolitan Council Env. Service	29808	29808	Wastewater Service Dec 2017	N	Sewer Utility	605-43190-217-	\$ 4,275.77
		<b>Total For Check</b>	<b>29808</b>					<b>\$ 4,275.77</b>
11/06/2017	Gopher State One Call	29809*	29809*	Locates (19 Tickets)	N	Utility Locates	605-42805-314-	\$ 25.65
		<b>Total For Check</b>	<b>29809</b>					<b>\$ 25.65</b>
11/06/2017	Tennis Sanitation, LLC	29810*	29810*	Recycling Contract Sept-Oct 2017	N	Recycle	100-43300-314-	\$ 1,656.00
		<b>Total For Check</b>	<b>29810</b>					<b>\$ 1,656.00</b>
11/06/2017	Press Publications	29811	29811	Legal Notice Publications x 2	N	Ordinances and Proceedings	100-41130-351-	\$ 219.52
			29811				100-41130-351-	\$ 47.04

Fund Name: All Funds

Date Range: 10/10/2017 To 11/10/2017

<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>266.56</b>
11/06/2017	City of Roseville	29811	Virtual Servers and Data Storage	N	General Government Buildings and Plant	100-41940-320-	235.00
		<b>Total For Check</b>					<b>235.00</b>
11/06/2017	KEJ Enterprises	29812*	Mowing Aug,Sept, Oct 2017	N	Lawn Care - Maintenance	100-45208-314-	2,895.00
		<b>Total For Check</b>					<b>2,895.00</b>
11/06/2017	Amazon	EFT10617B	Permanent Key Lock Box	N	Office Operations Supplies	100-41911-230-	30.39
		<b>Total For Check</b>					<b>30.39</b>
11/06/2017	PERA	EFT110617	Employee Retirement - Bailey	N	Clerk - Treasurer	100-41401-121-	72.76
		<b>Total For Check</b>					<b>72.76</b>
11/06/2017	Amazon	EFT110617C	Hammermill Paper x2	N	Office Operations Supplies	100-41911-230-	82.96
		<b>Total For Check</b>					<b>82.96</b>
11/09/2017	Metropolitan Area Management Associ	29814	MAMA Membership- Monthly Meeting	N	City Training and Development	100-41914-433-	30.00
		<b>Total For Check</b>					<b>30.00</b>
11/09/2017	PERA	EFT110917	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	274.40
		<b>Total For Check</b>					<b>274.40</b>
11/10/2017	Payroll Period Ending 11/10/2017	29815		N	Clerk - Treasurer	100-41401-100-	1,575.80
		<b>Total For Check</b>					<b>1,575.80</b>
11/10/2017	Payroll Period Ending 11/10/2017	29816		N	Clerk - Treasurer	100-41401-100-	422.04
		<b>Total For Check</b>					<b>422.04</b>
		<b>Total For Selected Checks</b>					<b>33,870.21</b>

As on 11/10/2017

## Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
\ Dock/Lift Permit Fee	0.00	1,935.00	1,935.00
<b>Total Acct 322</b>	<b>0.00</b>	<b>1,935.00</b>	<b>1,935.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>1,935.00</b>	<b>1,935.00</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)
Community Events	0.00	1,200.00	(1,200.00)
<b>Total Acct 451</b>	<b>0.00</b>	<b>1,400.00</b>	<b>(1,400.00)</b>
MISCELLANEOUS			
Refunds and Reimbursements	0.00	765.43	(765.43)
<b>Total Acct 490</b>	<b>0.00</b>	<b>765.43</b>	<b>(765.43)</b>
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	35.00	(35.00)
Fees	0.00	35.00	(35.00)
Community Events	0.00	300.00	(300.00)
Refunds and Reimbursements	0.00	200.00	(200.00)
<b>Total Acct 492</b>	<b>0.00</b>	<b>570.00</b>	<b>(570.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>2,735.43</b>	<b>(2,735.43)</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>1,935.00</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>2,735.43</b>	
<b>Cash Balance as of 11/10/2017</b>		<b>3,664.59</b>	

As on 11/10/2017

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Met Council Grants and Aids	0.00	600.00	600.00
<b>Total Acct 336</b>	<b>0.00</b>	<b>600.00</b>	<b>600.00</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>600.00</b>	<b>600.00</b>
<b>Other Financing Sources:</b>			
Transfers from other Funds	0.00	68,203.91	68,203.91
<b>Total Acct 392</b>	<b>0.00</b>	<b>68,203.91</b>	<b>68,203.91</b>
<b>Total Other Financing Sources</b>	<b>0.00</b>	<b>68,203.91</b>	<b>68,203.91</b>
<b>Disbursements:</b>			
General Government Buildings and Plant			
Repair and Maintenance Supplies (221 through 229)	0.00	600.00	(600.00)
REPAIRS AND MAINTENANCE - CONTRACTUAL (401 through 409)	0.00	1,970.00	(1,970.00)
<b>Total Acct 419</b>	<b>0.00</b>	<b>2,570.00</b>	<b>(2,570.00)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>2,570.00</b>	<b>(2,570.00)</b>
<b>Other Financing Uses:</b>			
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>
Beginning Cash Balance		0.00	
Total Receipts and Other Financing Sources		68,803.91	
Total Disbursements and Other Financing Uses		2,570.00	
Cash Balance as of 11/10/2017		66,233.91	

As on 11/10/2017

## Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Receipts:</b>			
Water Fee	0.00	66,775.26	66,775.26
Penalty - Late Water/Sewer	0.00	386.02	386.02
State and Misc fees	0.00	1,880.27	1,880.27
<b>Total Acct 341</b>	<b>0.00</b>	<b>69,041.55</b>	<b>69,041.55</b>
Water Main Break	0.00	6,083.38	6,083.38
<b>Total Acct 349</b>	<b>0.00</b>	<b>6,083.38</b>	<b>6,083.38</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>75,124.93</b>	<b>75,124.93</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			
Operating Supplies (211 through 219)	0.00	481.69	(481.69)
Professional Services: Medical and Dental Fees	0.00	3,655.60	(3,655.60)
Contracted Services	0.00	1,881.00	(1,881.00)
<b>Total Acct 415</b>	<b>0.00</b>	<b>6,018.29</b>	<b>(6,018.29)</b>
General Government Buildings and Plant			
Refunds and Reimbursements	0.00	124.85	(124.85)
<b>Total Acct 419</b>	<b>0.00</b>	<b>124.85</b>	<b>(124.85)</b>
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	1,060.60	(1,060.60)
Professional Services: Medical and Dental Fees	0.00	23,542.99	(23,542.99)
Contracted Services	0.00	26,263.66	(26,263.66)
Miscellaneous (431 through 499)	0.00	1,124.00	(1,124.00)
Fees	0.00	562.00	(562.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	600.00	(600.00)
Professional Services: Medical and Dental Fees	0.00	14,083.82	(14,083.82)
Sewer Utility			
Refunds and Reimbursements	0.00	11.92	(11.92)
<b>Total Acct 431</b>	<b>0.00</b>	<b>67,248.99</b>	<b>(67,248.99)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>73,392.13</b>	<b>(73,392.13)</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>37,402.29</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>75,124.93</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>73,392.13</b>	
<b>Cash Balance as of 11/10/2017</b>		<b>39,135.09</b>	

As on 11/10/2017

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
<b>Sewer</b>			
<b>Receipts:</b>			
Penalty - Late Water/Sewer	0.00	728.79	728.79
Sewer Fee	0.00	97,964.96	97,964.96
<b>Total Acct 341</b>	<b>0.00</b>	<b>98,693.75</b>	<b>98,693.75</b>
<b>Total Revenues</b>	<b>0.00</b>	<b>98,693.75</b>	<b>98,693.75</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	668.63	(668.63)
<b>Total Acct 414</b>	<b>0.00</b>	<b>668.63</b>	<b>(668.63)</b>
Engineer Service			
Professional Services: Legal Fees	0.00	850.00	(850.00)
<b>Total Acct 416</b>	<b>0.00</b>	<b>850.00</b>	<b>(850.00)</b>
General Government Buildings and Plant			
Refunds and Reimbursements	0.00	759.20	(759.20)
<b>Total Acct 419</b>	<b>0.00</b>	<b>759.20</b>	<b>(759.20)</b>
Utility Locates			
Contracted Services	0.00	401.05	(401.05)
<b>Total Acct 428</b>	<b>0.00</b>	<b>401.05</b>	<b>(401.05)</b>
Sewer Utility			
Operating Supplies (211 through 219)	0.00	26.71	(26.71)
Sewer - Wastewater Charge	0.00	47,033.47	(47,033.47)
Professional Services: Medical and Dental Fees	0.00	1,304.88	(1,304.88)
Contracted Services	0.00	3,580.37	(3,580.37)
Utility Services (381 through 389)	0.00	9,653.83	(9,653.83)
Utility Services: Gas Utilities	0.00	255.81	(255.81)
Refunds and Reimbursements	0.00	50.18	(50.18)
<b>Total Acct 431</b>	<b>0.00</b>	<b>61,905.25</b>	<b>(61,905.25)</b>
<b>Total Disbursements</b>	<b>0.00</b>	<b>64,584.13</b>	<b>(64,584.13)</b>
<b>Other Financing Uses:</b>			
Transfer To Governmental Fund			
Interfund Transfers	0.00	25,194.03	(25,194.03)
<b>Total Acct 493</b>	<b>0.00</b>	<b>25,194.03</b>	<b>(25,194.03)</b>
<b>Total Other Financing Uses</b>	<b>0.00</b>	<b>25,194.03</b>	<b>(25,194.03)</b>
<b>Beginning Cash Balance</b>		<b>47,476.05</b>	
<b>Total Receipts and Other Financing Sources</b>		<b>98,693.75</b>	
<b>Total Disbursements and Other Financing Uses</b>		<b>89,778.16</b>	
<b>Cash Balance as of 11/10/2017</b>		<b>56,391.64</b>	

# MEMORANDUM

DATE: November 14, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Water Main Storage Agreement



**Birchwood Village**

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Dear Mayor and Council Members,

During the February 14, 2017 regular City Council meeting, the Council authorized Mayor Wingfield and myself to negotiate an agreement with resident Steve Dean to store soil and water from water main breaks on his private property.

During the March 14, 2017 regular City Council meeting, staff reported that the Mayor had reached an agreement with Mr. Dean and that City Attorney Kantrud would now work out the legal agreement with Mr. Dean.

Enclosed is a final legal agreement that Mr. Dean feels comfortable with. The document began with Attorney Kantrud but has been changed by the Mayor and myself based on subsequent negotiations with Mr. Dean.

**Recommendation/Request**

Staff requests Council approve the enclosed "Limited License" with Mr. Dean. Thanks!

Regards,  
Tobin Lay

Agreement to Enter Property to Deposit Water and Materials From Water  
Main Breaks

**RECITALS**

WHEREAS, City of Birchwood Village experiences several water main breaks per year (hereinafter “break event(s)”) which thereby creates a volume of water and materials associated that must be transported from the site and disposed of, and

WHEREAS, Property Owner Stephen Dean owns that certain parcel of real estate located at 3850 East County Line Road North in Birchwood (hereinafter referred to as “the Property”), and

WHEREAS, subject to the terms and conditions below, the Parties will enter into an agreement whereby the City of Birchwood Village will be permitted to enter onto the property of Owner Stephen Dean and deposit water and materials associated with a “break event(s)”.

NOW, THEREFORE, in consideration of the mutual covenants contained in this Agreement and intending to be legally bound by them, the Parties hereby agree as follows:

Stephen Dean, owner of “the property”, in consideration for the City accepting any and all performance and/or maintenance associated with the ingress and egress and deposit of water and materials on to the property, does hereby grant to authorized employees, agents, and contractors of the City of Birchwood Village permission to enter onto “the property” for the limited purpose of ingress and egress and where necessary, to deposit water and materials.

No asphalt, concrete, plastic or any materials that could be considered hazardous materials shall be deposited on owner’s property. The City of Birchwood Village shall be responsible for the removal and clean up of any materials deposited in violation of this provision.

If such deposit of water and materials violates any Federal, state or local regulations, the City shall continue to be responsible for any indemnification or defense obligations due to any depositing of water or materials on “the property” within one year of such deposit.

This Agreement is subject to the following conditions:

1. This Agreement is revocable by either party.
2. This Agreement may be terminated immediately at any time by providing written notice by either party to the other or upon the death of the Owner.
3. The City and Owner agree that “break event(s)” are triggering event(s) for the rights conferred herein and not for any other reason.
4. Upon at least 8 hours notice the City may enter on Property and deposit evacuated water and materials from a break event. The Parties acknowledge that a typical break event will yield one or two loads or “dumps” of evacuated water and materials and this Agreement is based on that assumption.
5. The City shall pay and the Owner shall accept as fair compensation for the rights conferred herein the sum of \$400.00 USD per break event and deposition of up to two loads or dumps of evacuated water and materials. The City shall pay upon notice of the “break event” in its normal course of payment claims or within 35 days, whichever is earlier.
6. The City shall pay and Owner shall accept as additional compensation the sum of \$100.00 USD for each load in excess of the two loads or dumps of evacuated water and materials assumed per “break event”. City shall pay upon the same terms as the standard break event detailed herein.
7. This Agreement grants no rights whatsoever to the City in or to the underlying property and confers no real property interests nor is it intended to. Further the parties agree that by entering into this Agreement there is no intent to “take” the property through any condemnation or other procedure. Similarly, Owner does not now nor shall he claim any “inverse condemnation” for the use of the property.
8. The City shall indemnify and defend Owner for any claims or actions related to damages caused by the ingress and egress to his property within one year of the last deposit.
9. Miscellaneous Terms
  - a. This license shall be governed and construed in accordance with the laws of the State of Minnesota.
  - b. No agreement or amendment shall be effective to add to, change, modify, waive or discharge this License in whole or in part, unless such agreement is in writing and signed by all parties bound hereby.

- c. The invalidity or unenforceability of any provision of this License shall not affect the validity or enforceability of any other provision.
- d. No delay or omission by any of the parties obligated hereunder to exercise any right or power accruing upon any non-compliance or failure of performance by another party under the provisions of this License shall impair any such right or power or be construed to be a waiver thereof. A waiver by any such party hereunder of any of the covenants, conditions or agreements hereof to be performed by another shall not be construed to be a waiver of any succeeding default hereunder of any other covenants, condition or agreement herein contained.
- e. Nothing contained herein will be deemed to be a gift or dedication of any portion of the Property to the general public, or for the general public, or for any public purpose whatsoever, it being the intention of the parties that this License will be strictly limited to the current owner of the Property.

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

\_\_\_\_\_  
Steve Dean, Owner

\_\_\_\_\_  
City of Birchwood Village  
By its Mayor, Mary Wingfield

Attest  
Dated: \_\_\_\_\_

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

# MEMORANDUM

**DATE:** November 14, 2017

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2015-06-02 Deer Feeding Prohibition



**Birchwood Village**

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Dear Mayor and Council Members,

At the request of concerned residents the City Council discussed and created Ordinance 2015-06-02 for at least six (6) months during 2015 to prohibit the feeding of deer in Birchwood. A public hearing and first reading took place for this Ordinance during the November 10, 2015 regular City Council meeting; the Council voted unanimously for the Ordinance. The Ordinance did not come back to the Council for a second reading.

According to the Handbook for Minnesota Cities Chapter 7, Section IV.C.1.k. Minnesota "...statutes do not specify that an ordinance in a statutory city must have a certain number of readings, nor do they require the council to consider it at more than one meeting."

Under Article 7 of the Birchwood Rules of Procedure, however, new ordinances should have two (2) readings before final vote of the Council.

Because of the unique circumstances of this Ordinance, namely how long it has been available for review and comment, Attorney Kantrud has recommended that Council could waive the Article 7 procedure and vote on the Ordinance without a second reading.

### **Recommendation/Request**

Upon the recommendation from Attorney Kantrud, staff requests Council waive the second reading and adopt Ordinance 2015-06-02 at this time. Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2015-06-02**

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

**AN ORDINANCE ENACTING SECTION 620 OF CITY CODE IN BIRCHWOOD  
VILLAGE TO PROHIBIT FEEDING DEER**

**WHEREAS**, the City of Birchwood Village seeks to eliminate the feeding of deer in the city.

**NOW, THEREFORE, BE IT ORDAINED** that the City Council of the City of Birchwood Village hereby enacts Section 620 of City Code as follows:

620.010     PURPOSE: This Ordinance is enacted to protect, preserve, and promote the health, safety and welfare of the citizens of the City through the management of recreational feeding of white tailed deer within the City as part of a comprehensive strategy to reduce or eliminate negative impacts experienced as a result of an increasing deer population in the City.

620.020     FEEDING DEER PROHIBITED.

1.     Prohibited acts: It shall be unlawful to intentionally place or permit to be placed on the ground or within five feet of the ground surface, any grain, fodder, salt licks, fruit, vegetables, nuts, hay, or other edible materials which may reasonably be expected to result in deer feeding, unless such items are screened or protected in a manner that prevents deer from feeding on them. Placement of live trees or plants that are rooted in the ground or in pots, baskets, or planters shall not be considered a violation of this subdivision.
2.     Exceptions: The prohibition in 620.020(1) above shall not apply to:
  - A.     Veterinarians, city animal control officers, or county, state, or federal game officials who are acting in the course of their duties and who have deer in custody or under their management
  - B.     Persons authorized to implement a deer management program approved by the City Council.
  - C.     Persons trapping, taking, or feeding deer pursuant to a permit issued by the Minnesota Department of Natural Resources.
  - D.     Persons feeding birds using self enclosed feeding devices or containers or:
  - E.     Persons using straw, hay, or straw related materials for erosion

control, mulching, gardening, or other landscape purposes.

620.030      ENFORCEMENT: Violation of this section is a petty misdemeanor punishable by a fine up to \$300. Each act of violation and each day a violation occurs or continues shall constitute a separate offense.

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 14<sup>th</sup> day of November, 2017

---

Mary Wingfield  
Mayor

Attest:

---

Tobin Lay  
City Administrator-Clerk

# MEMORANDUM

**DATE:** November 14, 2017

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Resolution 2017-25 East County Line Rd Parking



**Birchwood Village**

---

Dear Mayor and Council Members,

During the June 13, 2017 regular City Council meeting, staff presented to Council a request brought by residents living along East County Line Road to prohibit parking along that stretch of roadway.

After reviewing and discussing the arguments for prohibiting parking, Council authorized staff to notify residents living along East County Line Road of the City's intention to restrict parking there and ask for feedback on such. Council directed staff to either proceed with installing no parking signs or bringing the matter back to the Council, depending on the feedback received.

After notifying every resident living along East County Line Road and allowing a full month to respond, staff received no negative feedback about the restriction – only supportive or neutral feedback was received.

Accordingly, staff contacting Washington County to request they install no parking signs. The County, however, requires that the City Council first pass an official resolution before installing the signs.

Enclosed is Resolution 2017-25 to support the parking restriction along the Birchwood side of East County Line Road, or officially called County State Aid Highway (CSAH) No. 27.

### **Recommendation/Request**

Staff requests Council approve enclosed Resolution 2017-25 to support parking restrictions along East County Line Road. Thanks!

Regards,  
Tobin Lay

**RESOLUTION 2017-25**

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

**A RESOLUTION RELATING TO PARKING RESTRICTIONS ON COUNTY  
STATE AID HIGHWAY (CSAH) NO. 27 (EAST COUNTY LINE ROAD) FOR ITS  
ENTIRE LENGTH WITHIN THE CITY OF BIRCHWOOD VILLAGE**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 14, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

**WHEREAS**, the City is concerned about the safety impacts of parking along County Highway No. 27; and

**WHEREAS**, Washington County requests a City resolution banning parking prior to the installation of any “No Parking” signs; and

**WHEREAS**, the City acknowledges that such parking restrictions will apply to all parked vehicles within the affected zone, regardless of the residency of the vehicle owner or operator.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Birchwood Village that the City of Birchwood Village shall ban the parking of motor vehicles on the east side of CSAH 27 for its entire length within the City of Birchwood Village at all times.

**BE IT FURTHER RESOLVED**, That the City of Birchwood Village request that Washington County install signage along CSAH 27 pertaining to this parking restriction.

**BE IT FURTHER RESOLVED**, That the City of Birchwood Village supports full enforcement of the proposed parking restrictions by city and/or county law enforcement personnel.

I certify that the City of Birchwood Village adopted the above Resolution on this 14th day of November, 2017.

ATTEST:

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

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

# MEMORANDUM

**DATE:** November 14, 2017

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Resolution 2017-23 Appoint Office Support Worker



**Birchwood Village**

---

Dear Mayor and Council Members,

With Bailey's resignation as Treasurer-Deputy Clerk, I have realized that due to the part time nature of that position, it is highly likely whoever holds this position in the future will also hold a full time job elsewhere and as such may not be able to cover the office hours in times of Administrator vacation and other needs.

Accordingly, I propose that we transition the now temporary Office Support Worker position, held by Dennis Sonnek, into a permanent support position. The duty of the permanent Office Support Worker would be to cover the office hours when regular office staff (Administrator and/or Treasurer) take vacation, are sick, etc. This person could also be activated to assist regular staff during peak demand periods, when approved by City Council.

Currently, the City Administrator is given 20 days of vacation time each year but there is no structure in place to cover the office when the Administrator uses this time. In the past, the Administrator has had only the Treasurer to rely on to cover the office hours but if that Treasurer holds a full time job elsewhere, it makes covering the office difficult.

The permanent Office Support Worker would not have a cap on hours but would only be called into duty by the City Administrator to cover office hours (Mondays and Thursdays) when regular staff must be absent. Accordingly, this change should have no greater impact on the City budget than there already is with the Treasurer covering for the Administrator, except when called into duty by the City Council in times of peak demand. Only the City Council can approve the Office Support Worker work during peak demand times.

I spoke to Dennis Sonnek already about this idea and he supports it and feels confident about supporting both the Administrator and Treasurer in this manner.

Enclosed is Resolution 2017-23 to appoint Dennis Sonnek as the permanent Office Support Worker.

## **Recommendation/Request**

Staff requests Council:

- 1) Approve Resolution 2017-23 as presented.

Thanks!

Regards,  
Tobin Lay

**RESOLUTION 2017-23**

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

**APPROVING THE APPOINTMENT OF DENNIS SONNEK AS OFFICE  
SUPPORT WORKER, EFFECTIVE OCTOBER 8, 2017.**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 14, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

**WHEREAS,** The City of Birchwood Village will continue to employ Dennis Sonnek as Office Support Worker on an on-call, as-needed basis; and

**WHEREAS,** The City of Birchwood Village will continue to compensate Dennis Sonnek at a rate of pay of \$20.00/hour.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Birchwood Village hereby approves the appointment of Dennis Sonnek as Office Support Worker, effective October 8, 2017.

Voting in Favor:

Voting Against:

Resolution duly seconded and passed this 14<sup>th</sup> day of November, 2017.

---

Mary Wingfield, Mayor

Attest:

---

Tobin Lay  
City Administrator-Clerk

# MEMORANDUM

**DATE:** November 14, 2017

---

**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** City Project No. 2017-1 Sanitary Sewer Rehab



Dear Mayor and Council Members,

In January of this year, the Mayor proposed to Council that the City invite the City Engineer to determine whether the sections of sanitary sewer lines that were left out of the previous improvements now be rehabbed.

Upon the recommendation from City Engineer Steve Thatcher, the Council has approved and staff has been working on a feasibility report for improving the remaining sewer lines. In Aug, the sewer lines were televised to determine which lines had been left out of the previous improvement projects and to help determine the appropriate assessment role for this project.

The feasibility study is now complete and a public hearing has been published for tonight's meeting to consider the making of a public improvement pursuant to Minn. Stat. 429.011 to 429.111. This public improvement includes the installation of sanitary sewer cured-in-place piping. The estimated cost of this proposed improvement is \$95,100.00. A reasonable estimate of the impact of the assessment is available in the enclosed feasibility study.

No property which was previously assessed for cured-in-place piping will be assessed again. The 53 properties proposed to be assessed for this improvement are stated below:

- Birchwood Avenue
  - 219 Birchwood Avenue
  - 619 Birchwood Avenue to 701 Birchwood Avenue
- Birchwood Courts
  - 424 Birchwood Courts to 439 Birchwood Courts
- Jay Street
  - 286 Jay Street to 303 Jay Street
- Oakridge Drive
  - 20 Oakridge Drive to 32 Oakridge Drive
- White Pine Lane
  - White Pine Lane
  - 10 White Pine Lane to 20 White Pine Lane

Notices have been mailed to these effected property owners and such persons as desire to be heard with reference to the proposed improvement may be heard at this hearing.

City Engineer Thatcher is present at tonight's meeting to answer any questions.

## **Request/Recommendation**

Staff requests Council:

- 1) Review and discuss the feasibility study;
- 2) Approve moving forward with City Project No. 2017-1 Sanitary Sewer Rehabilitation.

Thanks!

**FEASIBILITY STUDY**  
**For**  
**CITY OF BIRCHWOOD VILLAGE, MINNESOTA**  
**CURED-IN-PLACE PIPING**  
**City Project No. 2017-1**  
**OCTOBER 18, 2017**

**1.0 BACKGROUND AND PURPOSE**

The City of Birchwood Village retained Thatcher Engineering, Inc. to prepare a feasibility study for the construction of Cured-In-Place Piping (CIPP) for approximately 2,600 feet of sanitary sewer. This sanitary sewer pipe was not included in previous CIPP projects within the city. The most recent CIPP project was in 2008.

**2.0 PROJECT DESCRIPTION**

The proposed project will consist of cleaning, televising, and construction of CIPP for approximately 2,600 feet of sanitary sewer.

On August 30, 2017, Pipe Services, Shakopee, Minnesota performed a closed circuit television inspection of the sanitary sewer and determined that there is 2,565.1 feet of unlined sanitary sewer. A summary of the inspection is included in Appendix 1. A map showing the location of the unlined pipe is included in Appendix 2.

**3.0 ALTERNATIVES**

Alternatives analyzed for the proposed project include doing nothing. Doing nothing is not a viable option because the existing pipe is getting old.

**4.0 COST ESTIMATE**

The cost estimate is as follows:

<u>Item</u>	<u>Estimated Cost</u>
TV Inspection of of sewer	\$3,000.00
Furnish and Install 2,565.1 feet of CIPP	<u>\$70,000.00</u>
Construction Cost	\$73,000.00
Engineering	\$7,500.00
Contingency (20% of Estimated Construction Cost)	<u>\$14,600.00</u>
Estimated Total Cost	<u>\$95,100.00</u>

**5.0 FUNDING**

Funding for the proposed project will be provided from city funds. No bond is needed.

The plan is to assess 50% of the total cost to properties that benefit from the project or abut the 2,565.1 feet of CIPP. The estimated number of properties that benefit from the project or abut the CIPP is 53. A list and maps of the properties proposed to be assessed is included in Appendix 3.

The estimated assessment per property is \$900.00 ( $\$95,100 \times 50\% / 53 \text{ properties} = \$897.16$ ).

## **6.0 DISCUSSION & SCHEDULE**

Thatcher Engineering, Inc. recommends the construction of Cured-In-Place Piping (CIPP) for 2,565.1 feet of sanitary sewer. The proposed improvement is necessary, cost-effective, and feasible. Also, the improvement should be made as proposed and not in connection with some other improvement.

If the city authorizes TEI to prepare the plans and specifications and secure construction bids, the project could be constructed in early 2018.

## **7.0 CONCLUSIONS**

Based on the age of the existing sanitary sewer pipe, it will be necessary to construct CIPP in the near future. This feasibility study should be reviewed and if acceptable, the City should take the proper steps to secure a professional appraisal for the project.

## **APPENDIX 1**

### **Summary of Closed Circuit Television Inspection of the Sanitary Sewer**

**City of Birchwood Village  
Sanitary Sewer  
Summary of TV Inspection Performed August 30, 2017 - All Pipes  
10/18/2017**

#	From Manhole (MH)	To Manhole (MH)	Location	Lined	Length (Feet)	Notes
1	39	38	Birchwood Avenue (near City Hall)	Partially lined	66.0	Pipe is lined from MH 39 to 53 feet from MH 9 (13 feet unlined)
2	1H	1G	Oakridge Drive	No	224.5	
3	1G	1F	Oakridge Drive	No	195.5	Broken casting on 1F
4	1F	1E	Oakridge Drive	Yes	196.4	
5	1E	1C	Oakridge Drive	Yes	313.0	Flow is from 9" diameter pipe to 8" diameter pipe. Liner is wrinkled at transition from 9" pipe to 8" pipe.
6	56F	56E	Oakview Court	Yes	167.4	
7	56E	56D	Oakview Court	Yes	154.0	
8	84N	84M	Birchwood Courts	No	129.9	
9	84O	84M	Birchwood Courts	Yes	153.9	
10	84M	84L	Birchwood Courts	No	107.9	
11	84L	84K	Birchwood Courts	No	101.9	
12	84K	84J	Birchwood Courts	Yes	96.7	
13	84E	84D	White Pine Lane	No	86.9	
14	84G	84F	White Pine Lane	No	118.2	
15	84F	84D	White Pine Lane	No	75.1	
16	84EE	84E	White Pine Lane	Yes	353.4	The casing for MH 84EE was not opened because bituminous covers the casting. TV inspection from MH 84E to 84EE showed that 40 feet from MH 84E (the approximate location of MH 84EE) there was a change in pipe direction which would indicate the pipe was lined through the manhole and not cut out for access to the pipe from the MH. TV inspection continued until the next manhole (MH 84H) which is approximately 400 feet from MH 84E.
17	84D	84C	White Pine Lane	No	62.2	
18	84C	84B	White Pine Lane	Yes	102.2	
19	84B	84	White Pine Lane	Yes	349.1	
20	75C	75D	Jay Street	No	199.1	
21	75D	75G	Jay Street	No	205.2	
22	75G	75	Jay Street	No	119.9	
23	75	74	Jay Street	No	283.8	
24	75B	75	Birchwood Avenue (near Jay Street)	No	158.2	
25	75A	75B	Birchwood Avenue (near Jay Street)	No	195.1	MH 75A is in boulevard planter near hydrant
26	76	75	Birchwood Avenue (near Jay Street)	No	235.7	
	<b>Total</b>				<b>4,451.2</b>	

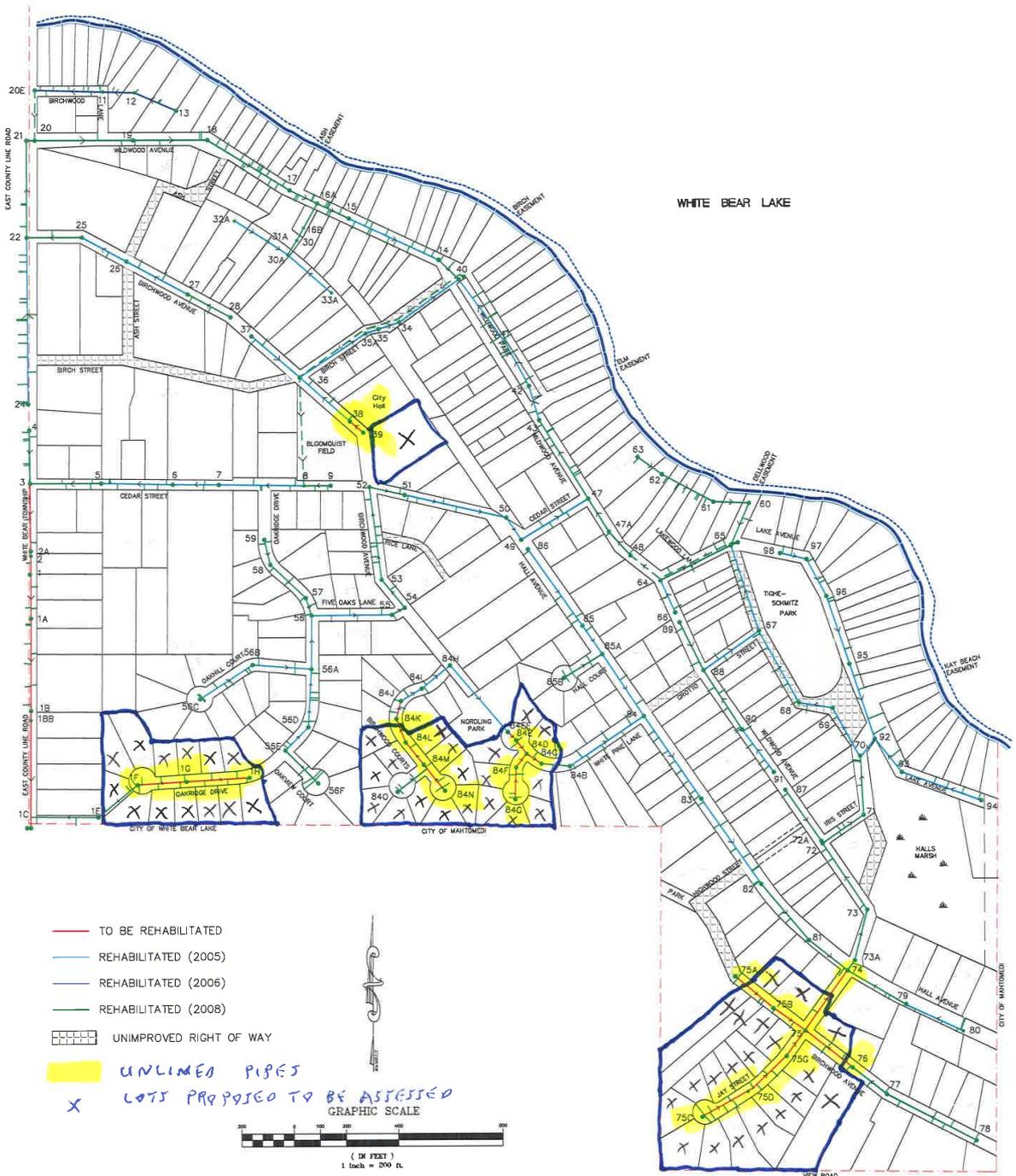
**City of Birchwood Village  
Sanitary Sewer  
Summary of TV Inspection Performed August 30, 2017 - Unlined Pipes  
10/18/2017**

#	From Manhole (MH)	To Manhole (MH)	Location	Lined	Length (Feet)	Notes
1	39	38	Birchwood Avenue (near City Hall)	Partially lined	66.0	Pipe is lined from MH 39 to 53 feet from MH 9 (13 feet unlined)
2	1H	1G	Oakridge Drive	No	224.5	
3	1G	1F	Oakridge Drive	No	195.5	Broken casting on 1F
4	84N	84M	Birchwood Courts	No	129.9	
5	84M	84L	Birchwood Courts	No	107.9	
6	84L	84K	Birchwood Courts	No	101.9	
7	84E	84D	White Pine Lane	No	86.9	
8	84G	84F	White Pine Lane	No	118.2	
9	84F	84D	White Pine Lane	No	75.1	
10	84D	84C	White Pine Lane	No	62.2	
11	75C	75D	Jay Street	No	199.1	
12	75D	75G	Jay Street	No	205.2	
13	75G	75	Jay Street	No	119.9	
14	75	74	Jay Street	No	283.8	
15	75B	75	Birchwood Avenue (near Jay Street)	No	158.2	
16	75A	75B	Birchwood Avenue (near Jay Street)	No	195.1	MH 75A is in boulevard planter near hydrant
17	76	75	Birchwood Avenue (near Jay Street)	No	235.7	
	<b>Total</b>				<b>2,565.1</b>	

T:\Projects\Birchwood Village\Sanitary Sewer\2017-10-18 Sanitary Sewer Summary of TV Inspection dated 2017-8-30 Unlined Pipes Televised.xlsx\Sanitary Sewer

## **APPENDIX 2**

### **Map Showing the Location of the Unlined Pipe**



CITY OF  
**BIRCHWOOD VILLAGE**  
 SANITARY SEWER MAP



10062 FLANDERS COURT NE  
 BLAINE, MN 55449  
 PH: (763) 780-0450

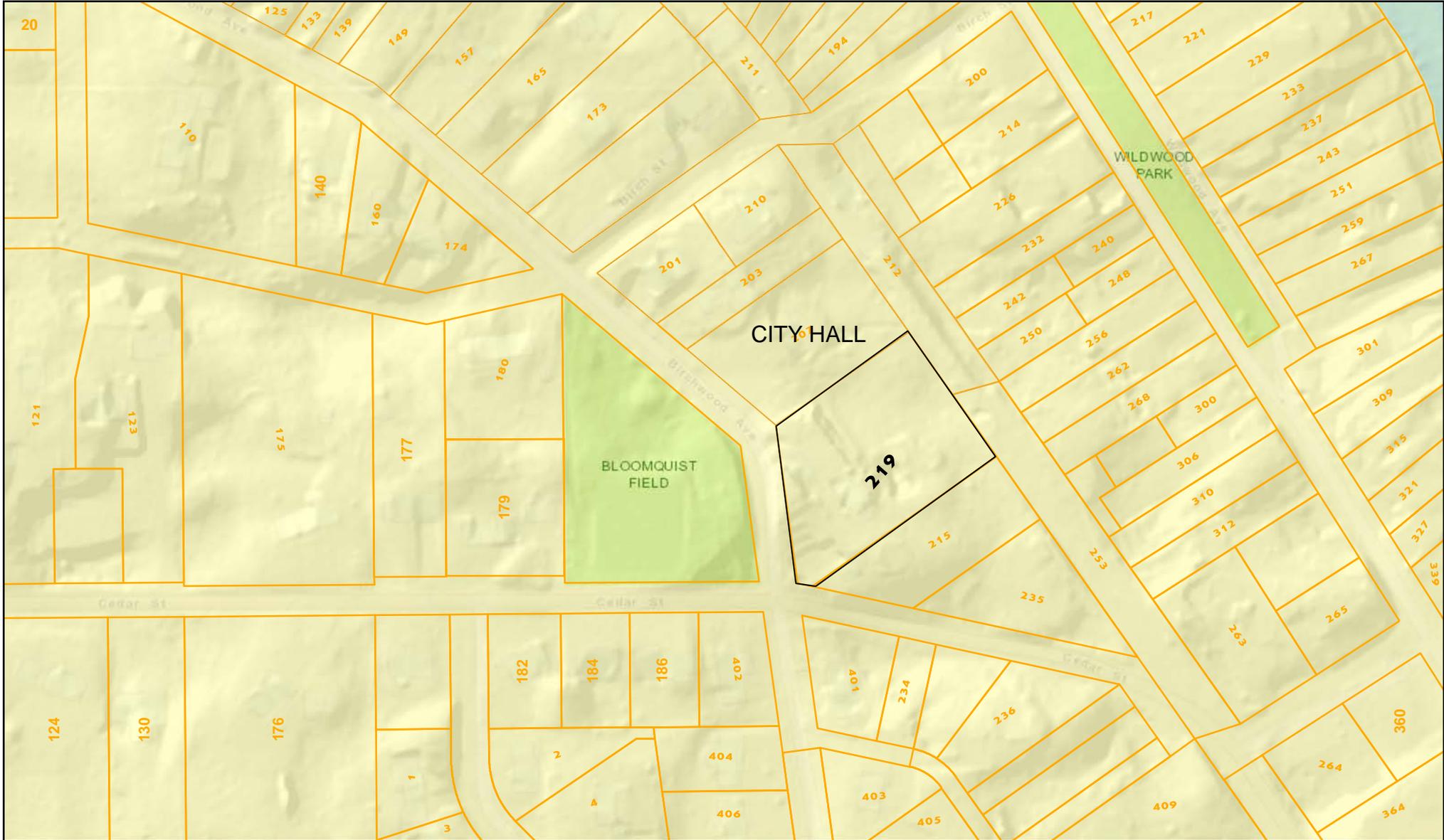
## **APPENDIX 3**

### **List and Maps of the Properties Proposed to be Assessed**

**City of Birchwood Village  
Sanitary Sewer  
Property Proposed to be Assessed for Pipe Lining  
Based on TV Inspection Performed August 30, 2017 - Unlined Pipes  
10/18/2017**

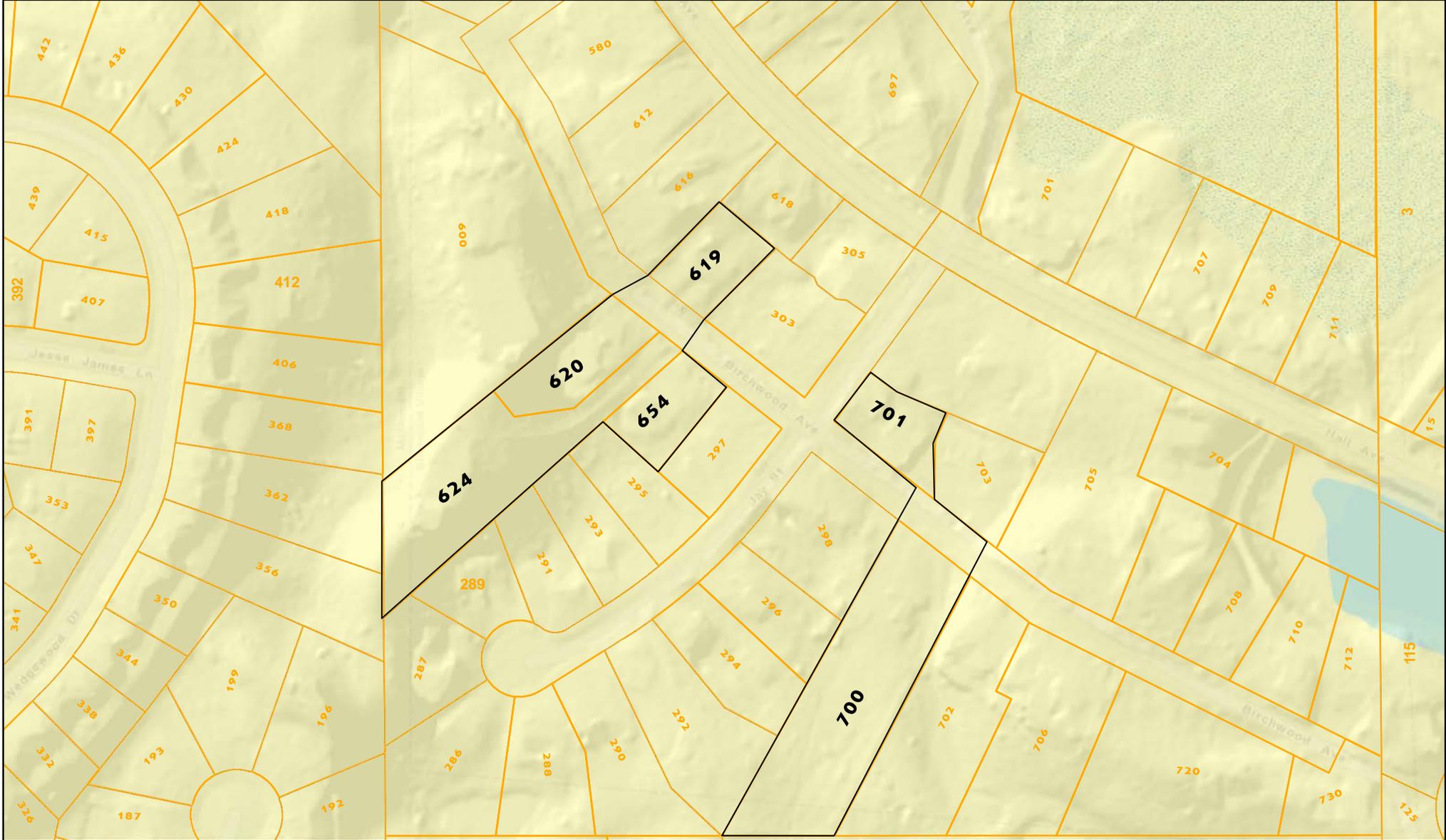
#	From Manhole (MH)	To Manhole (MH)	Location	Lined	Owner	Owner's Address	Property Address if Different from Owner's Address
1	39	38	Birchwood Avenue (near City Hall)	Partially	HARTZEL NICHOLAS J	219 BIRCHWOOD AVE, WHITE BEAR LAKE MN 55110	
2	75A	76	Birchwood Avenue (near Jay Street)	No	O'HARA MICHAEL D & JULIE J	619 BIRCHWOOD AVE, WHITE BEAR LAKE MN 55110	
3					HUNTLEY STEPHEN & KATHLEEN B	620 BIRCHWOOD AVE, WHITE BEAR LAKE MN 55110	
4					HAYDEN DENNIS J & DAVID M PRUNTY	624 BIRCHWOOD AVE, WHITE BEAR LAKE MN 55110	
5					EVANS ANDREA	654 BIRCHWOOD AVE, SAINT PAUL MN 55110	
6					BELKNAP ROBERT H & JOYCE A T	220 EAST AVE # 157, MAHTOMEDI MN 55115	700 BIRCHWOOD AVE, CITY OF BIRCHWOOD
7					LOOSBROCK JEREMY I & GINA A	701 BIRCHWOOD AVE, WHITE BEAR LAKE MN 55110	
8	84N	84K	Birchwood Courts	No	ANDERSON TIMOTHY W & SUZANNE L	424 BIRCHWOOD CT, BIRCHWOOD MN 55110	
9					SEIBERT MAUREEN L	425 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
10					JACKOLA ANDREW & ALICIA	426 BIRCHWOOD CT, SAINT PAUL MN 55110	
11					CYRIL E KAPSNER TRS ETAL	428 BIRCHWOOD CT, WHITE BEAR LK MN 55110	
12					MCTAVISH SANDRA L	429 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
13					MANKE ROBERT L & KATHLEEN M	430 BIRCHWOOD CT, BIRCHWOOD MN 55110	
14					HANSON MIKE	432 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
15					HUNDER BRIAN A	433 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
16					CASTILLO JOSEPH H & ELIZABETH L	434 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
17					PARKER LYDIA L	1415 SERENGETI WAY, WESLACO TX 78596	437 BIRCHWOOD CT, CITY OF BIRCHWOOD
18					TREPANIER DAVID A TRS & PATRICIA A TREPANIER TRS	439 BIRCHWOOD CT, WHITE BEAR LAKE MN 55110	
19	75C	74	Jay Street	No	FELT RANDOLPH K & JACQUELINE B	286 JAY ST, WHITE BEAR LAKE MN 55110	
20					FRENCH CHRISTOPHER J & JULIE A	287 JAY ST, WHITE BEAR LAKE MN 55110	
21					CLINTON DIXON LIVING TRS	288 JAY ST, WHITE BEAR LAKE MN 55110	
22					PRINCE AMY & GRABOW CLINT W	289 JAY ST, WHITE BEAR LAKE MN 55110	
23					HULLSIEK WILLIAM & MARY	290 JAY ST, BIRCHWOOD MN 55110	
24					OAKINS GARY E & JUDITH A	291 JAY ST, BIRCHWOOD MN 55110	
25					WOOLSTENCROFT KEVIN L	292 JAY ST, WHITE BEAR LAKE MN 55110	
26					TOFTE SCOTT A & BRENDA L	293 JAY ST, WHITE BEAR LAKE MN 55110	
27					HEGEDUS NOEL D & JOZSEF Z	294 JAY ST, WHITE BEAR LAKE MN 55110	
28					SHELDON BRUCE D & PATRICIA L	295 JAY ST, BIRCHWOOD MN 55110	
29					CUMMINS ROBERT B & MARY C	296 JAY ST, BIRCHWOOD MN 55110	
30					IRVINE ROGER T & TERI A	297 JAY ST, BIRCHWOOD MN 55110	
31					WOOLSTENCROFT WILLIAM & EVANGELINE M	298 JAY ST, WHITE BEAR LAKE MN 55110	
32					WEGNER CARL S & MARY ELLEN	303 JAY ST, BIRCHWOOD MN 55110	
33	1H	1F	Oakridge Drive	No	SANDSTROM CHARLES T & SUZANN	20 OAKRIDGE DR, WHITE BEAR LK MN 55110	
34					MCCOY DANIEL J & ANDREA L	21 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
35					SCHULER CURTIS J & RACHEL L	22 OAKRIDGE DR, SAINT PAUL MN 55110	
36					ALAN R MITCHELL & SHARILYN A MITCHELL TRS	23 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
37					ANDERSON GREGORY L & MAUREEN B	24 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
38					SIKORSKI WILLIAM H JR	25 OAKRIDGE DR, WHITE BEAR LK MN 55110	
39					OLSON JEFF	26 OAKRIDGE RD, WHITE BEAR LAKE MN 55110	
40					LOREN MELISSA & JOSHUA NERLIEN	27 OAKRIDGE DR, WHITE BEAR LK MN 55110	
41					BARTON KEITH L & KATHLEEN S	28 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
42					BYERLY ANTHONY R & NICOLE K	29 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
43					BRUNNER JAY A & KATHERINE T CAVANOR	30 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
44					DAVID A NIETZ REV TRS ETAL	31 OAKRIDGE DR, WHITE BEAR LK MN 55110	
45					SIMANSKI MARK A & JULIE A OTTO	32 OAKRIDGE DR, WHITE BEAR LAKE MN 55110	
46	84G	84C	White Pine Lane	No	ALECKSON CHRISTINE & JEFFREY	8 WHITE PINE LN, WHITE BEAR LAKE MN 55110	
47					JOHNSON TYLER J & GRETCHEN M	10 WHITE PINE LN, BIRCHWOOD MN 55110	
48					BOWAR EUGENE M & SANDRA J	11 WHITE PINE LN, WHITE BEAR LAKE MN 55110	
49					STANGL THOMAS J & BARBARA J	14 WHITE PINE LN, BIRCHWOOD MN 55110	
50					CREAGH BENJAMIN J & CHRISTINE L	16 WHITE PINE LN, WHITE BEAR LAKE MN 55110	
51					STOCKWELL JAMES R & PEGGY K	17 WHITE PINE LN, WHITE BEAR LAKE MN 55110	
52					TELLIER DIDIER Y	18 WHITE PINE LN, WHITE BEAR LK MN 55110	
53					MOLITOR JOSEPH M & JULIE A	20 WHITE PINE LN, BIRCHWOOD MN 55110	

Note 1: Owner and Owner's address from Washington County GIS Web Site



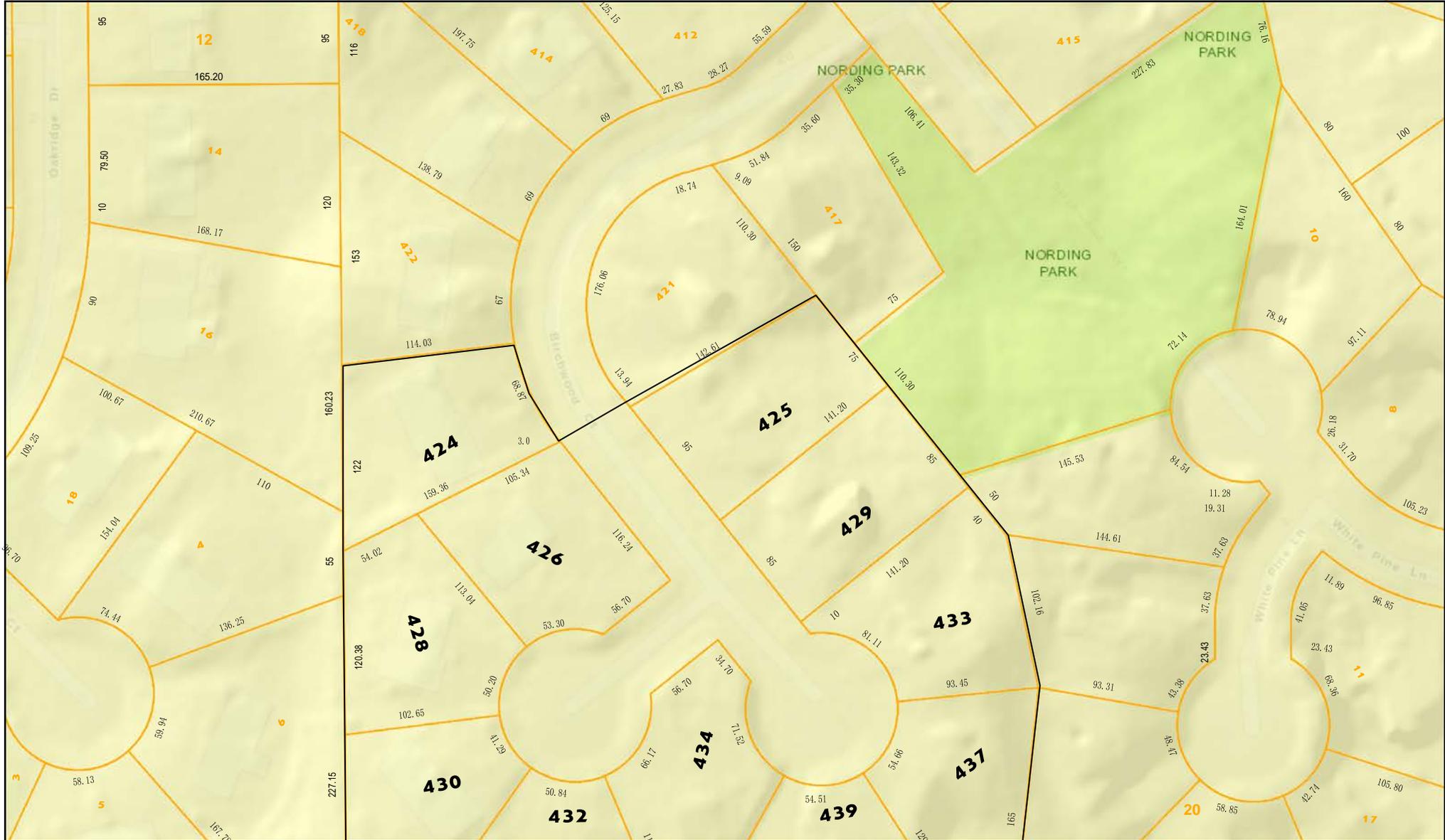
BIRCHWOOD AVE (NEAR CITY HALL)

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**



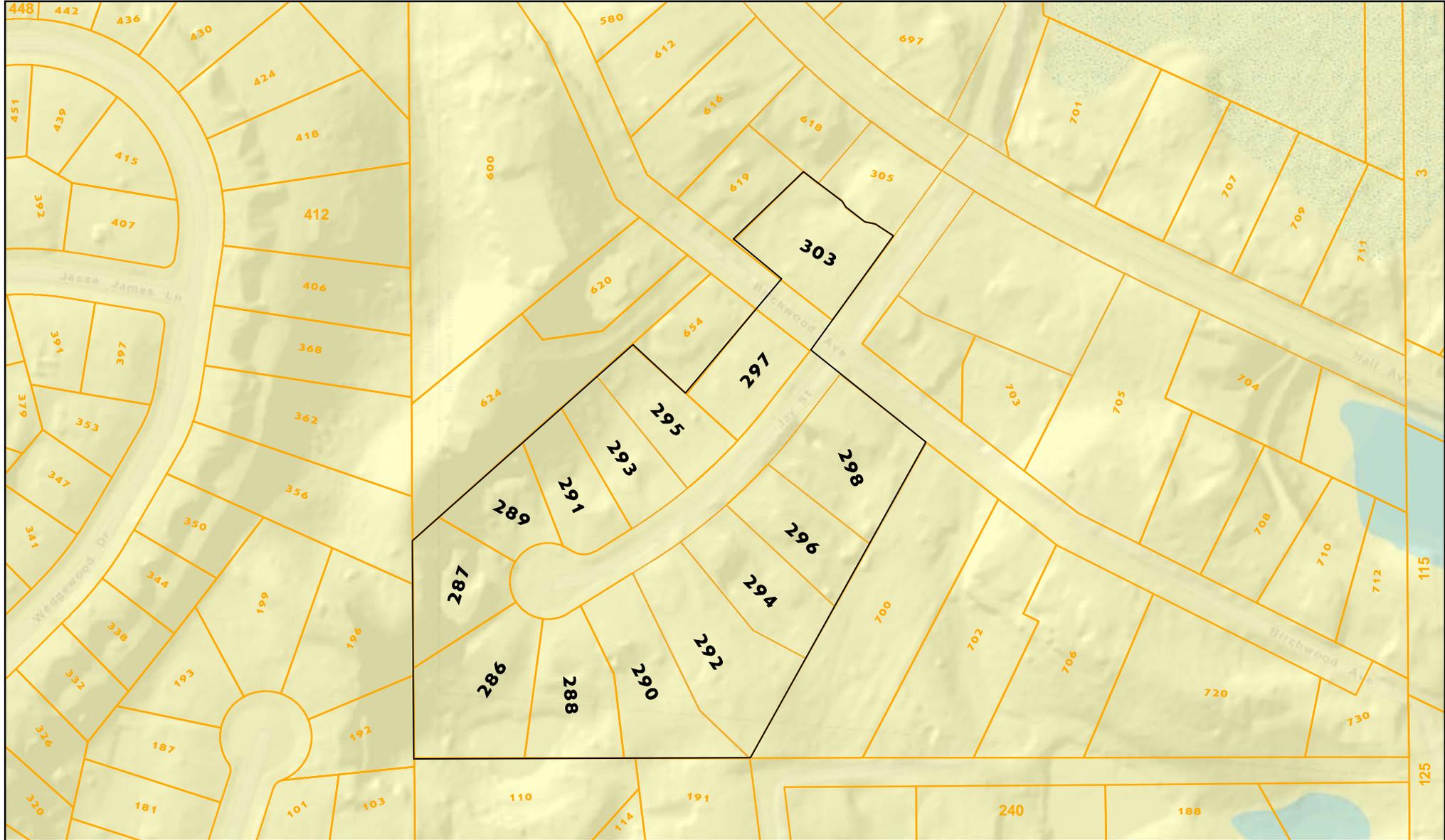
BIRCHWOOD AVE (NEAR JAY STREET)

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**



BIRCHWOOD COURTS

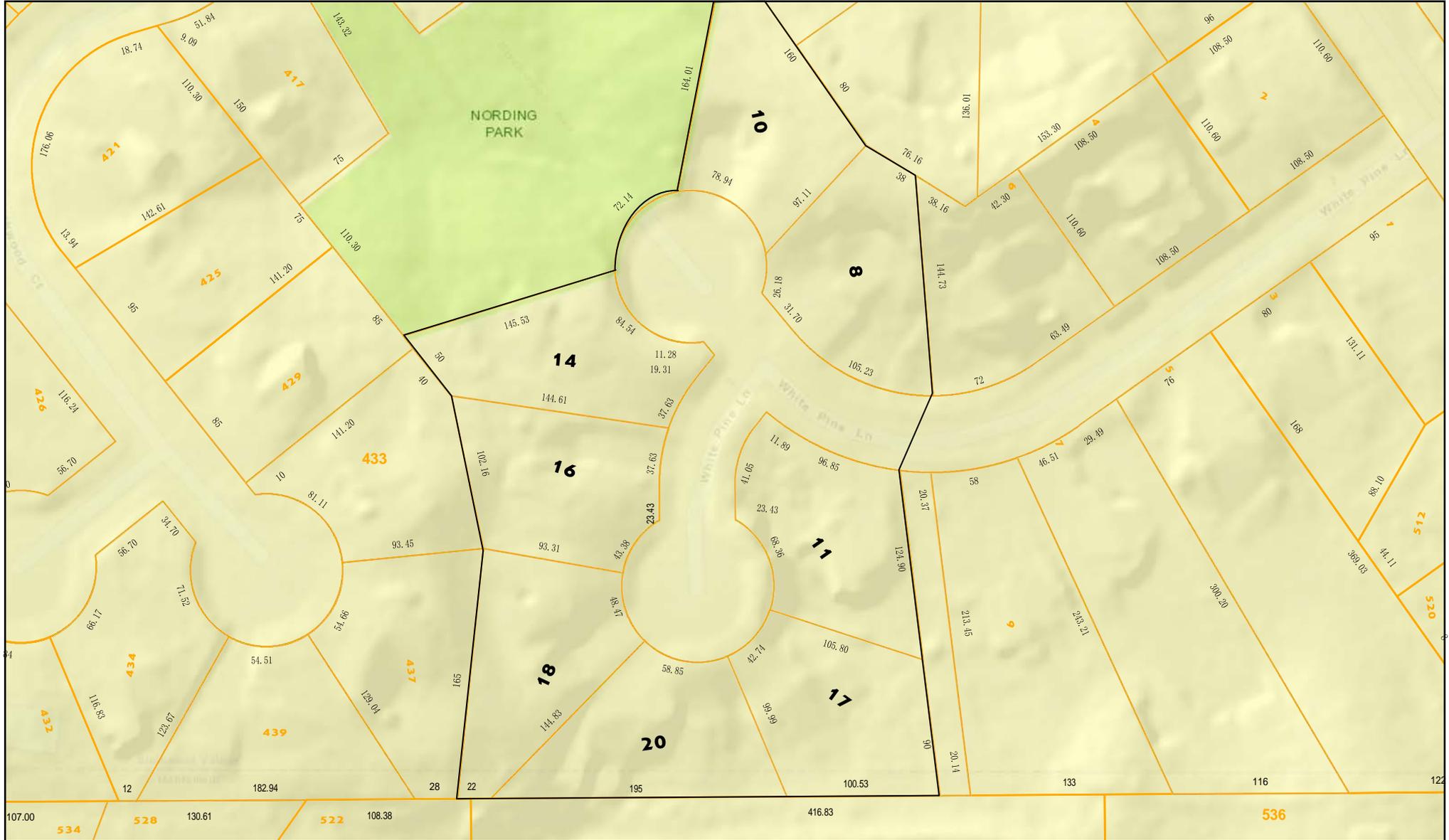
MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT



JAY STREET

**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**





**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

This drawing is the result of the compilation and reproduction of land records as they appear in various Washington County offices. The drawing should be used for reference purposes only. Washington County is not responsible for any inaccuracies.

# MEMORANDUM

**DATE:** November 14, 2017

---

**TO:** Birchwood City Council

**FROM:** Tobin Lay, City Administrator

**SUBJECT:** Parks Committee Update and Recommendations



**Birchwood Village**

---

Dear Mayor and Council Members,

Enclosed are the results from the recent Parks and Natural Resources Committee survey. Committee Chair Houstoun Clinch is present at tonight's meeting to discuss these results, present Committee recommendations and answer questions. Thanks!

Regards,  
Tobin Lay

## **Cover Letter Survey Results**

Birchwood had an excellent response to the Parks & Natural Resources Survey. There were 117 responses in all, about a 33% return rate. These came in a variety of ways:

- ❑ 67 Online
- ❑ 29 Paper returns
- ❑ 15 Megan interviews
- ❑ 6 Park visit interviews.

### **Observations/Recommendations:**

- ❑ There was a nearly even split to question ‘Would you keep the parks as is?’
  - Ana points out, however, that most who said yes, also wanted maintenance.
- ❑ Tighe-Schmitz Park and the Walking Trails are the most used resources.
- ❑ Birch Beach, Kay Beach, and Bloomquist Park are all heavily used as well.
- ❑ The 3-pages on ‘What I Like’ should be featured somewhere.
- ❑ Pages 8-15 will be used to create the items to be voted on by all residents.
  - That is the next piece Larry will create.
  - The responses related to Dog Park should be shared with the other committee.
- ❑ Pages 16-18 are items the Parks Committee should explore for useful process ideas.
  - The top 3 Concerns on page 18 likely refer to one individual. How do we handle this?
- ❑ Pages 19-23 can be input to the Maintenance Plan the Committee produces.
  - When we ask people to vote, we should state that a maintenance plan is the highest priority for the Committee and will cover the suggestions made. No one needs to vote for this.
  - Their votes then become a vote for what new resources and/or rules are the highest priority to residents.
  - Judy has asked Houston to invite John Lund to a Committee meeting. John has created a maintenance plan in the past, and indicates there is reasonably updated version available. He also has process ideas to support maintenance.
- ❑ Page 24 all relates to ‘improving’ Tighe-Schmitz flooding.
  - I suggest that we point out to all residents that it is a natural wetland, not a field that can be readily drained.

## Parks Committee Aggregated Inputs

Question	Yes	No	Neither
Would you prefer that parks remain just the way they are?	46	40	7

### Which Parks – Easements do you use?

Resource	#
<b>Easements</b>	
<input type="checkbox"/> Ash	10
<input type="checkbox"/> Birch	48
<input type="checkbox"/> Dellwood	32
<input type="checkbox"/> Elm	3
<input type="checkbox"/> Kay	43
<input type="checkbox"/> Curt Feistner	1
<b>Parks</b>	
<input type="checkbox"/> Bloomquist	37
<input type="checkbox"/> Nordling	21
<input type="checkbox"/> Tighe-Schmitz	63
<input type="checkbox"/> Wildwood	9
<b>Activities</b>	
<input type="checkbox"/> Skating-Hockey Rink	4
<input type="checkbox"/> Music in the Parks	3
<input type="checkbox"/> Tennis Courts	6
<input type="checkbox"/> Tighe-Schmitz Playground	1
<input type="checkbox"/> 4 <sup>th</sup> of July Parade	2
<b>Trails</b>	
<input type="checkbox"/> All	55

## What I Like & General Comments

### What I Like:

#### ***Natural Beauty***

- I like that our parks, easements, and walking areas are not cookie cutter spaces. They reflect our comfortable, natural looking neighborhoods adjacent to White Bear Lake.
- Very natural and beautiful. No need to dig up and make structures.
- Not too developed; matching Birchwood.
- Keep Birchwood natural.
- Like the natural trails and docks.
- I like the fact that the city has taken the initiative to preserve parks, easements, and open spaces.
- Walking trails & access to the lake.
- We like the easements and access to the lake.
- I enjoy the easements which provide lake access for residents.
- Relatively clean.
- Clean.
- We think Birchwood is, overall, taking pretty good care of the parks.
- I'm pretty happy with how the parks are.

#### ***Convenient & Not Crowded***

- Parks are convenient to our home.
- We like that the parks are not crowded.
- Not many children ever present.
- No fighting on use of equipment.
- I'm getting old, so I guess I'm lucky to be able to enjoy Tighe-Schmitz and Kay Beach without many problems.

#### ***Parks & Easements***

- We highly value parks and their contribution to community. We really appreciate the parks and easements we have access to because we live in Birchwood. THANK YOU to all who have worked on that through the years. It was really part of our decision to buy our home in July 2016.
- Location of parks.
- That we have them and are in walking distance.
- I frequently take my grandchild to the parks.
- The update to Kay Beach dock has made it more enjoyable to visit during walks with children (parents and children).
- Beach across the street.
- Field for running around (12-year-old).
- I like that dogs are allowed at the beaches.

### ***Walking Trails***

- ❑ Ash Walkway is a nice path for dog walkers and others seeking a short hike "in the woods".

### ***Playgrounds***

- ❑ When they were younger – I'd say the kids play area was beneficial.
- ❑ Monkey bars and playground at Tighe-Schmitz (10-year-old).
- ❑ The swings are fun to swing on at Tighe-Schmitz (1 and 3-year-old).
- ❑ Tighe Schmitz Park Our children spend a lot of time on the playground/swings. They like all aspects of it including the swings, monkey bars and everything else they climb on. We see children of all ages using it! I think removing the vulgar graffiti and weeds would be nice.
- ❑ Our 11-year-old really likes the playground area and specifically the zip line.

### ***Tennis Courts-Hockey Rink***

- ❑ Playing tennis with my friends at Bloomquist (13-year-old).
- ❑ Kids like to play tennis and ice skate - tennis courts are in great shape - hockey rink and warming house are awesome - drinking fountains at both parks & tennis courts (11-year-old)
- ❑ Tennis courts: Our entire family, including all grandparents use them regularly. They are in great condition!
- ❑ The Bloomquist Park tennis courts are highly utilized (and have been for forty years) and are a great community asset worthy of investment.
- ❑ The availability of Tennis courts will be great in the summer.
- ❑ Skating rink (10-year-old and adult).
- ❑ The warming house for the ice rink and open space available at Tighe-Schmitz park are great!
- ❑ The hockey rink is wonderful and the warming house is awesome. We play basketball in the summer on the rink, and it's great.
- ❑ Favorites would be the ice rink with warming house and the open field area.
- ❑ Warming house is great.
- ❑ Warming house and ice rink are great.
- ❑ The ice rink and warming house are nice/fun.

### ***Soccer & Ball Fields***

- ❑ The soccer field and softball field are great and provide a large space for a variety of activities. Our family hosted 3 kickball tournaments this summer with friends and family and we are going to make it a tradition. We had a wet summer and all three times we played the field was very soggy which proved to be dangerous for me as I completely wiped out in the mud. Thankfully none of the grandparents slipped.

**Activities**

- ❑ For our village size, there are a good number of resources with varying uses: 4<sup>th</sup> of July at Wildwood Park, hockey rink, swimming, etc.
- ❑ Hiking, boating, swimming, skating, open field for team sports are all available for all to use. Rink and park space not in use by organized team use.
- ❑ Docks are great for swimming or visiting the lake.
- ❑ The beaches, dock associations, and boat storage processes seem to be working well.
- ❑ We like the music in the parks.
- ❑ Community potluck dinners at City Hall are engaging and informative.
- ❑ The 'Swim across the lake' is a wonderful challenge.

## **General Comments:**

### **Beautify Our Village**

- ❑ General beautification and maintenance needs to be done to public areas.
- ❑ Keep natural to walk through.
- ❑ Keep natural to walk through. That's why I moved here. There are dog parks within 4 miles – plenty of them.
- ❑ Benches along the walking trails; more landscaping, some plantings in the parks.
- ❑ Wildflowers.
- ❑ Maybe some nice flower baskets, ornamental trees, Christmas decorations or lights, or general beautification of the city (not just big trees).
- ❑ All groups who go around the lake pass our very visible Wildwood Park, and it should look nice. Better maintenance needed: park is never raked, and heavy leaf mulch has killed grass. Whoever mows the park should get off the heavy machine and pick up sticks and branches. Branches are piled by trees. Weed control needed.
- ❑ Community garden.

### **Welcome Usage:**

- ❑ How to get kids doing things out side more?
- ❑ We now have a lot of younger families moving into Birchwood. We need to provide well-maintained playground equipment and keep up the ballfield, soccer area, and skating rinks in Tighe-Schmitz.
- ❑ A more welcoming feel for use by people who don't live next to the park areas. Right now they are made to feel as if they are the personal property of the direct neighbors and others are not welcome (especially kids) to gather there and utilize the space.
- ❑ Using what we have – some things lie idle almost all the time (so is it time to phase them out?)
- ❑ We as tax payers should be allowed to use ALL the city property.

### **Keep & Maintain What We Have:**

- ❑ No issues, no concerns. No improvements, maintaining & enjoying how they are, no need for more concrete. Move to St. Paul or Woodbury if you want more concrete and fences.
- ❑ Parks are informal – low key – but not adequately maintained.
- ❑ Better care of our natural areas (not just hard infrastructure).
- ❑ Make our parks even better.
- ❑ Current resources need better maintenance – especially trails.
- ❑ Do not add anything new. Just replace rundown existing amenities. Please try to keep up what we have.
- ❑ City needs to do more with tree trimming.

***Improve Signage:***

- ❑ Knowing what areas are around.
- ❑ Put up ***signs*** pointing to where each Park is. We never could tell where they are. Thanks for the map.
- ❑ Need new signage. Signs are old out of date and rusty. Looks bad
- ❑ Signage is in need of updating. They are rusty and look bad.
- ❑ Fewer, but nicer and more natural looking signs.
- ❑ Public vs Private land more clearly defined.

***Docks:***

- ❑ Let's keep the current status; no going back to the dock association disagreements. Easements are all Birchwood's property and the city's responsibility to govern.
- ❑ I like the city policy that docks are for all residents to use.
- ❑ Small docks. With potential of more future use, it would be nice to have a wider dock space with more sitting space at the end.

## **New Resources – New Activities:**

### ***New Walking Paths***

- ❑ Nicer walking trails- I love the path that cuts through the woods & the one that goes up the hill by Owl street & through Nordling park - MORE of those kinds of places / paths.
- ❑ I really appreciate the walking trails and wish there was an even more comprehensive walking trail - not sure if we have the acreage for this, but it would be great.
- ❑ Provide a map to citizens about walking paths / how to "walk Birchwood".
- ❑ "Trekking Birchwood" can identify walks even beyond the village, e.g. to Hidden Park, Century College playing fields, Katherine Abbott Park, Park off Wedgewood Drive, Bossard Park, Bellaire Park.
- ❑ More walking paths.
- ❑ Longer walking paths.
- ❑ Make walking trails on all unimproved platted roads.
- ❑ Would love to see the easements and right of ways that the city currently has developed into more walking paths. These paths and easements are gems in our community, and a number of them have not been developed. They should be made available for the community to use.
- ❑ Walking path established, added and extended behind Brooks and McCormick's property (not sure if it is Ash or Birch walkway).
- ❑ Ash Trail should be extended across Birchwood Avenue and connect with Birch Street.
- ❑ Add a walking trail on the right-of-way behind Birchwood Ave.
- ❑ I would like to see the Ash Trail continue across Birchwood Ave. and open up an extended walking trail that would cost next to nothing to do.
- ❑ Extend the Ash trail across Birchwood Ave and use our existing open spaces. It is insanity that these are not utilized.
- ❑ Open up Ash easement to create another longer walking loop.

### ***Safe Biking/Walking Paths***

- ❑ Create a bike path or walking path (paved) that goes around the edge of Tighe-Schmitz park (a safe place for kids to ride bikes, scooters, & people to walk).
- ❑ I would also love to see bike/ walking paths put along busy roads, as they are now currently dangerous to walk along with the car traffic.
- ❑ Walking and biking path so the kids can safely get to parks and tennis courts.
- ❑ Let's make better/safer walking/biking paths in Birchwood.
- ❑ Safe walking trail along Cedar, Hall, Birchwood for pedestrian and bikes.
- ❑ Safe walking path along Cedar, Hall, Birchwood - it is really dangerous to be walking along there and for drivers who have to veer into another lane to avoid pedestrians.
- ❑ The Newsletter can inform residents of driving speeds once again, so safe walking/biking can be done.

**New Bike Trails**

- More bike trails.
- Paved pathways that one can push a stroller.
- Pave bike trail at Tighe-Schmitz.

**Easement Beaches:**

- Swim out raft.
- Sand at beaches.
- Easements / Beaches could use some fresh sand on the shore for beach goers to enjoy.

**Easement Upgrades:**

- Each easement should have a picnic table and a bench.
- All the picnic tables and benches in all the parks are in shambles. Need to replace with maintenance free.
- There are no picnic tables at easements.
- Put in more areas to sit at some of the parks.
- Possible additions for benches or picnic tables.
- Trash and recycling cans.
- Open easement between Oakridge Drive & E. County Line to foot traffic – improve safety!
- More Benches by the beaches so you can just sit and watch the water and the boats.
- Picnic tables at the easements.

**Ash Beach:**

- We use Ash easement the most. It appears neglected in comparison to the others. It is mowed regularly, but that is it. The rock 'steps' to the beach could be made safer for access.

**Kay Beach:**

- Have a Porta-Pottie by Kay Beach during summer months. Families with small children should have access to bathroom facilities by the city's designated swimming beach and playground.
- Make Kay Beach look like a Park – sand raked periodically, bushes trimmed back.
- Need fresh sand @ the parks & possibly the beach. Clean up Kay beach.
- Swim buoys installed at Kay Beach.
- Make Kay dock more stable. It needs longer poles? The cinder block remedy is a bit more injury prone.
- Trash cans at Kay beach and Playground area of Tighe Schmitz. More Benches by the beaches so you can just sit and watch the water and the boats.

**Dellwood:**

- New Dellwood picnic table/bench upgrades at lake easements.
- A nice picnic table at Dellwood.

**Music in the Parks:**

- ❑ Birch and Dellwood easements as well as the picnic/playground area of Tighe-Schmitz park need access to electricity for summer “Music in the Parks” series – as well as other possible community events.

**Kayak/Canoe Racks:**

- ❑ Need more.
- ❑ More canoe/kayak racks.
- ❑ Kayak racks at Kay Beach.
- ❑ More usable kayak/canoe racks (ones not located too high to access or hidden in tree branches).
- ❑ Challenge: easily accessible kayak slips. We have a large kayak and by the time we brought it down nearly all slips on all beaches were taken. Remaining spots were very difficult to access. Can the slips be moved for easier access or can more be added?

**Tennis Courts:**

- ❑ Tennis courts need new, *real* court surface. Get rid of sport court thing! This is the 2<sup>nd</sup> most utilized public space & we would donate \$\$ if a new proper surface was put down.
- ❑ Need a tennis wall to hit against.
- ❑ Even though it's been a while since we have used them, we both enjoy having high-quality tennis courts nearby and hope to use them with our kids as they grow older.

**Volleyball Court:**

- ❑ Get the sand volleyball court back in operation. It used to be a great spot for older kids and families.
- ❑ No volleyball court any more.
- ❑ All 4 of us would like to see the completion of the sand volleyball court.
- ❑ Would love a sand volleyball court area.
- ❑ Completion of volleyball court at Tighe Schmitz (adult).
- ❑ Tighe-Schmitz volleyball courts.
- ❑ Fix up the volleyball court area.

<p><b><i>New Activities:</i></b></p>
<p><b><i>Multiple Suggestions:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> More activity areas for teens (climbing wall, skateboard park, gaga pit, etc.)</li> <li><input type="checkbox"/> New piece of equipment (gaga pit or something for older kids) at park.</li> <li><input type="checkbox"/> It'd be neat if there were some activities on the easement grass areas: frisbee golf, horse shoes, bocce ball court... that type of thing.</li> <li><input type="checkbox"/> More options for middle school kids, (volleyball, tetherball and improved basketball hoops)</li> </ul>
<p><b><i>Horseshoe Pits:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Horseshoe pit by tennis courts.</li> <li><input type="checkbox"/> Horseshoe pits.</li> </ul>
<p><b><i>Pickle Ball Court:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Pickle ball lines on the tennis courts.</li> <li><input type="checkbox"/> Pickle ball court is desired.</li> <li><input type="checkbox"/> Pickle ball court.</li> <li><input type="checkbox"/> Add a pickle ball court (in the hockey rink?).</li> </ul>
<p><b><i>Pleasure Skating Rink:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> The pleasure rink was nonexistent this past year.</li> <li><input type="checkbox"/> A well-kept pleasure skiing rink.</li> </ul>
<p><b><i>Tether Ball:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Tetherball added at Tighe Schmitz.</li> </ul>
<p><b><i>Swimming Pool:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Swimming pool/pond.</li> </ul>
<p><b><i>Band Shell or Covered Picnic Area:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Band shell or large covered picnic area with fireplace.</li> </ul>
<p><b><i>Family Movie Night at the Park:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Family movie night in the park! Much like music in the park but Saturday evenings at dusk.</li> </ul>
<p><b><i>Art in the Park:</i></b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Art classes, plein air painting, for adults and/or kids. Could be a good complement to the music in the park series.</li> </ul>

**Winter Sledding Hill:**

- ❑ Turn the hill connecting upper and lower Birch St into an official park and maintain/light it for winter sledding. In the 70s this was a hugely popular sledding hill for kids.

**Natural Playground:**

- ❑ Is the space where we gather after the parade a 'park'? Maybe create some natural playground features like what is at Wildwood Elementary School (Mahtomedi)?

**Vegetable-Flower Cutting Garden:**

- ❑ Community vegetable garden and flower cutting garden at Tighe-Schmitz.

**Apiary:**

- ❑ Apiary (I know, lawsuits could impede this.)

**Destination Playground Equipment:**

- ❑ Dream #1: Destination playground equipment (equipment to support a single purpose).

**Second Hockey Rink:**

- ❑ An additional hockey rink at Tighe-Schmitz. The individual rink tends to be occupied by older kids for pickup games, it'd be nice to allow younger kids the space to skate/play hockey.

**Outhouses:**

- ❑ If we improve these areas and make them useful – I would hope we have decent outhouses to go along with it.

**Striped Paths:**

- ❑ Would be nice to have a designated path striped on street.

**Poop Bags:**

- ❑ Poop bags at all parks to encourage people to pick up after dog. We already carry our own, but **this would provide no excuses for not cleaning up!**
- ❑ Dog poop bags dispensers placed along the walk areas.
- ❑ Dog owners are responsible and pick-up after.
- ❑ Keep dog dew out of Tighe-Schmitz.
- ❑ Keep dog dew off playground equipment.

**Parking:**

**Skateboard Park:**

- ❑ Dream #2: Skateboard park.
- ❑ Skatepark.
- ❑ Would the rink be suitable as a skate board area?
- ❑ A small skatepark near the hockey rink would be a great addition to Birchwood. The costs are relatively cheap as well.
- ❑ A skateboard/rollerblade/scooter/bike park somewhere in Birchwood!

**Playground Safety:**

- ❑ Safety compliance in playground areas.
- ❑ Concerns over playground safety violations.
- ❑ New infant swing seat which meets safety compliance guidelines.
- ❑ Upgrade playground equipment.
- ❑ Children play grounds updated - safer.
- ❑ The equipment at Blomquist is extremely limited and has very few safety features such as railings and hand bars. New up to current code playground equipment should be available at every park. A couple of swings would be good.

**New Playground Equipment:**

- ❑ New playground equipment.
- ❑ New or cleaned up playground equipment - for all ages - young to older kids.
- ❑ Playground equipment for bigger kids and a higher pull up bar.
- ❑ New and improved children's playground equipment at Bloomquist.
- ❑ The playground at TS park needs new equipment and the area around the equipment needs redoing.
- ❑ Updated play equipment for kids.
- ❑ Updated play equipment at Bloomquist or Tighe - Schmitz or both!
- ❑ Upgraded, accessible/universal playground equipment. (More specifically: redo the swings in Tighe-Schmitz playground to remove timbers (hazardous to children on swings and creates non-accessible space) and put in universal swings).
- ❑ The playground toys are very limited. The slide collects water at the bottom. I have to bring a rag to wipe it off. There are no toys for children under the age of two. Swings with baby seats would be a wonderful addition.
- ❑ Playground equipment is for younger kids (at park across from city hall - no swings, zip line, low monkey bars).
- ❑ Added equipment for 10-14-year-olds.

**New Rules:****Public Spaces:**

- I would like to see public spaces such as old road plats marked so folks understand public vs private areas. There are some homeowners who try to camouflage public property and appear to claim it for their own. I have had homeowners kick me off what I believe to be public property.
- We also have too many people from outside areas using our beaches and parks - increased parking and traffic in the summer.

**Boat Docks:**

- Increase boat lengths to 20 feet max and allow canopies for lifts. I already have **bunks(sp?)** on lifts & find it harder/unsafe to put cover on boat.
- Challenge: The continued push against Birchwood residents putting boats on docks at a reduced price.
- Change: Transparency on the Dock Association's part and publishing the process. Routinely examining the dock access process every few years to make sure it is still a fair process (it seems to be now).

**Off-Leash Dogs:**

- Ability to allow dog off leash in park with use of electronic collar and full control of our dog.
- More attention to leashing dogs.
- Also, enforcement of leash laws in and around parks/beaches and streets.
- Enforced leash laws. I want to walk my dogs (on leashes) without being approached by other non-leashed dogs. My dogs are always leashed and not necessarily dog friendly, so we do not want to be approached by non-leashed dogs when walking at parks, beaches, walking paths, streets, etc.
- Big problem with dogs off leash at beaches and parks. Beaches have become off leash dog parks. People do not clean up after their dogs.
- Dogs should not be allowed at beaches or parks on or off leash.
- WAY too many people with unleashed dogs at Kay beach. Frankly, I haven't seen a single dog ON a leash at Kay beach in 3-4 months.
- Remove dogs from Kay Beach. With the number of kids that swim and play in the sand it is not a healthy or safe situation. Most dogs are not staying on leash.

**Deer:**

- Deer should be culled.

**Cats:**

- Cat owners keep them inside – no roaming cats.
- 

**Parking:**

- Need clarity and consistency on parking tickets in Birchwood - 9pm vs 2am.

**Maintenance Volunteers/Communications: (Keep as a voting item.)**

- ❑ Please improve communication with neighborhood about how we can help with the parks. If there were standing maintenance days a few times a season I could plan my schedule to participate.
- ❑ Maintenance and responsiveness/information solicitation/outreach to the community. Particularly as many new and young families with children are moving into Birchwood.
- ❑ I know our family would be happy to help / volunteer to fix things up.
- ❑ Volunteer to keep grounds clean, kind of like "Adopt a Park". Families could sign up for 1-month duration.

***Dog Park (5 for, 4 against):***

- ❑ Dog park should be added.
- ❑ Add a dog park.
- ❑ As the owners of two yellow labs, we would be interested in a dog park, if the location/area is suitable and it makes sense.
- ❑ I would love a dog exercise area if it is secured/fenced.
- ❑ I think the baseball field and backstop should be abandoned and changed into the dog park area. To have the dog parks behind the village hall would be a lot of work when you already have the baseball field that can easily be changed over. The baseball area is an eyesore place that no-one has used for years. The two dog park areas by the village hall would be full of mosquitos and wood ticks.
  
- ❑ Dog park is a bad idea.
- ❑ No dog park.
- ❑ A dog park would also be horrible as we cannot even maintain what we already have.
- ❑ We don't need a dog park. We need to update and clean our exciting parks!

## Strategy

### **Need for Parks Committee:**

- ❑ We believe the Parks Committee is vital to ensure residents know with whom to voice their concerns.
- ❑ The Parks Committee, consisting of multiple people with different viewpoints, is vital to ensure all Birchwood residents are treated equally. Additionally, to ensure residents believe their concerns are heard by people who can do something about it and will make it a priority amongst everything else going on in Birchwood.
- ❑ The Parks Committee will ensure appropriate action or non-action is taken.
- ❑ Making sure the parks and equipment reflect the resident's evolving needs.
- ❑ This means a balancing of traditional resources versus an aging population and/or new families moving into town.
- ❑ Be careful that the people who are affected by decisions made are properly heard and not simply outvoted by others who do not have to face the consequences of the decision.
- ❑ Practices that are environmentally sound.
- ❑ If we have these resources, then let's designate money to maintain for its designated use. I think we should define a designated use for each park and then maintain the park for that objective (e.g. tennis, open space, skateboard, swimming). Not every park can serve multiple uses. Determine the highest and best use that meets citizen interest, and then maintain the park or easement for its use. It may be necessary to contract out maintenance if no volunteers can be found on a regular basis.

### **Preservations:**

- ❑ Preserve natural woodland and wetland where possible.

### **Focus:**

- ❑ Lack of **focus** by previous parks committee. Make Kay Beach/Tighe-Schmitz the **focus** area. Create dog friendly parks and walking paths – poop bag dispensers and allowing dogs **room** to exercise (not the dinky dog parks being proposed).
- ❑ Ongoing upkeep and improvements are necessary. Long term visioning creates focus for effort and expenditures.

### **Maintenance Plan:**

- ❑ A detailed plan for maintaining our parks, easements, and trails exists. John Lund can update the Parks Committee on this plan.
- ❑ The last survey conducted by the Parks Committee showed that Birchwood residents really use and appreciate our parks and open spaces. My main interest in the formation of the Parks Committee years ago was that the parks be maintained.... Park benches painted when need be, invasive species removed, paths maintained. At the time, the parks budget was pretty small. A mistake, I thought, for taking care of one of the aspects that makes Birchwood so special. Birchwood needs to CONSISTENTLY maintain what it has. This has been a problem in the village for a long time.

**Universal Design Elements:**

- ❑ I would also like to really encourage the council/parks committee to incorporate universal design elements in the park so that children and adults of all abilities are able to play together without barriers. Here is a great example of an inclusive playground built in Portland: <http://harpersplayground.org/>

**Invasive Species:**

- ❑ Residents should be encouraged by information and "incentives" to eliminate invasive plants from their properties: e.g. buckthorn and garlic mustard.

**Fiscal Management:**

- ❑ Don't waste my tax money.
- ❑ Keep Birchwood an affordable place to live by keeping spending under control.
- ❑ I appreciate our low taxes, but more \$\$ should be spent on upkeep around town - I don't mind slightly higher taxes or even if it was a fund we could choose to donate to - Say, \$50-\$500 annually for various projects.
- ❑ I would like to see some money allocated toward improving and maintaining the parks and facilities and not just a reliance on volunteer help.
- ❑ If appropriate, hire a maintenance person.
- ❑ Make smart investments that create the most long-term value for the city. Bare minimum investments with mostly volunteer labor are not always the best solution and sometimes create more problems than they solve.
- ❑ It is time to spend money to improve our wonderful amenities, not everything can be done with volunteers.
- ❑ Maintain the parks in a cost-effective fashion.
- ❑ City carrying dock liability insurance now that increased access by all residents.
- ❑ Allow local sports teams to use the Tighe - Schmitz soccer and baseball fields for revenue.
- ❑ Working together collaboratively to obtain funds to actually improve something or adding new equipment.
- ❑ Budget is too sparse.
- ❑ More upkeep necessary.
- ❑ People willing to have taxes increased to cover cost.

**Maintenance Grants:**

- ❑ Make funding available and actively pursue grants to make improvements and maintain existing areas.

**Concerns:**

- ❑ Senior male adult leaning on playground equipment at Tighe-Schmitz park frequently. May be of concern to young families wanting to use the playground.
- ❑ There is old gentleman that many of us have seen around Tighe Schmitz Park. He moved in 50 years ago, when he was 27. Tighe Schmitz wasn't a park and was a nature preserve back then. He was not happy when they started turning it into a public park 45 years ago, and he's been upset about it since. He said it is, "like the projects", as it disturbs his "peace and tranquilly at his house because what we hear (children playing in the background of our conversation) comes right into my house." He does his best to make it uncomfortable for families that use it but we will continue to do so. Unfortunate.
- ❑ There's a creepy guy who lives behind the playground and Tighe Schmitz. Is there any way to send him to adult day care or something? I don't like him near my kid.
- ❑ I do not feel safe in Blomquist Park with my granddaughter. It is extremely isolated. When I talked with two park committee members about this, they mentioned the neighbors like the overgrown brush and shrubs for visual reasons and to keep the noise down. The neighbors purchased their homes knowing the community park was there. We have noise ordinances. Children playing and laughing are some of the most beautiful sounds around. Some of our newer residents didn't even know there was a park by the tennis courts. Additionally, the park clean up found poison ivy on the park. Children might run after a ball and contract poison ivy. That is an issue to consider.
- ❑ No sidewalks or safe way to get between playgrounds/parks. Bigger issue, but we do not currently let our kids go between parks without supervision because of lack of sidewalks - no great way to bike because roads are narrow and cars go fast down Birchwood Avenue now with new stop signs. May have slowed on Hall Avenue, but traffic increased on Birchwood Ave by city hall.
- ❑ Paved walkways would be a significant improvement. Pushing a stroller on any of the paths is an extremely unpleasant experience and they are not handicapped accessible. With no sidewalks and no paved paths, taking an infant or toddler for a walk is not an easy nor safe experience. To walk to the beach park is unsafe.
- ❑ If there is any consideration about replacing equipment in the playground area, my husband has mentioned that he doesn't feel like the swings are safe (he feels the bars are too close to the swing path), and we both feel that the timbers framing the swing area on the ground are too close/not safe. I have witnessed a young girl fall off the swing and narrowly miss hitting her head on the timbers.
- ❑ The city needs to patrol the docks more since now all residents can use them.
- ❑ Traffic. With 5 easements to the lake and the FOOT traffic that creates, auto traffic is a concern. Speed limit signs should be visible (branches trimmed back) and strategically placed. White crosswalk paint continually maintained.
- ❑ Beware of continuous development and addition of facilities that will contribute to light and noise pollution. Preserve as best we can the character of Birchwood.

### **Maintenance - General:**

- ❑ I prefer the parks the way they are: but, they should be ***maintained better***.
- ❑ I'd like to see a regular maintenance schedule established for the parks in general and the park facilities specifically. The tennis courts, for example, should get new nets and pavement patching done on a regular basis, not just on a reactionary basis.
- ❑ Upkeep.
- ❑ Better maintenance. Taking care of what we have.
- ❑ Lack of maintenance. Lack of care, unkempt appearance.
- ❑ Let's keep up/maintain the parks we have.
- ❑ Get rid of the weeds/burrs!
- ❑ Better maintenance please. Fields over grown.
- ❑ Maintenance and upgrades.
- ❑ Better maintenance, tree trimming, weeding, etc.
- ❑ Get rid of weeds at all parks/easements. have a walking path again in TS.
- ❑ Most areas seem to be barely maintained.
- ❑ There are numerous areas where lack of maintenance is an issue.
- ❑ Improve on continuing and ongoing maintenance.
- ❑ We need to preserve or replace what we have to keep our parks looking good.
- ❑ Just maintain the current level of upkeep and development.
- ❑ Long list of repairs and enhancements.
- ❑ General weed control and maintenance.
- ❑ Remove some of the trees that were planted by the park, eventually it will make it difficult to see kids for safety reasons.
- ❑ The parks and natural areas appear neglected. Only very basic maintenance occurs. Weedy areas take over.
- ❑ Maintenance issues. It seems things are done to improve the parks and then they are not maintained. i.e. - the walkway at Tighe Schmitz, the wildflowers and trees planted at Nordling Park, buckthorn removal in other areas that is not done properly so the buckthorn grows back.
- ❑ We must keep parks, easements, and walking paths well maintained.
- ❑ Better maintained. Too much overgrowth especially at the beaches.
- ❑ Maintain removal of Buckthorn and other noxious weeds.
- ❑ Remove buckthorn.
- ❑ Our parks are not kept up! Walking paths are a mess! Steps are full of weeds. Garbage at the parks. Overgrown tennis courts. Playgrounds aren't kept up. Playgrounds need updating. Fields are under water. Hockey rink is never open when it should be. Dog feces always left behind. Dogs re always odd leash. No lights. Overgrown beaches. Docks aren't safe. Baseball field is 90% unusable. Money needs to be spent to update our parks. We cannot depend on volunteers!
- ❑ Clean up so we can use them!!! The soccer field is always underwater, the baseball field is overgrown, the hockey rinks never have attendants and is always closed, the tennis courts have weeds and are uneven, the walking paths are weeding and full of dog feces, the docks are broken....please spend money and clean up the parks and do not depend on volunteers.

### **Maintenance – Walking Paths**

- ❑ Improve walking paths.
- ❑ Upgrade the trails.
- ❑ Trails.
- ❑ More walking trails! Sidewalks would also be nice.
- ❑ Better maintenance on the current walking paths, especially grotto steps.
- ❑ I would like to see the paths woodchipped again.
- ❑ Trails: put down additional wood chips.
- ❑ WALKING PATHS in our town on the roads or at least cleaning the debris off the sides of the roads. Cutting back weeds/trees for safe walking and hiking.
- ❑ I would like to see the walking trails maintained. Right now, it is hard to push a stroller through without the weeds along the trail pulling on the strollers.
- ❑ Walking paths should be woodchipped and brush kept clear for safe walking/biking
- ❑ One is very limited in options for a walk with an infant or toddler without walking or crossing Cedar/Hall. Paved paths would allow everyone access to a safer walking environment. Parents could then walk along quieter streets along the paths.
- ❑ Repair the walking path that we spent money on to put in.
- ❑ Tighe-Schmitz park trail cleaned up.
- ❑ Keep steps from White Pine lane well-trimmed - lots of people push strollers.
- ❑ Maintain bike trails.

**Birch Beach:**

- ❑ Some regulations not being adhered to - golf cart on beach as example.
- ❑ Rain garden not maintained, not pumped out- retaining wall removed. (Can Shifsky pump it out?)

**Hockey Rink/Basketball:**

- ❑ There needs to be someone managing the overall skating rink.
- ❑ The hockey rink needs cement repairs, weeding, & painting to go with the **awesome** warming house! This is the most utilized public spot we have & kids, teens, adults are using it as soon as ice can be made. **Make it your #1 priority!!**
- ❑ Even hockey rink and warming house starting to look dated.
- ❑ Ice house/ice maintained in winter.
- ❑ Keep up the new warming house.
- ❑ We both love the hockey rink and warming house. Really disappointed to hear that it is closed now.
- ❑ Figure skating area is uneven. Hockey skaters dominate the rink.
- ❑ Replace basketball nets at hockey rink.
- ❑ Painted basketball lines and better hoops in the rink.
- ❑ Better basketball backboards in the skating rink for summer (13-year-old).
- ❑ Improving the basketball hoops / courts in the skating rink, possibly painting some court lines.
- ❑ Also, would like to see the basketball court painted with lines and new nets.
- ❑ Basketball hoops fixed up.
- ❑ Better basketball hoops.
- ❑ Ice maintenance.
- ❑ Need to hire a good hockey rink manager. The past 2 years the rink has not been kept up like it has been in past years.
- ❑ The rink is great but might need some repair with boards.
- ❑ The ice rink was not maintained last year and was unusable.
- ❑ Be maintained for use - addition of basketball nets.
- ❑ Updated / replaced basketball backboards at the skating rink at Tighe-Schmitz park would be really nice.
- ❑ No basketball nets in hockey rink for summer use.
- ❑ Please keep an eye on the condition of the cement in the hockey rink as there is cracking which could affect basketball playing.

## Maintenance – Parks

### **General:**

- Our parks are a great asset to our community, but they are not maintained or kept up at all. Each week the grass is mowed and that is all that is done to maintain our parks. All the parks, especially Tighe Schmidt, are full of weeds.
- I like the current parks but they need serious updating.
- Regular maintenance that makes the parks inviting to young families.
- Keeping parks clean, mowed and accessible for all to enjoy.
- Open views of park enhance safety and allow residents to see who is in the park before they round a corner.
- I would love to have fewer weeds in the parks, continue maintain the surfaces so it feels welcoming to young families that continue to visit parks.
- Parks are not being maintained or monitored by staff so that mowing/weed-whacking cleanup occurs.
- General up keep of our parks. I spent about 2 hours weeding the sand around the playground and did not quite finish.
- More and better benches in parks and public spaces.
- Let's make it safe, accessible and with age appropriate equipment for all children.

### **Bloomquist:**

- The Bloomquist cleared area is not very big.
- Swings at Bloomquist.
- Add swings to Bloomquist park.
- Playground doesn't work for toddlers.
- Equipment gets too hot.
- Needs swings for both abled and disabled kids.
- Bloomquist is too private and feels dangerous, woods need thinning.
- Bloomquist park is hidden and people don't know it exists.
- I am disappointed with the limitations and upkeep of our parks. The shrubs around Bloomquist park are overgrown to the point of my being concerned as to what we may come upon when we get there.
- Tennis courts need weeding yearly clean up.
- Creating a better/safer entry into Bloomquist Park (easier for strollers, wagons, wheels) Right now, it's awkward to enter/exit by the Cedar/Birchwood intersection. Traffic isn't aware of the park entrance, so they move fast through there making it unsafe. The crosswalk by Oakridge Drive is a lengthy distance west and pedestrians have to travel on the narrow shoulder next to traffic to reach the park.

### **Nordling:**

- I would like to see more maintenance and care in Nordling Park. This would include the end of Birchwood Ave leading up to the trail, the trail, and the vegetation.
- Despite efforts to control weeds & replant in Nordling Park, it seems to be overgrown.
- Paths need to be re-chipped.
- Mow right of ways for safer walking.
- Add a street light or some sort of lighting in Nordling Park.
- Nordling Park Walkway after a rain can be flooded with water and un-passable.

**Soccer Field:**

- ❑ The soccer nets need replacing.
- ❑ Mow the soccer field.
- ❑ Would like to see the soccer field cleaned up and made more useable.
- ❑ Our girls did not use the soccer field as it was under water most of the summer. Additionally, the walking path is overgrown and needs regular maintenance.

**Ball Field:**

- ❑ Would like to see the baseball area cleaned up and made more useable.
- ❑ Maintenance of the baseball diamond (fencing is falling down & doesn't meet the ground so balls roll under & weeds-gravel are not maintained).
- ❑ The Tighe-S "ball field" has had little use in recent times because of wet conditions and perhaps other reasons. Possible future uses should be evaluated and work done to make the area suitable for those uses.
- ❑ Have the baseball field dragged so kids could use it. Repair the backstop.
- ❑ Weeds on the softball (kickball) field (10-year-old).
- ❑ The Tighe-Schmitz ballfield should either be maintained or demolished.
- ❑ I also think that it would be nice to weed the baseball field and repair the fencing.
- ❑ No bases on baseball field/diamond (we've purchased some and used for practices).
- ❑ Improve/maintain the baseball/backstop would be a bonus.

**Halls Marsh:**

- ❑ My biggest issue is the illegal dumping in the Hall's Marsh. There is a Totem pole in there, cut decorative birch branches non- native perennial plants from people's homes. There looks like someone has cleared out trees from the marsh. There was also asphalt dumped in it last year. There is a lot of garbage that also ends up in it. We need to educate people on the natural benefits of the Hall's Marsh and to respect it and to keep it clean.
- ❑ A 'dock' or something that goes into Hall's Marsh, with some explanation of the geology/plant/animal life there; it wouldn't have to go too far (20-30 feet).

**Playground Equipment**

- ❑ Play structures are old and outdated. New gravel/mulch is needed as well.
- ❑ Park equipment upkeep.
- ❑ Playground equipment is worn / written on / outdated.
- ❑ Maintenance of existing equipment in the parks.
- ❑ Update the playground equipment.
- ❑ The jungle gym and swing set need replacing.
- ❑ Playground needs to be cleaned, repaired, replaced / updated. New sand and gravel needs to be put around playgrounds.
- ❑ We would like better maintenance of the playground area in Tighe-Schmitz park. More sand needed, etc.
- ❑ Removing weeds and vulgar graffiti on Tighe Schmitz playground equipment.
- ❑ "Cleaning up" / improving the playground equipment.
- ❑ If or when the sand is replenished at the playground, our 11-year old thinks it should be finer grain vs. the pebbles.

### **Tighe Schmitz Flooding/Drainage:**

- ❑ Flooding in Tighe-Schmitz park.
- ❑ Natural areas stay the same but Tighe Schmidt needs an uplift. Raise the bog to make useful. Two bonuses: a usable baseball field and a volleyball court would be fun!
- ❑ Flooding of soccer field.
- ❑ Improve water drainage at Tighe-Schmitz park.
- ❑ Drainage – causing mosquitos and making path inaccessible. Fix the drainage and place more gravel in parking and walk paths (gravel, not sand).
- ❑ Need to fill fields so they don't flood.
- ❑ Be able to walk in the park after a rain storm (prevent standing water).
- ❑ I would like to have the water drained from Tighe Schmitz park. People walk down from the White Pine Lane trail, and often when we get to the park, it is swampy.
- ❑ Drainage issues at Tighe-Schmitz.
- ❑ Water saturation of Tighe Schmitz Park areas make it less usable and appealing.
- ❑ Drainage of parks.
- ❑ Repair drainage on soccer fields especially place where walking path ends off Grotto Street.
- ❑ Tighe Schmitz becomes very swampy after a heavy rain.
- ❑ Tighe Schmidt needs to be raised to be usable.
- ❑ Tighe Schmitz park playing field is always so wet! Too wet for a picnic. Too many mosquitos (not much we can do about that one).
- ❑ Tighe Schmitz drainage is an issue; resolving it would make the park more usable.
- ❑ Tighe-Schmitz Park field is often under water and unusable.
- ❑ Drainage issues and weeds.
- ❑ Water/puddles at Tighe. Fields wet for days.
- ❑ Tighe-Schmitz water issues remedied.
- ❑ Standing water in TS park after rainfall.
- ❑ Soccer field is wet for days after a rain (13-year-old and adult)
- ❑ Try to "dry out" soccer field and softball field at Tighe-Schmitz.
- ❑ My biggest complaint would be the flooding with rains. I don't like the kids to play in the fields because they always seem to be muddy.
- ❑ I would like to see Tighe-Schmitz park drain properly so that it is usable in the non-winter months. Kids/adults.
- ❑ The soggy water in the open field. It is not useful for days even with a normal rain fall. Fixing this would be great, our number one!
- ❑ Agree on the soccer field/playground/trails near Tighe-Schmitz being soaked for days after a hard rain. Makes it difficult to play.
- ❑ Grotto to Tighe-Schmitz is often wet.
- ❑ Improve grading and drainage to make Tighe-Schmitz an all-season/all-weather park.
- ❑ How muddy / wet it can be at Tighe-Schmitz. It'd be nice if something could be done to keep this park usable in the wetter seasons!
- ❑ Maintaining and managing water runoff. Providing useable space year-round.
- ❑ Acknowledge Tighe-Schmitz is a natural wetland and restore portions to natural state.

# MEMORANDUM

DATE: November 14, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Birchwood Dock Association (BDA)



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Dear Mayor and Council Members,

According to Section 617 Public Lake Tracts, the Birchwood Dock Association (BDA) is required to present its Dock Permit Application to the City Council for review (enclosed).

Additionally, at the conclusion of the October 25, 2017 City Council workshop with the BDA, it was concluded that the City Council would continue the discussion started in that meeting in tonight's meeting.

Please find the following materials enclosed for your continued discussion:

- 1) BDA's Dock Permit Application
- 2) Minutes from the Oct 25, 2017 Workshop – see page **XX**

### **Recommendation/Request**

Staff requests Council:

- 1) Review and approve the enclosed BDA Dock Permit Application; and
- 2) Authorize the BDA to obtain Dock Permits with the WBLCD.

Thanks!

Regards,  
Tobin Lay

**APPROVAL FORM FOR ASSOCIATION DOCK PLANS  
CITY OF BIRCHWOOD VILLAGE  
(TO BE SUBMITTED TO CITY CLERK PRIOR TO OCTOBER 25, 2010)**

Date 10-10-2017

Beach Association Name Birchwood Dock Association

Beach Association Contact Person Lynn Hanson

Phone # 651-426-0848

Beach Association Officers:

President – Mike Evangelist Phone # 651-605-5873

Vice President – Chris Churchill Phone # 651-429-7915

Secretary – Mary Sue Simmons Phone # 651-429-6259

Treasurer – Lynn Hanson Phone # 651-246-0848

Member At Large-- Debra Harrod Phone # 612-246-4612

Amount of Association Dues: \$35 - \$650

Include the following when submitted form:

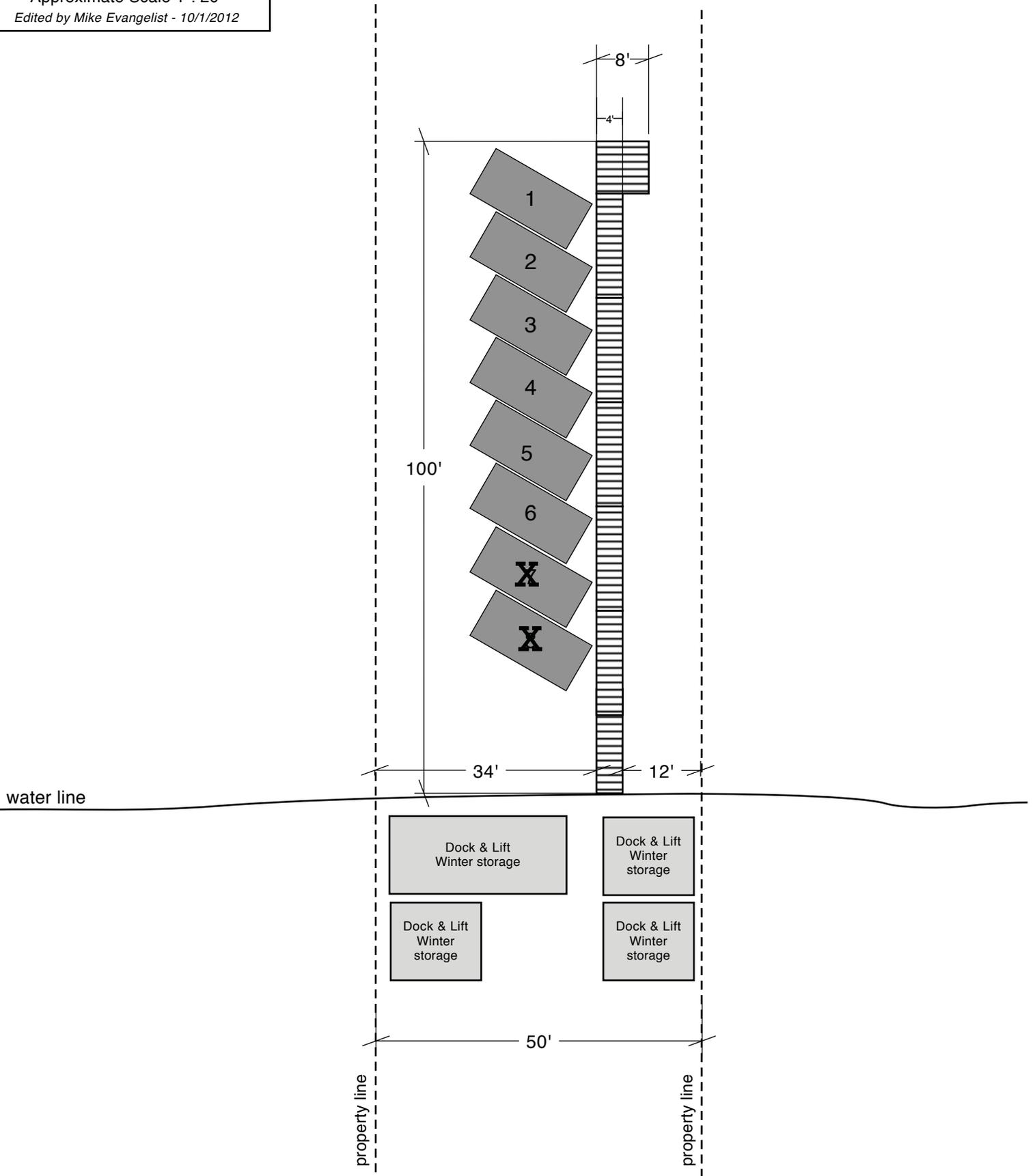
1. Drawing to scale of dock configuration, boat slip placement, length of boats, and property lines of easement.
2. A current membership list including identification of officers.
3. Current bylaws/changes of association.  
**(NOTE: ONLY NEEDED IF CHANGES HAVE BEEN MADE.)**
4. Treasurer’s report from the current year.
5. Minutes from the last annual meeting.
6. Placement plan if lifts are stored on easement in the winter.

Beach club members with boats or lifts at any of the easements are reminded that a certificate of liability insurance is required to be turned into City Hall by May 1<sup>st</sup> of every year.

**IS THERE A CHANGE FROM PREVIOUS YEAR? X YES        NO  
*7 vs 6 boats at Dellwood***

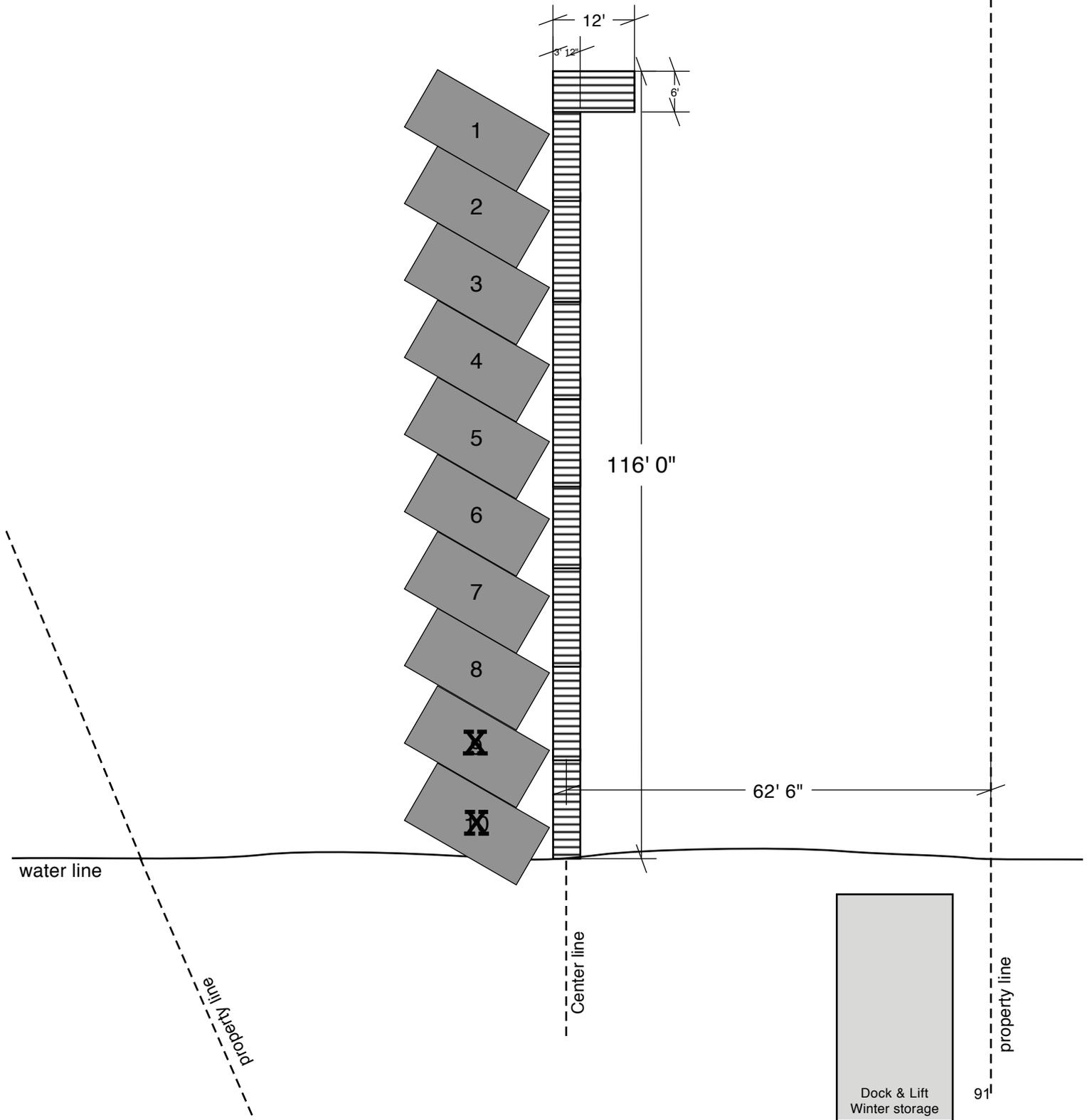
# Ash Beach

Approximate Scale 1": 20'  
Edited by Mike Evangelist - 10/1/2012



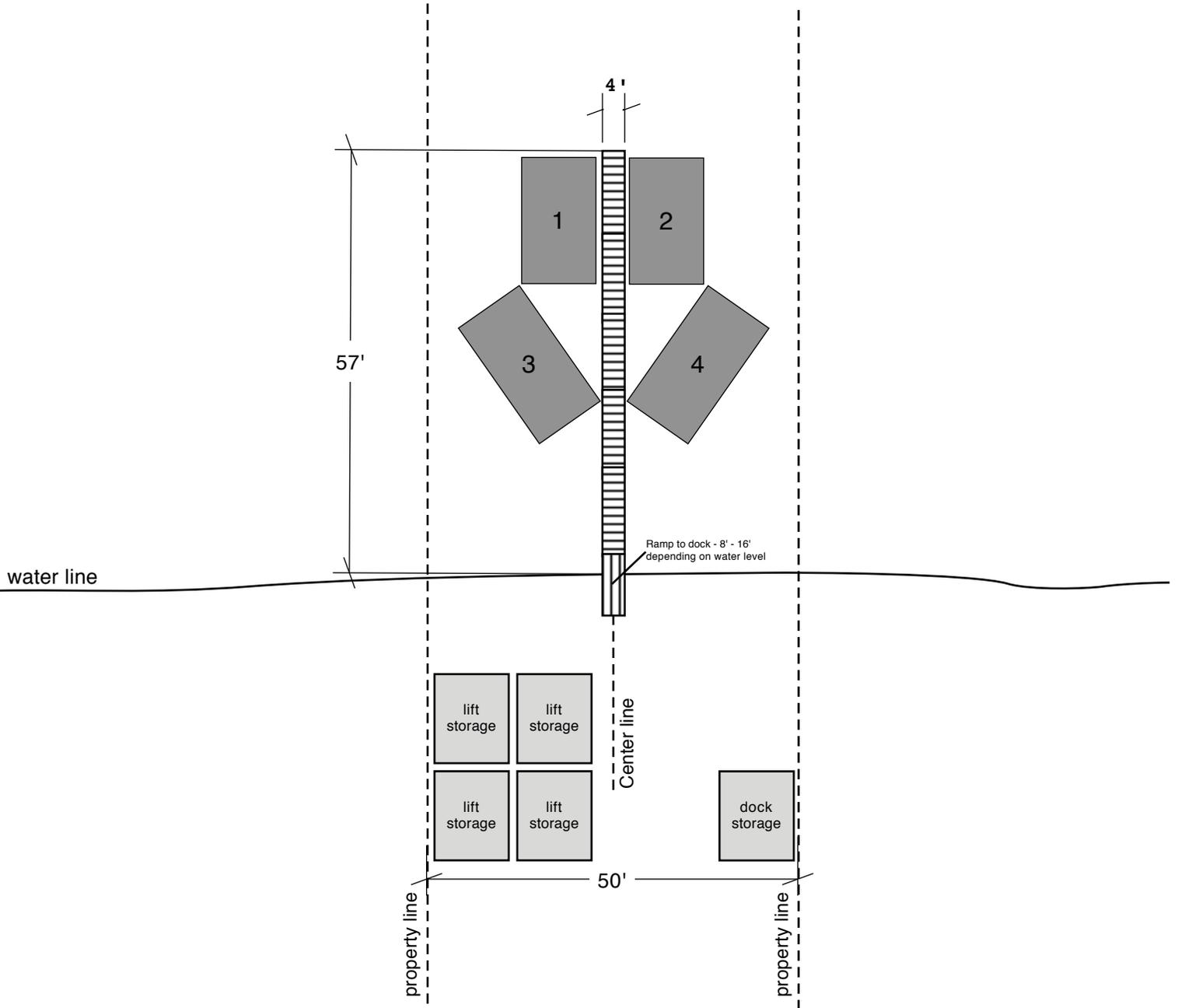
# Birch Beach

Approximate Scale 1": 20'  
Edited by Mike Evangelist - 8/25/2012



# Elm Beach

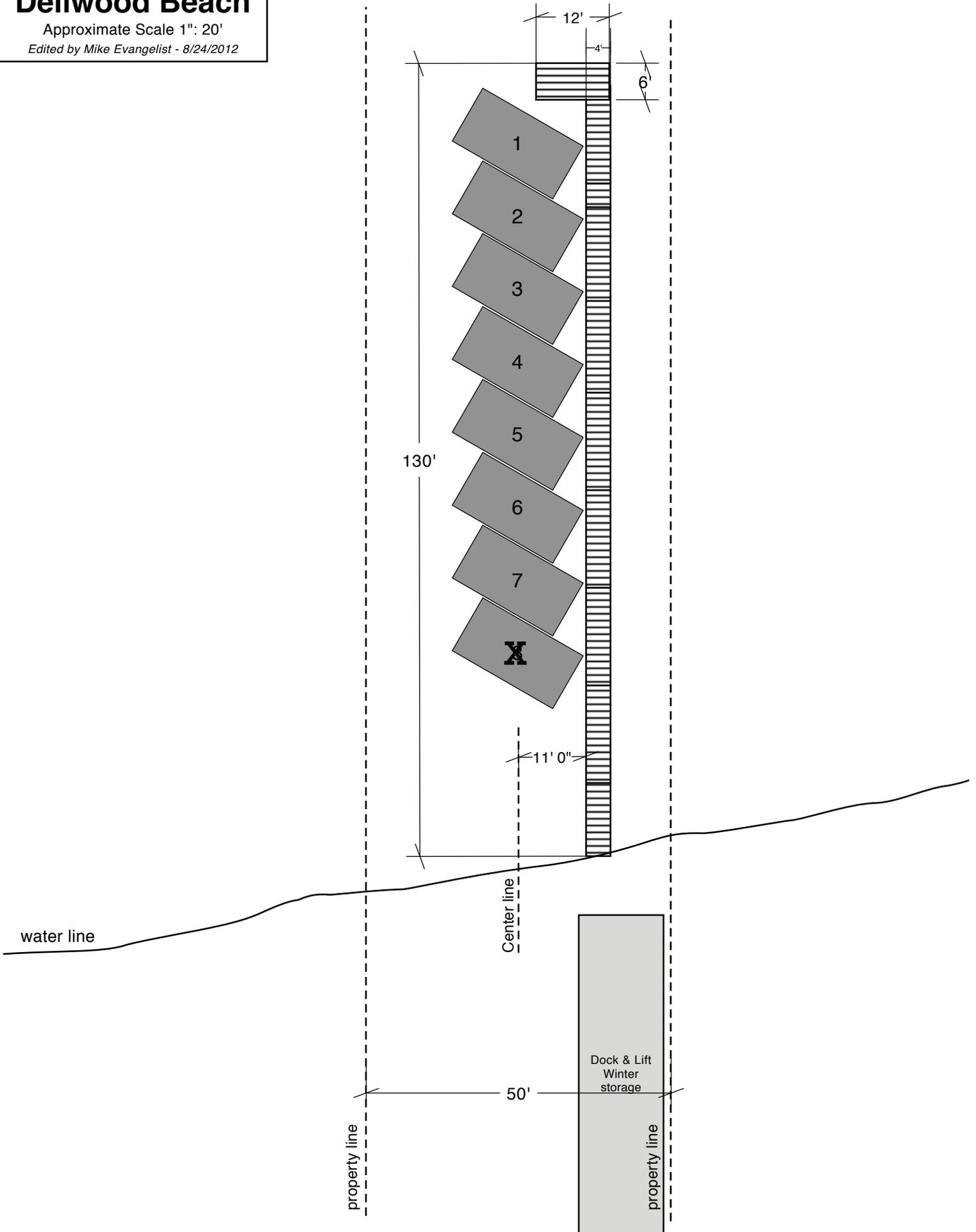
Approximate Scale 1": 20'  
Edited by Mike Evangelist - 10/1/2012



# Dellwood Beach

Approximate Scale 1": 20'

Edited by Mike Evangelist - 8/24/2012



1	John & Martha	Arlandson	19 Oakridge Dr.
2	Peter & Michelle	Atakpu	201 Birchwood Ave.
3	Keith & Kathleen	Barton	28 Oakridge Drive
4	John	Berg	429 Wildwood Ave.
5	Jim & Judy	Berg	889 Barbara Court
6	Bob & Nancy	Brydges	1 Oak Hill Court
7	Catherine	Carlson	306 Wildwood Ave.
8	Bob & Barb	Carson	704 Hall Ave.
9	Chris & Angie	Churchill	140 Birchwood Ave
10	Houston	Clinch	164 Wildwood Ave.
11	Dan & Lianna	Colestock	265 Cedar St.
12	Robert & Mary	Cummins	296 Jay St.
13	Anthony & Liz	Dabruzzo	415 Birchwood Ave.
14	Sandy & Claudio	Danus	430 Wildwood Ave.
15	Mike & Sandee	Ebbott	160 Birchwood Ave
16	Ralph	Ebbott	409 Birchwood Ave.
17	John	Elias	9 Oakhill Ct.
18	Mike	Evangelist	364 Wildwood Ave.
19	Randy & Jackie	Felt	286 Jay St.
20	Aaron Will & Tara	Fernholz	212 Birch Street
21	Stephen & Nancy	Ferry	191 Wildwood Ave.
22	Mark & Susan	Glander	5 Oakview Ct.
23	Deborah	Gohl	255 Cedar
24	Mark & Jill	Greseth	214 Wildwood Ave.
25	Lynn & Dyanne	Hanson	700 Hall Ave.
26	Mary	Hauser	616 Hall Ave.
27	Jozsepf & Noel	Hegedus	294 Jay St.
28	David & Steph	Heiden	242 Wildwood
29	Karen	Holmen	706 Hall Ave.
30	Greg & Bonnie	Hubbard	6 Oakhill Ct.
31	Bill & Mary	Hullsiek	290 Jay St.
32	Jerry Carlson & Jacqueline	Jarosz	409 Lake Ave.
33	Tyler & Gretchen	Johnson	10 White Pine Ln
34	Dana & Lori	Klimp	414 Birchwood Ct
35	Robert & Diane	Landberg	531 Hall Ave.
36	Mitch	Leammukda	179 Cedar St
37	Harmony	Lewis	236 Cedar St.
38	Karen Hagen & Brian	Lind	401 Wildwood Ave.
39	Layne	Lodmell	12 Oakridge Dr.
40	John	Lund	608 Wildwood Ave
41	Michael	Lundberg	170 Wildwood Ave.
42	Roger & Donna	Madison	158 Wildwood Ave.
43	Ron	Malles	420 Wildwood Ave.
44	Laura	Manske	706 Birchwood Ave
45	Bryan & Karin	McGinnis	194 Wildwood Ave.
46	Joseph & Yoshiko	Miller	709 Hall Ave.
47	Alan	Mitchell	23 Oakridge Dr.
48	Charles & Linda	Moore	421 Birchwood Court
49	Troy & Naomi	Morehead	505 Wildwood Ave
50	Gary & Judith	Oakins	291 Jay St.
51	Richard & Traci	Oni	152 Wildwood Ave.
52	Jordon	Oyloe	533 Wildwood Ave
53	Marc & Kelly	Paradise	180 Birchwood Ave.
54	Devon & Arika	Quick	176 Wildwood
55	Urho & Pam	Rahkola	545 Wildwood Ave.
56	Kraig & Erica	Rasmussen	3 White Pine Ln.
57	Bev	Ringsak	107 Birchwood Ave.
58	Jim	Rupert	710 Hall Ave.
59	Maureen	Seibert	425 Birchwood Court
60	Mary Sue	Simmons	418 Birchwood Ct.
61	Chris	Sorenson	5 Oakridge Dr.
62	Andrew	Sorenson	411 Birchwood Ave.
63	Robert Dean	Stanton	538 Hall Ave.
64	Paul & Meryl	Steinhauser	600 Birchwood Ave.
65	Ron & Mary	Sternal	6 Hall Court
66	James & Peggy	Stockwell	17 White Pine Ln
67	Jennifer & Jason	Tell	697 Hall Ave.
68	Ted & Joanne	Thornquist	205 Wildwood Ave.
69	David & Patricia	Trepanier	439 Birchwood Court
70	John	Velin	146 Wildwood Ave.
71	Daniel & Sarah	Webber	4 Oak Ridge Dr.
72	Dan & Melissa	Werra	369 Wildwood Ave
73	Phillip & Karen	Winter	1 Five Oaks Lane

## **Birchwood Dock Association Officers - 2018**

### **President**

Mike Evangelist  
364 Wildwood Ave.      651-605-5873      [mike.evangelist@me.com](mailto:mike.evangelist@me.com)

### **Vice President**

Chris Churchill  
140 Birchwood Ave.      651-429-7915      [chris.churchill@bestbuy.com](mailto:chris.churchill@bestbuy.com)

Dana Klimp  
414 Birchwood Ct.      651-653-1184      [danaklimp@comcast.net](mailto:danaklimp@comcast.net)

### **Treasurer**

Lynn Hanson  
700 Hall Ave.      612-209-3055      [lhanson54@comcast.net](mailto:lhanson54@comcast.net)

### **Secretary**

Mary Sue Simmons  
418 Birchwood Cts.      651-429-6259      [simmo001@umn.edu](mailto:simmo001@umn.edu)

### **Member at Large**

Debbie Harrod  
483 Lake Ave.      612-246-4612      [debbieharrod@hotmail.com](mailto:debbieharrod@hotmail.com)

### **Complaint Managers**

Mary Sue Simmons      651-429-6259  
Lynn Hanson      612-209-3055  
Chris Churchill      651-429-7915

Fall 2017 Treasure's Report 10-7-2017

		<b>11,447.78</b>	<b>9/12/2016</b>
<b>12-Sep</b>	<b><u>Balance Fall Meeting - 10-1-2016</u></b>		
	Dock Out	\$ (2,600.00)	8,847.78
	City Dock Application	\$ (400.00)	8,447.78
	WBLCD Application	\$ (600.00)	7,847.78
	Deposits	\$ 5,585.00	13,432.78
			13,432.78
			<b>13,432.78</b>
<b>8-Apr</b>	<b><u>Balance Spring Meeting - 4-8-2017</u></b>		<b>13,432.78</b>
	Dock In	\$ (2,600.00)	10,832.78
	Maintenance & Supplies	\$ (280.22)	10,552.56
	Insurance	\$ (1,488.86)	9,063.70
	Deposits	\$ 8,214.00	17,277.70
	Insurance	\$ (272.03)	17,005.67
			<b>17,005.67</b>
<b>7-Oct</b>	<b><u>Balance Fall Meeting - 10-7-2017</u></b>		<b>7-Oct</b>
	Vibo Docks - down payment	\$ (8,000.00)	9,005.67
	Dock Out	\$ (2,600.00)	6,405.67
	City Dock Application	\$ (400.00)	6,005.67
	WBLCD Application	\$ (650.00)	5,355.67
	Vibo Docks - down payment	\$ (6,793.36)	(1,437.69)
			(1,437.69)

## **Birchwood Dock Association**

Fall Meeting Minutes: October 7, 2017

Attendance: 16 people present, including Council Members Malvey and LaFoy

Lake Tract Neighbors: no one spoke.

President's Report: Evangelist stepping down as president. Felt resigned as VP.

Council is planning a workshop to talk about improving docks and how to move forward and to discuss possible revisions to Ord 617 needed.

21 slips in use this season, thanks to high water - 17 were in use last year.

City Administrator Lay is responsible for assigning slips to Wait List people; BDA gives him the number of boat spots available.

Dock Task Force results: only residents can be in BDA, boat user fee and non-boat user fee called for in Ordinance 617. Now, Council wants everyone to use docks so BDA raised fees for boat users and then docks and memberships are free to residents. Insurance rates went up but with increased number of boats and slip fees, BDA will not have to raise boat user fees for 2018.

Treasurer's Report:

Current balance - \$17,005. End balance after paying 2018 application fees for 2018: \$13,405.

2018 Slip Fee's - \$650

Council workshop will deal with problems and issues arising from "free" use. Discussion about the possibility that the Dock Association may just become slip holders as members. Further discussion being needed about how to define an association member. This will be fodder for upcoming workshop with the Council.

Two new docks will be purchased soon.

Birch dock bid: \$10,200. Elm: \$4700 \$14,900 for both

Motion by Lynn: purchase both docks new in the fall for \$15,000. Motion passed.

Boat slip availability:

It was noted by Evangelist that little turnover expected in the next few years. If a wait list person has a long boat, little hope, as Birch dock for longer boats is full of newcomers.

Folks can stay on Wait List and pass as long desired.

Goal of BDA is to get maximum use of a wonderful resource.

New Officers: Lynn as Treasurer, Mary Sue as Secretary, Debbie as at-large, Chris Churchill and Dana Klimp as Vice Presidents, passed. Motion: Directors will find a president and membership will be ok with their selection. Passed.

Dock managers will be selected at spring 2018 meeting.

Dock- out date: Saturday, Oct. 21 Rain date Oct. 28

Meeting adjourned at 10:50 a.m.

Respectfully submitted, Mary Sue Simmons, Secretary

**Birchwood Dock Association  
2018  
Boating Season  
WBLCD  
Application Fee**

<u>Lake Tract - Boats</u>	<u>Dock</u>	<u>Add. Boats \$50</u>	<u>Shore Ramps \$10</u>	<u>Total</u>
Ash - 6	\$ 50	\$ 100	\$ -	\$ 150
Birch - 8	\$ 50	\$ 200	\$ -	\$ 250
Elm - 4	\$ 50	\$ -	\$ -	\$ 50
Dellwood - 7	\$ 50	\$ 150	\$ -	\$ 200
			<b>WBLCD FEE</b>	<b>\$ 650</b>
		<b>7 @ Dellwood vs 6</b>		



FORM #2: Application for new or renewed multiple user dock, ramp and/or mooring license. Governed by WBICD Ordinance #5&12.

**Office Use Only**

<b>Application Number:</b>	<b>Other permits obtained</b>	<b>Yes</b>	<b>NO</b>
<b>Date Received in Office</b>	<b>Insurance</b>	<b>Yes</b>	<b>No</b>
<b>Amount of Fee Received \$</b> _____	<b>Balance Due</b>	_____	
<b>Approval Date</b>	<b>Conditions/Stipulations</b>	<b>Yes</b>	<b>No</b>

(Type or print all of the following information in black ink to insure good copies)

1. STATUS                      New                      **Renewal--Identical to last year  
Except 7 boats at Dellwood**

(NOTE: All next year renewals are due by October 15 to avoid Late Fee.)

2. SITE OWNER INFORMATION:

Name **City of Birchwood Village** \_\_\_\_\_ Day Phone \_\_\_\_\_  
 Street Address: **207 Birchwood Ave.** \_\_\_\_\_ Evening Phone \_\_\_\_\_  
 City: **Birchwood** State **MN** Zip **55110** \_\_\_\_\_  
 Email \_\_\_\_\_

3. APPLICANT INFORMATION (if different from owner)

Name **Birchwood Dock Association** Day Phone **651-426-0848** \_  
 Street Address **700 Hall Ave.** \_\_\_\_\_ Evening Phone \_\_\_\_\_  
 City **Birchwood** State Zip **55110** \_\_\_\_\_  
 Email **LHanson54@comcast.net**

[The above site information describes property which is riparian to White Bear Lake; and applies pursuant to White Bear Lake Conservation District's Ordinance #5 for a new, renewed or revised Multiple Dock, Ramp or Mooring License, in accordance with all data and other information submitted herewith and made a part hereof.]

4. DRAWING INFORMATION The following must accompany all applications, please check boxes for each as you attach them to the application. All must include accurate dock lengths, widths, and mooring positions. If neighboring Authorized Dock Use Areas (ADUAs) have docks or other structures in the lake=accurately show their position on your drawing. Indicate your ADUA with a dashed line. The line may start from where your property lines touch the shoreline and should surround the area you

intend to use **D** Certified survey and legal description (Note: if certified survey is not available, a drawing (to scale) may be acceptable if accurate and detailed.

- D** Site plan of dockage to overlay survey **X** Dock construction detail sheet
- D** Gas storage detail sheet (if applicable)

5. MULTIPLE USER TYPE: (Please check one)

- Outlot Association       Multiple       Municipal Dwelling  
 Private Municipal Dwelling       Commercial       **Private Club**  
 Other (please explain) \_\_\_\_\_  Marina

6. SITE USAGE:

A. Intended use of facility: **Provide boating and swimming access to White Bear Lake for property owners of Birchwood Village. This includes docks and boat slips.** \_\_\_\_\_

B. Current use of facility: **Same** \_\_\_\_\_

C. Historical use of facility: **Same** \_\_\_\_\_

7. ABUTTING PROPERTY OWNERS: (all lakeshore within 200 feet either side)

Name \_\_\_\_\_ Day Phone \_\_\_\_\_  
Mailing Address **Full List Attached** Evening Phone \_\_\_\_\_  
City State \_\_ Zip \_\_\_\_\_

Name ~----- Day Phone \_\_\_\_\_  
Mailing Address Evening Phone \_\_\_\_\_  
City State \_\_ Zip \_\_\_\_\_

South or East Owner(s):

Name ~----- Day Phone \_\_\_\_\_  
Mailing Address Evening Phone \_\_\_\_\_  
City State \_\_ Zip \_\_\_\_\_

Name \_\_\_\_\_ Day Phone \_\_\_\_\_  
Mailing Address Evening Phone \_\_\_\_\_  
City State \_\_ Zip \_\_\_\_\_

Any other affected parties

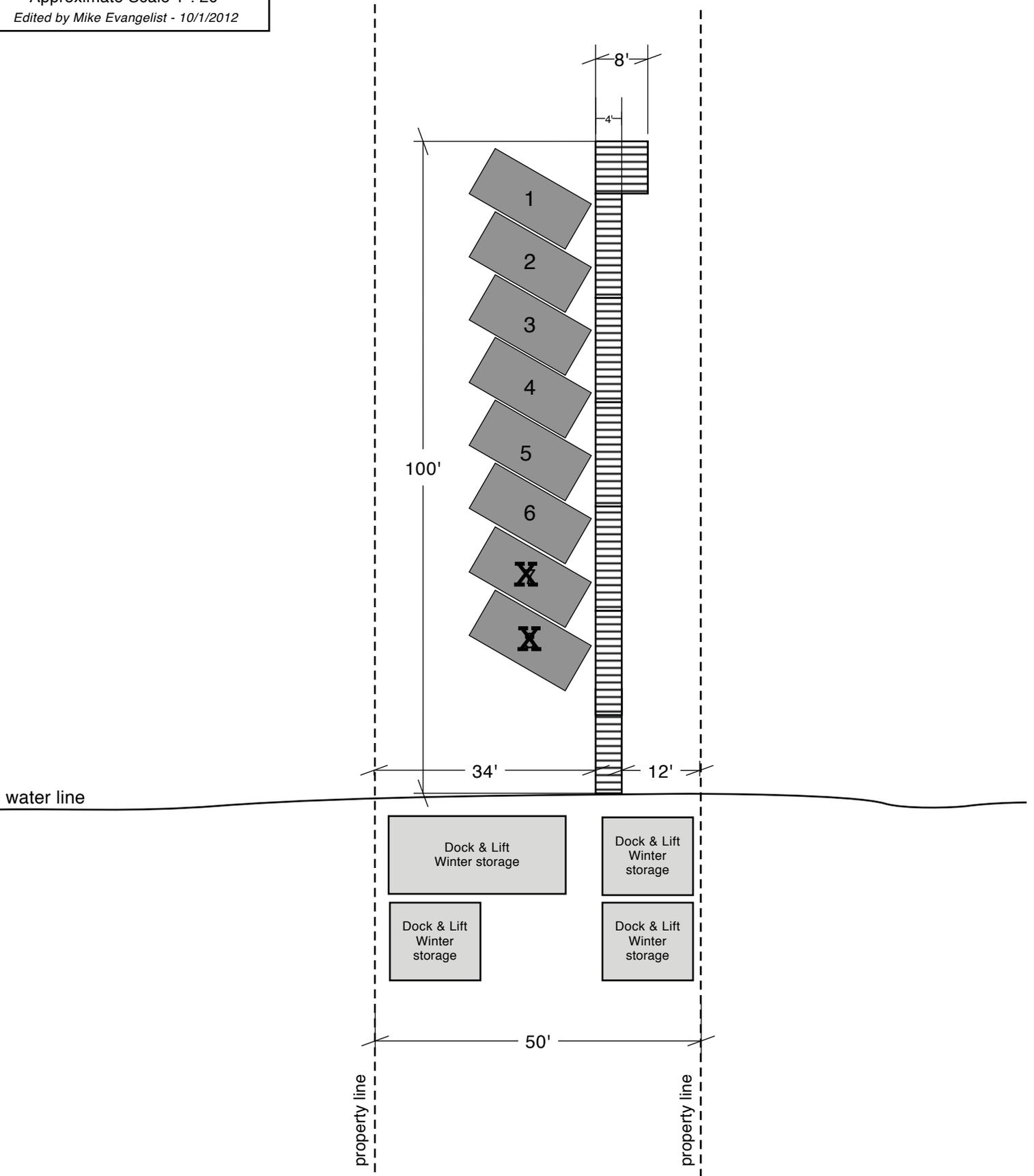
Name \_\_\_\_\_ Day Phone \_\_\_\_\_  
Mailing Address Evening Phone \_\_\_\_\_  
City State \_\_ Zip \_\_\_\_\_

**Birchwood Lake Tract Neighbors**

	<b><u>First Name</u></b>	<b><u>Last Name</u></b>	<b><u>Address</u></b>	<b><u>City</u></b>	<b><u>Zip</u></b>	<b><u>Public Lake Tract</u></b>
1	James & Patsy	Ramberg	131 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
2	Ross & Evanna	Judkins	135 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
3	John	Kruse	139 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
4	Tom	Delmont	143 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
5	Suzanne	Walfoort	145 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
6	Joseph	Allaben	153 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
7	Roger & Mary	Kurtz	159 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
8	David	Malger	161 Wildwood Ave.	Birchwood	MN 55110	Ash - Neighbor
1	Steven & Nancy	Ferry	191 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
2	Nancy	Calderon	195 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
3	Keri	Pakonen	199 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
4	Thomas & Susan	Schway	201 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
5	Ted & Joanne	Thornquist	205 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
6	Richard	Galena	217 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
7	David Vail & Ann	Butler Vail	221 Wildwood Ave.	Birchwood	MN 55110	Birch - Neighbor
1	Kenneth	Broen	243 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
2	Trude	Harmon	780 Como Ave.	St. Paul	MN 55103	Elm - Neighbor
3	Craig & Peggy	Witthaus	259 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
4	Brian	Kraft	267 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
5	Ellen Maas & Len	Pratt	301 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
6	David	Pratt	309 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
7	Ralph & Patricia	Liebsch	315 Wildwood Ave.	St. Paul	MN 55101	Elm - Neighbor
8	Paul	Edwards	321 Wildwood Ave.	Birchwood	MN 55110	Elm - Neighbor
1	Terry & Jessica	Granec	363 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
2	Chris & Natalie	Olson	365 Lakewood Lane	Birchwood	MN 55110	Dellwood -Neighbor
3	Anthony & Christina	Demars	407 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
4	Jerry Carlson & Jackie	Jarosz	409 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
5	Don & Kathleen	Madore	413 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor
6	Coyleen	Davidson	425 Lake Ave.	Birchwood	MN 55110	Dellwood -Neighbor

# Ash Beach

Approximate Scale 1": 20'  
Edited by Mike Evangelist - 10/1/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located. other:

Yes Please list: City of Birchwood Village

No Please explain: \_\_\_\_\_

9. MAXIMUM NUMBER OF WATERCRAFT:

*Ash Beach – Birchwood Village will allow 8 Maximum- Applying for 6*

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts <b>6</b>	For company use
At moorings	For private use <b>6</b>
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL <b>6</b>	TOTAL <b>6</b>

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

**Varies due to lake elevation**

200 feet from shore =

300 feet from shore =

Water depth above measured on \_\_\_\_\_ (date)

Ramsey County Lake elevation \_\_\_\_\_ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage

Boat Rentals

Boat Sales

Boat Service

Restaurant

Launching Ramp

Other (Explain) \_\_\_\_\_

Times open to the public: \_\_\_\_\_

12. DOCK INFORMATION:

**Ash Beach**

- A. Total dock length (into the lake) **100** ft.
- B. Length from water's edge  
(including T's and L's)   **100**   ft.
- C. Width of Dock   **4**   ft.
- D. Projections from dock:
  - 1. Number of projections **1**
  - 2. Length and width of T's, L's or fingers  
**4'**
  - 3. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's)  
immediate property lines        ft.
  - North / West **34Ft.**
  - South / East **8 Ft.**
- B. Distance from (including ends of T's and L's)  
adjoining docks.        ft.
  - North / West        ft.
  - South / East        ft.
- C. Lake frontage size" of adjoining property owners        ft.
  - North / West
  - South / East '

14. INSURANCE:

**X** Yes No We have Public liability insurance. Amount \$ **2,000,000** \_\_\_\_\_  
Expires (date) \_\_\_\_\_ Company **Ekblad, Pardee & Bewall, Inc.** \_\_\_\_\_

15. PARKING:

Total parking spaces: **None** \_\_\_\_\_ Parking not required (explain)\_

16. SANITARY FACILITIES:

Facilities are provided Yes **X** No Number of units: \_\_\_\_\_

17. PUMPING SERVICE:

Boat toilet pumping service is provided  Yes  No

**18. FEES:** (See attached License Fee Schedule)

Application Fee: \$50.00	\$ <b>50</b> _____
Fee for each approved slip over four: \$50.00	\$ <b>100</b> _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$ _____
Watercraft storage racks: \$5.00 for each craft stored	\$ _____
License deposit (if applicable)	\$ _____

**Ash Beach** TOTAL FEE ENCLOSED \$ **150**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ \_\_\_\_\_

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ \_\_\_\_\_

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn Hanson Date Fall 2017

Print name and title: Lynn Hanson – Treasurer Birchwood Dock Assoc.

Phone: 651-426-0848

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500  
Email: [wblcd@msn.com](mailto:wblcd@msn.com) website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District  
4701 Highway 61  
White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: City of Birchwood Village

No Please explain: \_\_\_\_\_

9. MAXIMUM NUMBER OF WATERCRAFT:

***Birch Beach – Birchwood Village will allow 10 Maximum- Applying for 8***

<u>By Location</u>		<u>By Use</u>	
At slips		For rent, lease, etc.	
At slides		For service work	
At lifts	8	For company use	
At moorings		For private use	8
At tie-ons		For transient use	
At off-lake storage			
Other (describe)		Other (describe)	
TOTAL	8	TOTAL	8

10. SITE INFORMATION:

Site lake frontage = **125 Feet**

Water depth 100 feet from shore

***Varies due to lake elevation***

200 feet from shore =

300 feet from shore =

Water depth above measured on \_\_\_\_\_ (date)

Ramsey County Lake elevation \_\_\_\_\_ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage  Boat Rentals

Other (Explain) \_\_\_\_\_

Boat Sales  Boat Service

Restaurant  Launching Ramp

Times open to the public: \_\_\_\_\_

12. DOCK INFORMATION:

**Birch Beach**

- E. Total dock length (into the lake) **116** ft.
- F. Length from water's edge (including T's and L's) **116** ft.
- G. Width of Dock **4** ft.
- H. Projections from dock:
  - 4. Number of projections **1**
  - 5. Length and width of T's, L's or fingers **8'**
  - 6. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines
  - North / West **60 Ft.** ----- ft.
  - South / East **60 Ft.** ----- ft.
- B. Distance from (including ends of T's and L's) adjoining docks.
  - North / West \_\_\_\_\_ ft.
  - South / East \_\_\_\_\_ ft.
- C. Lake frontage size" of adjoining property owners
  - North / West \_\_\_\_\_ ft.
  - South / East ' \_\_\_\_\_ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** \_\_\_\_\_  
Expires (date) \_\_\_\_\_ Company **Ekblad, Pardee & Bewall, Inc.** \_\_\_\_\_

16. PARKING:

Total parking spaces: **None** \_\_\_\_\_ Parking not required (explain) \_\_\_\_\_

17. SANITARY FACILITIES:

Facilities are provided Yes  No \_\_\_\_\_  
Number of units: \_\_\_\_\_

17. PUMPING SERVICE:

Yes  No

Boat toilet pumping service is provided

**18. FEES:** (See attached License Fee Schedule)

Application Fee: \$50.00	\$ <b>50</b> _____
Fee for each approved slip over four: \$50.00	\$ <b>200</b> _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$ _____
Watercraft storage racks: \$5.00 for each craft stored	\$ _____
License deposit (if applicable)	\$ _____

**Birch Beach** TOTAL FEE ENCLOSED \$ **250**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ \_\_\_\_\_

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ \_\_\_\_\_

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn Hanson Date Fall 2017

Print name and title: Lynn Hanson – Treasurer Birchwood Dock Assoc.

Phone: 651-426-0848

Relationship to riparian owner Citizen of Birchwood Village

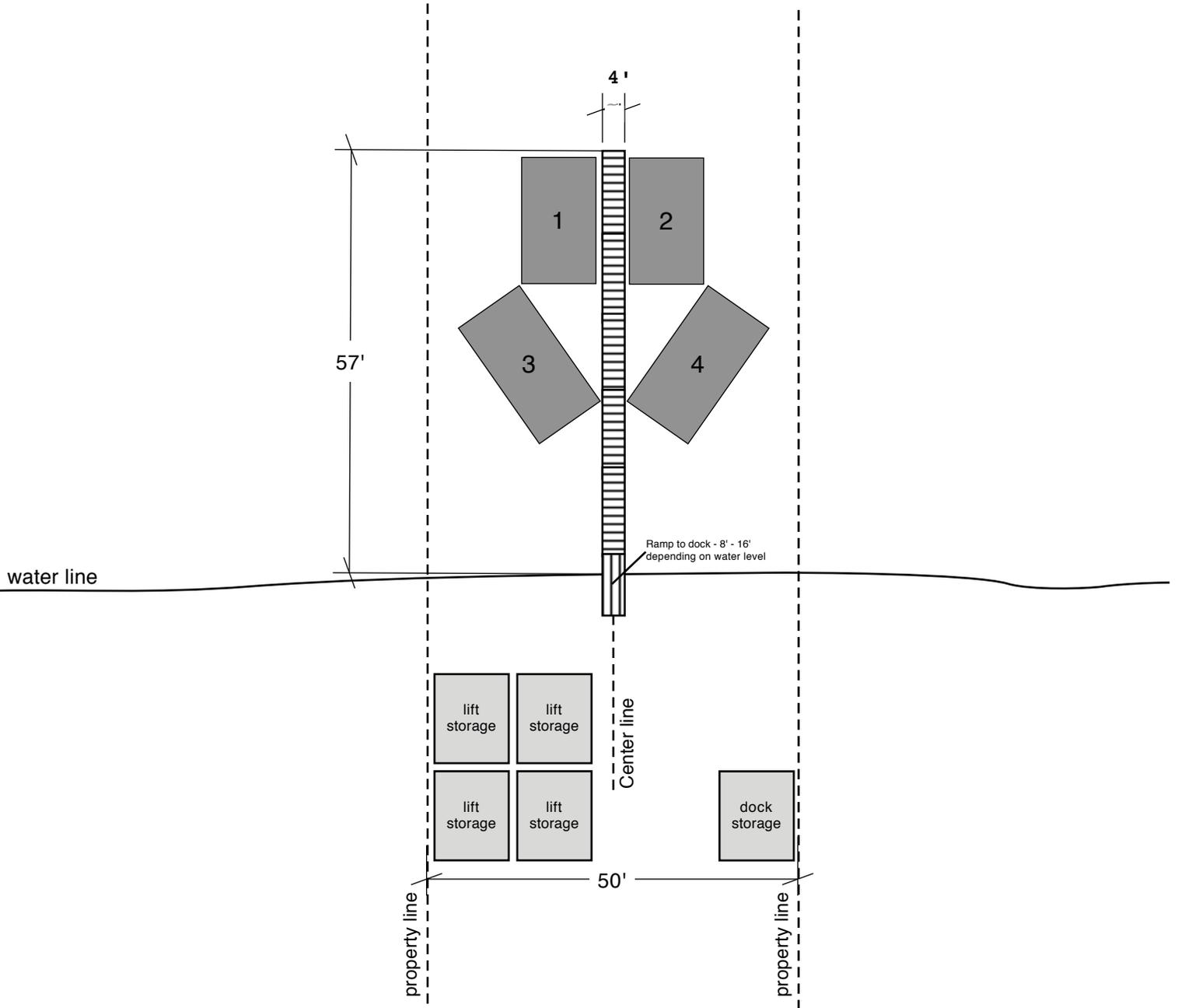
Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500  
 Email: [wblcd@msn.com](mailto:wblcd@msn.com) website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District  
 4701 Highway 61  
 White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

# Elm Beach

Approximate Scale 1": 20'  
Edited by Mike Evangelist - 10/1/2012



8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

**X** Yes Please list: **City of Birchwood Village**

ONo Please explain: \_ \_ \_ \_ \_

9. MAXIMUM NUMBER OF WATERCRAFT:

**Elm Beach – Birchwood Village will allow 6 Maximum- Applying for 4**

<u>By Location</u>	<u>By Use</u>
At slips	For rent, lease, etc.
At slides	For service work
At lifts <b>4</b>	For company use
At moorings	For private use <b>4</b>
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL <b>4</b>	TOTAL <b>4</b>

10. SITE INFORMATION:

Site lake frontage = **50 Feet**  
Water depth 100 feet from shore  
**Varies due to lake elevation**  
200 feet from shore =  
300 feet from shore =  
Water depth above measured on \_\_\_\_\_ (date)  
Ramsey County Lake elevation \_\_\_\_\_ (date)  
(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) **NA**

Boat Storage  Boat Rentals

Other (Explain) \_\_\_\_\_

Boat Sales  Boat Service  
 Restaurant  Launching Ramp

Times open to the public: \_\_\_\_\_

12. DOCK INFORMATION:

**Elm Beach**

- I. Total dock length (into the lake) **57** ft.
- J. Length from water's edge (including T's and L's) **57**
- K. Width of Dock **4** ft.
- L. Projections from dock:
  - 7. Number of projections \_\_\_\_\_ ft.
  - 8. Length and width of T's, L's or fingers
  - 9. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines
  - North / West **23 Ft.** \_\_\_\_\_ ft.
  - South / East **23 Ft.** \_\_\_\_\_ ft.
- B. Distance from (including ends of T's and L's) adjoining docks.
  - North / West \_\_\_\_\_ ft.
  - South / East \_\_\_\_\_ ft.
- C. Lake frontage size" of adjoining property owners
  - North / West \_\_\_\_\_ ft.
  - South / East ' \_\_\_\_\_ ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** \_\_\_\_\_  
Expires (date) \_\_\_\_\_ Company **Ekblad, Pardee & Bewall, Inc.** \_\_\_\_\_

17. PARKING:

Total parking spaces: **None** \_\_\_\_\_ Parking not required (explain) \_\_\_\_\_

18. SANITARY FACILITIES:

Facilities are provided Yes  No \_\_\_\_\_  
Number of units: \_\_\_\_\_

17. PUMPING SERVICE:

Yes  No

Boat toilet pumping service is provided

**18. FEES:** (See attached License Fee Schedule)

Application Fee: \$50.00	\$ <b>50</b> _____
Fee for each approved slip over four: \$50.00	\$ _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$ _____
Watercraft storage racks: \$5.00 for each craft stored	\$ _____
License deposit (if applicable)	\$ _____

**Elm Beach** TOTAL FEE ENCLOSED \$ **50**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April

DUE IN APRIL \$ \_\_\_\_\_

and final 112 (or adjusted balance) in August of this license year.

DUE END OF AUGUST \$ \_\_\_\_\_

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn Hanson Date Fall 2017

Print name and title: Lynn Hanson – Treasurer Birchwood Dock Assoc.

Phone: 651-426-0848

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500  
Email: [wblcd@msn.com](mailto:wblcd@msn.com) website <http://www.wblcd.org>

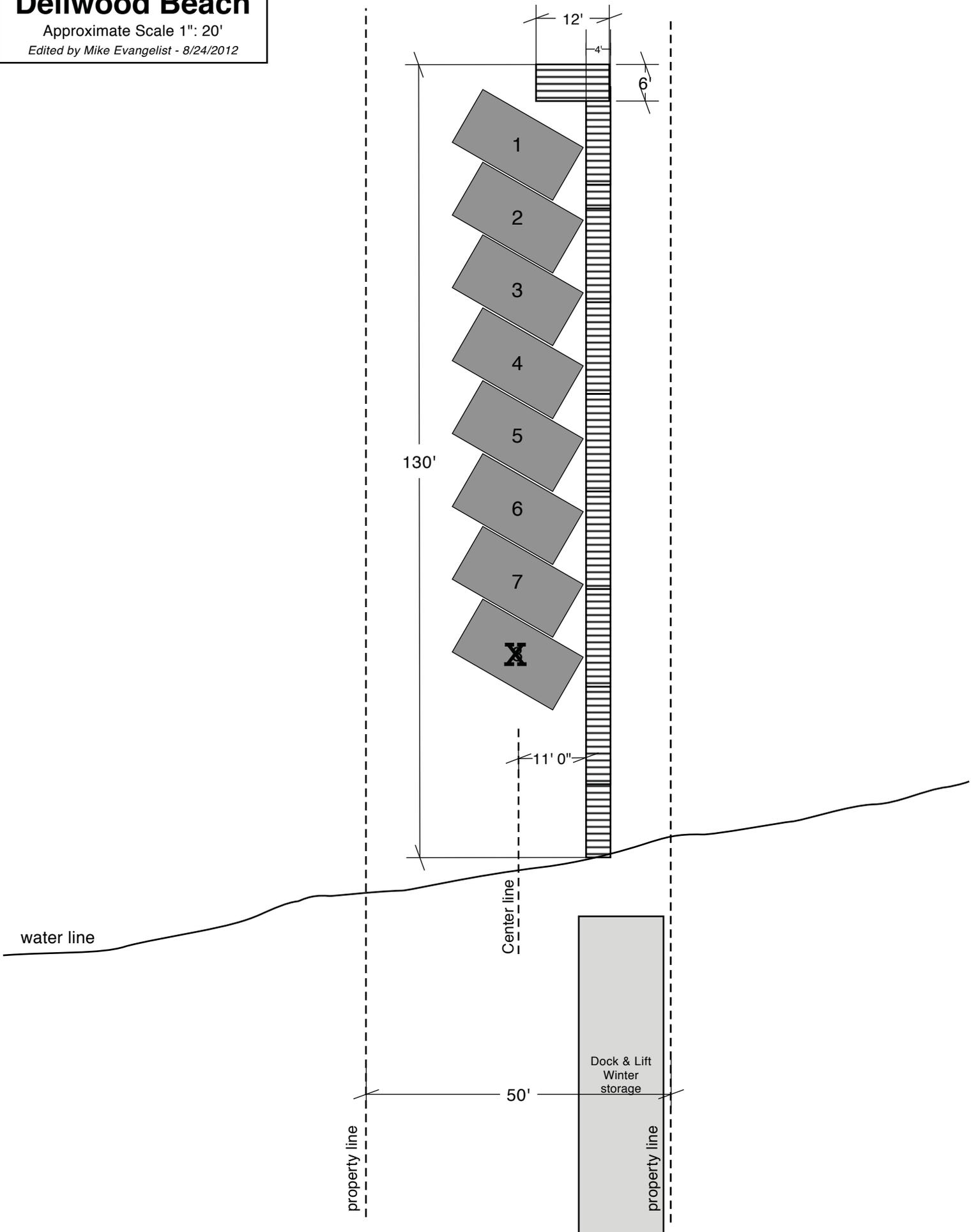
Return this application and all attachments to: White Bear Lake Conservation District  
4701 Highway 61  
White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

# Dellwood Beach

Approximate Scale 1": 20'

Edited by Mike Evangelist - 8/24/2012



MULTIPLE USER DOCK, RAMP AND/OR MOORING LICENSE  
Applicant, *Birchwood Dock Association* \_\_\_\_\_

APPLICATION:  
Date, *Fall 2017* \_\_\_\_\_

8. OTHER PERMITS: All required permits, licenses and approvals have been obtained

from the Minnesota Department of Natural Resources and the municipality in which the access to or the dock, ramp or mooring is located, other:

Yes Please list: *City of Birchwood Village*

No Please explain: \_\_\_\_\_

9. MAXIMUM NUMBER OF WATERCRAFT:

*Dellwood Beach – Birchwood Village will allow 8 Maximum- Applying for 7*

<u>By Location</u>		<u>By Use</u>	
At slips		For rent, lease, etc.	
At slides		For service work	
At lifts	<b>7</b>	For company use	
At moorings		For private use	<b>7</b>
At tie-ons		For transient use	
At off-lake storage			
Other (describe)		Other (describe)	
TOTAL	<b>7</b>	TOTAL	<b>7</b>

10. SITE INFORMATION:

Site lake frontage = **50 Feet**

Water depth 100 feet from shore

*Varies due to lake elevation*

200 feet from shore =

300 feet from shore =

Water depth above measured on \_\_\_\_\_ (date)

Ramsey County Lake elevation \_\_\_\_\_ (date)

(to be filled in by WBLCD)

11. SERVICES PROVIDED: (Check all that apply) *NA*

Boat Storage

Boat Rentals

Boat Sales

Boat Service

Restaurant

Launching Ramp

Times open to the public: \_\_\_\_\_

Other (Explain) \_\_\_\_\_

12. DOCK INFORMATION:  
**Dellwood Beach**

- M. Total dock length (into the lake) **130** ft.
- N. Length from water's edge (including T's and L's) **130** ft.
- O. Width of Dock **4** ft.
- P. Projections from dock:
  - 10. Number of projections **2**
  - 11. Length and width of T's, L's or fingers **8'**
  - 12. Other projection(s)

13. ADJOINING PROPERTY OWNERS' INFORMATION:

- A. Distance from (including ends of T's and L's) immediate property lines
  - North / West **28 Ft.** ----- ft.
  - South / East **10 Ft.** ----- ft.
- B. Distance from (including ends of T's and L's) adjoining docks.
  - North / West Varies upon placement \_\_\_\_\_ ft.
  - South / East Varies upon placement \_\_\_\_\_ ft.
- C. Lake frontage size" of adjoining property owners
  - North / West + or - 60 Ft. \_\_\_\_\_ ft.
  - South / East ' + or - 90 Ft.

14. INSURANCE:

Yes No We have Public liability insurance. Amount \$ **2,000,000** \_\_\_\_\_  
Expires (date) \_\_\_\_\_ Company **Ekblad, Pardee & Bewall, Inc.** \_\_\_\_\_

18. PARKING:

Total parking spaces: **None** \_\_\_\_\_ Parking not required (explain)\_

19. SANITARY FACILITIES:

Facilities are provided Yes  No \_\_\_\_\_  
Number of units: \_\_\_\_\_

17. PUMPING SERVICE:

Yes  No

Boat toilet pumping service is provided

18. FEES: (See attached License Fee Schedule)

Application Fee: \$50.00	\$	50 _____
Fee for each approved slip over four: \$50.00	\$	100 _____
Late Fee: \$50.00 (Renewals sent after 12/31/07)	\$	_____
Watercraft storage racks: \$5.00 for each craft stored	\$	_____
License deposit (if applicable)	\$	_____

**Dellwood Beach** TOTAL FEE ENCLOSED \$ **250**

This application is for a commercial dock or mooring area:

Yes No

If yes, an additional \$50.00 per slip or mooring and an additional \$10.00 per ramp/skid is due as follows:

112 of total fee amount in April	DUE IN APRIL	\$ _____
and final 112 (or adjusted balance) in August of this license year.	DUE END OF AUGUST	\$ _____

I certify that the information provided herein and the attachments hereto are true and correct statements. I understand that any License issued may be revoked by the District for violation of any WBLCD Code. I agree to reimburse the District for any legal, surveying, engineering, inspection, maintenance or other expenses incurred by the district. I, also, understand that the District may require a deposit to cover these expenses. I consent to permitting officers and agents of the District to enter the premises at all reasonable times to investigate and to determine whether or not there is compliance with the codes of the District.

Authorized Signature: Lynn Hanson Date Fall 2017

Print name and title: Lynn Hanson – Treasurer Birchwood Dock Assoc.

Phone: 651-426-0848

Relationship to riparian owner Citizen of Birchwood Village

Any questions, call Administrative Secretary at: (651) 429-8520 FAX (651) 429-8500  
 Email: [wblcd@msn.com](mailto:wblcd@msn.com) website <http://www.wblcd.org>

Return this application and all attachments to: White Bear Lake Conservation District  
 4701 Highway 61  
 White Bear Lake, MN 55110

(All applications approved at a board meeting; meetings are held 3rd Tuesday of the month at 7:00 p.m. in White Bear Lake City Hall.)

# MEMORANDUM

**DATE:** November 14, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2017-01-01 Impervious Surface



Dear Mayor and Council Members,

During September's regular City Council meeting, the Council reviewed the Planning Commission's recommended amendments to City Code 302.050 – Impervious Surfaces. Doug Danks was present at the meeting and answered Council's questions.

During October's regular City Council meeting, the Council heard public feedback on Ordinance 2017-01-01. Among those that stood to speak on the Ordinance was resident Brian McGinnis. After discussing feedback from the public, the Council directed staff to obtain feedback from City Engineer Steve Thatcher on the Ordinance and then send that feedback, along with those from Mr. McGinnis to the Planning Commission to consider.

After reviewing the Ordinance, City Engineer Thatcher had no changes to recommend and no feedback.

Per the Council's request, the Planning Commission met with City Attorney Alan Kantrud again, this time with residents Brian McGinnis and Alan Mitchell, to reconsider their feedback.

The enclosed amended Ordinance 2017-01-01 is the product of that meeting and represents the revised recommendation from the Planning Commission.

The Ordinance is up for a second reading. However, due to a recent statute change to the notice requirement that extended the notice period for new ordinances to ten (10) days and requires posting the ordinance language on the City Website, the vote for adoption of Ordinance 2017-01-01 will be delayed until the December regular City Council meeting. If approved tonight, staff will include the Ordinance on the Consent Agenda for that meeting.

The notice for public hearing on this Ordinance has been published in the White Bear Press for tonight's meeting to consider amending impervious cover standards and variance standards related to impervious cover in City Code 302.050.

## **Recommendation/Request**

Staff requests Council:

- 1) Review and consider adoption of the Planning Commission's recommendation of Ordinance 2017-01-01, as enclosed; and
- 2) Perform the second reading requirement for the enclosed Ordinance.

Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2017-01-01**

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

**AN ORDINANCE AMENDING IMPERVIOUS COVER STANDARD AND VARIANCE  
STANDARDS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 302 (Zoning Code: Requirements and Performance Standards) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

**SECTION 302.050: IMPERVIOUS SURFACES**

302.050 1. Limitation. Impervious surface coverage of lots shall not exceed twenty-five (25) percent of the lot area unless the applicant ~~obtains a variance and the following conditions are satisfied~~satisfies the following conditions to obtain a variance:

- a. The applicant shall submit a stormwater management plan for the site that analyzes the proposed development including the area(s) of impervious surfaces, direction of runoff, proposed best management practices to manage runoff, and stormwater retention that the best management practices will achieve.
- b. The stormwater management plan shall include structures and/or best management practices for the mitigation of stormwater impacts on receiving waters in compliance with the City's Surface Water Management Plan, or as approved by the City Engineer, so that the site design includes stormwater management practices that control the stormwater runoff volumes, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from impervious surfaces. ~~Examples of best management practices that may be included in the plan include, but are not limited to, the following: pervious pavements, rainwater gardens, and french drains.~~
- c. The applicant shall utilize the most recent version of the Minnesota MIDS (Minimum Impact Design Standards) Calculator (available on the Minnesota Pollution Control Agency's website), the U.S. Environmental Protection Agency's National Stormwater Calculator, or another similar stormwater design calculator approved by the city to complete the plan and show that the proposed stormwater management practices meet the required infiltration standard. The applicant shall submit the calculator results to the City with the stormwater management plan.
- d. The applicant shall provide documentation that the proposed stormwater management methods meet the required standard, will be designed and installed consistent with the City's Surface Water Management Plan, NPDES stormwater

standards, and the Minnesota Pollution Control Agency’s Minnesota Stormwater Manual.

- e. No ~~permeable pervious~~ pavement system is permitted in the Shore Impact Zone. (The Shore Impact Zone is the land located between the ordinary high water level of a public water and a line parallel to it at a setback of 50 percent of the required structure setback. The required structure setback from the OHWL in the City of Birchwood Village is 50 feet, and the Shore Impact Zone is 25 feet.)
- f. Site design shall comply with the City’s ~~Tree Ordinance zoning code 302.055~~, and shall minimize changes in ground cover, loss of natural vegetation, and grade change as much as possible.
- g. The base of installed infiltration structures or practices must be a minimum of three (3) feet above the established ground water table or the Ordinary High Water Level of White Bear Lake, whichever is higher.
- h. The stormwater management practices shall be designed in accord with the Minnesota Stormwater Manual, American Concrete Pavement Association design criteria, Center for Watershed Protection, *Stormwater BMP Design Supplement for Cold Climates*, or other design guidance provided by the City.
- i. The stormwater management plan shall include the applicant’s description of how the practices shall be maintained to function as designed for the long-term. The City may inspect the installation of the stormwater management system at the site.
- j. The applicant shall include the maintenance plan and a maintenance schedule for the approved stormwater management practices with the ~~building required~~ permit application.
- k. ~~The applicant shall record the variance with the property records at Washington County.~~

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 \_\_\_\_ day of \_\_\_\_\_, 2017

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

Attest:

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

# MEMORANDUM

DATE: November 14, 2017

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TO: Birchwood City Council  
FROM: Tobin Lay, City Administrator  
SUBJECT: Ordinance 2017-10-02 Public Right-of-Way



**Birchwood Village**

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Dear Mayor and Council Members,

During the August 8, 2017 regular City Council meeting, the Council reviewed two sample Right-of-Way Ordinances; one enacted by the City of Grant and the other drafted by Attorney Alan Kantrud for the City of Landfall, MN. The Council requested the Planning Commission work with City Attorney Kantrud to draft a recommended Right-of-Way Ordinance for Birchwood.

At the October 10, 2017 regular City Council meeting, the Planning Commission recommended a Right of Way ordinance for Council's consideration. After discussion and hearing public comment the Council requested that the Planning Commission meet with resident Alan Mitchell to review feedback on the proposed ordinance and amend consider amending their recommendation.

The Planning Commission has met with Mr. Mitchell twice on this topic and now recommends the enclosed ordinance (with amendments) for Council's consideration and approval. City Attorney Kantrud and Mr. Mitchell are both present at this meeting to answer any questions.

## **Request/Recommendation**

Staff requests Council:

- 1) Review and discuss the draft ordinance;
- 2) Order a public hearing and second reading for the December 12<sup>th</sup> Council meeting; and
- 3) Authorize staff to publish notice of public hearing in the White Bear Press.

Thanks!

Regards,  
Tobin Lay

**ORDINANCE 2017-10-02**

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

**AN ORDINANCE TO ADOPT SECTION 309 INTO CITY CODE TO ADMINISTER  
AND REGULATE THE PUBLIC RIGHT-OF-WAY**

The City Council of the City of Birchwood Village hereby witnesseth that an ordinance to enact a new section of the Birchwood Village Code of Ordinances to administer and regulate the public rights-of-way (Generally hereinafter called ROW) in the public interest, and to provide for the issuance and regulation of ROW permits to maintain the safe maintenance and passage there-through:

*THE COUNCIL OF BIRCHWOOD VILLAGE ORDAINS:*

In General, **Chapter 309**, City of Birchwood Village, County of Washington, Minnesota, “Public Right-of-Way” is herewith adopted into city code. Any and all previously adopted sections or ordinances which may appear contrary or in conflict with this ordinance are hereby replaced or modified by this code.

**309.010 FINDINGS, PURPOSE AND INTENT.**

The City of Birchwood Village holds the ROW within its geographical boundaries as an asset in trust for its citizens. The City and other public entities have invested millions of dollars in public funds to build and maintain the ROW. It also recognizes that some persons, by placing their equipment in the ROW and charging the citizens of the City for goods and services delivered thereby, are using this property held for the public good. Although such services are often necessary or convenient for the citizens, such persons receive revenue and/or profit through their use of public property. Although the installation of such service delivery facilities are in most cases necessary and proper use of the ROW, the City must regulate and manage such uses.

To provide for the health, safety and well-being of its citizens and to ensure the structural integrity of its streets and the appropriate use of ROW, the City strives to keep its ROW in a state of good repair and free from unnecessary encumbrances. Although the general population bears the financial burden for the upkeep of the ROW, one of the causes for the early and excessive deterioration of its ROW is frequent excavation or other intrusions into its sub-surface area. This Ordinance imposes reasonable fees and regulations on the placement and maintenance of equipment currently within its ROW or to be placed therein at some future time. It is intended to complement the regulatory roles of state, federal and other agencies. Under this Ordinance, persons disturbing and obstructing the ROW will bear a fair share of the financial responsibility for its integrity. This Ordinance also provides for recovery of the City's costs associated with managing its ROW.

309.020

**EXEMPTIONS.**

The provisions and requirements of this ordinance shall not apply to inter-governmental entities that have Joint Powers Agreements with the City or other ROW users exempted by the statutes of the state of Minnesota or as identified herein.

309.030

**DEFINITIONS.**

The following words, terms and phrases, as used herein, have the following meanings:

1. **Abandoned Facility** - (1) a facility no longer in service and physically disconnected from a portion of the operating facility, or from any other facility, that is in use or still carries service; or (2) a facility that is deemed abandoned by the ROW user.
2. **Applicant** – Any person or entity requesting permission to excavate or obstruct a ROW.
3. **City** - means the corporate municipality, its elected officials, its manager and/or appointed employees to include the Director of Public Works or his/her designee, City of Birchwood Village, Minnesota.
4. **City Management Costs** - the actual costs incurred by the City for public ROW management; including, but not limited to, costs associated with registering applicants seeking permission to excavate or obstruct a ROW; issuing, processing and verifying ROW permit applications; inspecting job sites and restoration projects; maintaining, supporting, protecting or moving user equipment during public ROW work; determining the adequacy of ROW restoration; restoring work inadequately performed after providing notice and opportunity to correct the work; mapping of "as built" locations of facilities located in ROW; and revoking ROW permits and performing all other functions required by this Ordinance, including other costs the City may incur in managing the provisions of this Ordinance.
5. **Degradation** – means a decrease in the useful life of the ROW caused by excavation in or disturbance of the ROW, resulting in the need to reconstruct such ROW earlier than would be required if the excavation or disturbance did not occur. This condition is only applicable in ROW's that are not included in the current 5-year street replacement plan scheduled for full removal and reconstruction.
6. **Degradation Cost** – subject to Minnesota Rules 7819.1100 means the cost to achieve a level of restoration, as determined by the city at the time the permit is issued, ~~not to exceed the maximum restoration shown on Birchwood Village plates 1 to 13~~, and set forth in Minnesota Rules parts 7819.9900 to 7819.9950.
7. **Degradation Fee** – Means the estimated fee established at the time of permitting by the city to recover costs associated with the decrease in the useful life of the ROW caused by the excavation, and which equals the degradation cost. This fee does not include the cost of patching, which is the sole responsibility of the ROW user.

8. **Delay Penalty** - In accordance with Minnesota Rule 7819.1000 subd. 3, the director shall impose a delay penalty for unreasonable delays in ROW excavation, obstruction, patching, or restoration by permittee. The delay penalty shall be proposed by the director and established from time to time by city council resolution.
9. **Director** - the City's ADMINISTRATOR or designee.
10. **Emergency** - a condition that (1) poses a clear and immediate danger to life or health, or of a significant loss of property; or (2) requires immediate repair or replacement in order to restore service to a customer.
11. **Emergency Hole** - excavation of a hole necessitated by a condition creating a clear and immediate threat to life, health, safety or property or requiring immediate repair or replacement in order to restore service to a customer.
12. **Engineer** - the City's Appointed or approved Engineer or Engineering Firm.
13. **Equipment** - any tangible asset used to install, repair or maintain facilities in any ROW.
14. **Excavate** - to dig into remove or physically disturb or penetrate any part of a ROW.
15. **Excavation Permit** - a permit which must be obtained before a person may excavate in a ROW. An excavation permit allows the holder to excavate only in that part of the ROW described in the permit.
16. **Facility or Facilities** - any tangible asset in the ROW required to provide utility service. The term does not include facilities to the extent the location and relocation of such facilities are preempted by Minnesota Statute 161.45, governing utility facility placement in state trunk highways.
17. **Franchise** - any person or entity with tangible assets or equipment in the ROW for the purpose of providing utility service to the general public having been previously approved by the city by written agreement, contract or by franchise ordinance.
18. **Hole** - an excavation having a length on the long side that is less than 2 times the dimension of the width of the excavation and that conforms to O.S.H.A. standards.
19. **Obstruct** - to place any tangible object in a public ROW so as to hinder free and open passage over that or any part of the ROW for an aggregate period of five (5) hours or more in conjunction with the issuance of a ROW permit.
20. **Obstruction Permit** - a permit which must be obtained before a person may obstruct a ROW, allowing the holder to hinder free and open passage over the specified portion of that ROW by placing equipment described therein on the ROW for the duration specified in the permit.
21. **Patch or Patching** - a method of pavement replacement that is considered temporary in nature. A patch consists of (1) the compaction of the sub base and aggregate base, and (2) the replacement in kind, to match the existing pavement ~~per Birchwood Village Plates 1-13~~. A patch shall be considered "full restoration" only if the pavement replacement is certified by the City Engineer as such upon completion is included in the City's five-year project plan.
22. **Pavement Repair Plates** - Drawings and details for the reconstruction and

repair of Birchwood Village ROW pavements (all types) that are herewith copied and adopted from the ~~official City Map original thirteen (13) plates as suggested and provided by the Minnesota Public Utilities Commission~~ and any supplemental additions as provided by the City of Birchwood Village.

23. **Permit Holder** - any person to whom a permit to excavate, obstruct, or place equipment or facilities in a ROW has been granted by the City under this Ordinance.
24. **Person** – a private individual or authorized representative or agent of an entity subject to all laws and rules of this state, however organized, whether public or private, whether domestic or foreign, whether for profit or nonprofit, and whether natural, corporate, or political.
25. **Registrant** - any person or entity that digs, excavates, intrudes or has or seeks to have its facilities or equipment located in any ROW for temporary or permanent placement
26. **Restoration or “Full Restoration”** - the process by which the ROW and surrounding area, including pavement, foundation, and turf areas is returned to the same or better condition and life expectancy that existed immediately before excavation.
27. **Restoration Cost** - the amount of money paid to the City by a permit holder to have the city or its designated contractor perform the work to achieve the required level of restoration according to Birchwood Village- ~~Engineer plates 1 to 13, which are attached hereto and incorporated herein.~~
28. **ROW** – (Right-of-Way) - the area on, below, or above a public roadway, highway, street, cart way, bicycle lane, and public sidewalk in which the City has an interest, including other dedicated ROW for travel purposes and/or utility easements of the City.
29. **ROW Engineer** – that person or persons appointed, directed and empowered by the City of ~~Birchwood Landfall~~ Village to administrate the management of the Office of the Right-of-Way Engineer and those necessary responsibilities empowered by the City ROW Ordinance.
30. **ROW Permit** - either an excavation permit or obstruction permit, or both, depending on the context required by this Ordinance.
31. **ROW User** - (1) a telecommunications ROW user as defined by Minnesota Statutes, Section 237.162, subdivision 4; or (2) a person owning or controlling a facility in the public ROW that is used or is intended to be used for providing utility service and who has a right under the law, franchise, or ordinance to use the public ROW.
32. **Trench** - an excavation having a length that is in excess of two (2) times the width of the excavation for the sections of roadway where the work is occurring, including a directional bore.
33. **Utility or Utility Service** – means services provided by: (1) a public utility as defined in Minnesota Statutes, section 216B.02; (2) services of a telecommunications ROW user, including the transporting of voice or data information;; (3) services provided by a cable communications system as defined in Minnesota Statutes, Chapter 238;(4) natural gas or electric energy or telecommunications services provided by a local government unit;

(5) services provided by a cooperative electric association organized under Minnesota Statutes, chapter 308A; and (6) water, sewer, steam, cooling, heating services, community television antenna system, fire and alarm communications, storm sewer, light, or power services including wind generation.

34. **Wireless Telecommunication Facility** - a tangible asset used to provide wireless telecommunication or data services, including all antennas, support devices, equipment including ground equipment, associated cables, and attachments.

309.040

**REGISTRATION.**

- A. **Registration Required Prior to Work.** No one shall construct, install, repair, remove, relocate or perform any work within any ROW without first being registered pursuant to this Section. Such registration shall be made on an application form provided by the City's ~~Department of Public Works~~ and shall be accompanied by the registration fee set forth ~~by the City from time to time in this Code~~. Registration and the accompanying fee shall be required each calendar year. A franchised service or utility service operating under this section shall be registered pursuant to this Section but need not annually provide registration information as required by subsection (C) of this Section if such information has been submitted pursuant to a franchise agreement or ordinance. Further, a franchised service or utility service operating pursuant to a franchise agreement or ordinance shall be exempt from payment of an annual registration fee providing said franchise fee has been paid per written agreement or ordinance. Exceptions to the registration requirements, as described in section 309.040, shall be determined at the discretion of the ROW Engineer.
- B. **Exceptions.** The following are not subject to the requirements of this Section:
1. Person or Persons planting or maintaining pre-approved boulevard surface plantings or gardens.
  2. Person or Persons installing mail boxes or private sidewalk from street or curb to dwelling or commercial structure.
  3. Person or Persons engaged in commercial or private snow removal activities.
  4. Person or Persons installing street furnishings.
  5. Person or Persons installing irrigation systems.
  6. City of Birchwood Village
  7. Persons acting as agents, contractors or subcontractors for a registrant who has properly registered in accordance with this Section.
- C. **Registration Information.** The registrant shall provide the following at the time of registration and shall promptly notify the City of changes in such information:
1. Registrant's name, address, telephone number, facsimile number and Gopher One Call registration certificate number if required by state law.
  2. Name, address, telephone number and facsimile number of the person responsible for fulfilling the obligations of the registrant.

3. Unless exempted by previous or existing agreements or ordinance, a current Certificate of Insurance from a company licensed to do business in the State of Minnesota providing minimum coverage in the following amounts:

**GENERAL LIABILITY:**

Public Liability, including premises, products and complete operations

Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence

Property Damage Liability - \$3,000,000 each occurrence

In lieu of (1) & (2): All Combined - \$3,000,000 single limit

**COMPREHENSIVE:**

Automobile Liability Insurance, including owned, non-owned and hired vehicles.

Bodily Injury Liability - \$1,000,000 each person, \$3,000,000 each occurrence

Property Damage Liability - \$3,000,000 each occurrence

In lieu of (1) and (2) Bodily Injury and Property Damage Combined - \$3,000,000 single limit. Such certificate shall verify that the registrant is insured against claims for personal injury, including death, as well as claims for property damage arising out of the (i) use and occupancy of the ROW by the registrant, its officers, agents, employees and permit holders, and (ii) placement and use of equipment or facilities in the ROW by the registrant, its officers, agents, employees and permit holders, including but not limited to, protection against liability arising from completed operations, damage of underground equipment and collapse of property. Such certificate shall also name the City as an additional insured as to whom the coverage required herein are in force and applicable and for whom defense will be provided as to all such coverage. Such certificate shall require that the City be notified thirty (30) days prior to cancellation of the policy.

4. A 24 hour emergency number.
5. An acknowledgment by the registrant of the indemnification pursuant to this Code.
6. Such additional information as the City may require.

309.050

**FRANCHISE REPORTING OBLIGATIONS.**

Each franchise registrant shall, at the time of registration and not later than November 1st of the preceding year, file a proposed construction and major maintenance plan for underground facilities with the City.

Such plan shall be submitted using a format designated by the City and shall contain the information determined by the City to be necessary to facilitate construction coordination and reduction in the frequency of excavations and obstructions of ROW.

The plan shall include, but not be limited to, the following information:

- A. To the extent known, the locations and the estimated beginning and ending dates of all projects to be commenced during the next calendar year; and
- B. To the extent known, the tentative locations and estimated beginning and ending dates for all projects contemplated for the five years following the next calendar year.

The City will have available for inspection in ~~its the Engineer's~~ office a composite list of all known or planned projects that have been adopted for the next calendar year. All registrants are responsible for keeping themselves informed of the current status of this improvement list. Each franchise registrant must notify the City immediately of any change in its list of planned projects.

309.060

#### **PERMIT REQUIREMENT.**

##### **A. Permit Required.**

No person may obstruct or excavate any ROW without first having been issued the appropriate ROW permit pursuant to this Section, except as otherwise provided in this Code. Exceptions to the permitting requirements, ~~other than~~ as described in section 309.060.H, shall be made at the discretion of the ROW Engineer.

1. **Excavation Permit.** An excavation permit is required by the registrant to excavate that part of the ROW described in each permit that may hinder free and open passage over the specified portion of the ROW when placing or repairing facilities therein, to the extent and for the duration specified in the permit.
  2. **Obstruction/Aerial/Interduct Permit.** An obstruction/aerial/interduct permit is required by a registrant if the work proposed may hinder free and open passage over the specified portion of ROW by placing or repairing equipment described therein within the ROW, to the extent and for the duration specified in the permit. An obstruction/aerial/interduct permit is not required if a registrant has been issued a valid excavation permit for the same project.
  3. **Pole Attachment Permit.** A pole attachment permit is required by the registrant in order to attach a wireless telecommunication facility to an existing public utility structure in the public ROW. A pole attachment permit is not required if a registrant has been issued a valid excavation permit for the same project.
- B. Permit Extension.** No person may excavate or obstruct the ROW beyond the date or dates specified in the permit or do any work outside the area specified in the permit unless such person makes a supplementary application before the expiration of the permit. Payment of all fees for an extension of the permit is required before extension may be granted by the City; If the work could not be completed because of circumstances beyond the control of the permit holder or the work was delayed or prohibited by unseasonable or unreasonable conditions, the City may grant and extend the completion date of the work.
- C. Delay Penalty.** Notwithstanding Subsection (b) of this Section, the City may impose a delay penalty where excavating or obstruction work in the ROW is not completed within the time specified if no permit extension application has

been made prior to the expiration date of the permit.

A delay penalty will not be imposed if the delay is due to circumstances beyond the control of the applicant, including without limitation inclement weather, acts of God, or civil strife.

- D. **Application and Fee.** An application for a ROW permit shall be made on forms provided by the City and shall be accompanied by a fee as set forth from time by the City which is established to reimburse the City for costs. A person who pays a franchise fee to the City in accordance with a franchise agreement shall be exempt from the payment of permit fees. If the work is to be performed by an agent, contractor, or subcontractor on behalf of the registrant, such application shall be signed by the registrant. The application shall also be accompanied by the following:
1. Scaled drawings showing the location of all known existing facilities and improvements proposed by the applicant. The applicant will be requested to submit in English measurement two (2) paper copies at 1" = 50' scale plans at the smallest and/or one (1) copy in Auto CAD format (Washington County Coordinate system) with X, Y, Z dimensions to foot accuracy electronic plan. All plans must be dimensional and show existing utilities, curb and gutter, sidewalks, bikeways, signal poles, driveways, boxes, relevant structures, property lines and corners and property addresses.
  2. A description of the methods that will be used for installation.
  3. A proposed schedule for all work.
  4. The location of any public streets, sidewalks or alleys that will be temporarily closed to traffic during the work and proposed detour route with appropriate signage.
  5. A description of methods for restoring any public improvements disrupted by the work.
  6. Any other information reasonably required by the City.
- E. **Security.** A performance bond and cash deposit in an amount determined by the City shall be required from each applicant. The applicant, at its option, may post security sufficient to cover all projects contemplated for the current calendar year. The performance bond must be approved by the City Attorney. Security required pursuant to this Subsection shall be conditioned that the holder will perform the work in accordance with this Ordinance and applicable regulations and will pay to the City any costs incurred by the City in performing work pursuant to this Ordinance. Said conditions will indemnify and save the City and its officers, agents and employees harmless against any and all claims, judgment or other costs arising from any excavation and related work covered by the ROW permit. And to include further indemnification by reason of any accident or injury to persons or property through the fault of the permit holder, either for improperly fencing and guarding the excavation or for any other injury resulting from the negligence or willful actions of the permit holder. The bond or any unused portions of a cash deposit shall be released by the City upon completion of the

work and compliance with all conditions imposed by the ROW permit. For permits allowing excavations within public streets, such bond or unused part of a cash deposit shall be held for a period of twenty-four (24) months to guaranty adequacy of all restoration work.

F. **Permit Issuances; Conditions.** The City shall grant a ROW permit upon finding the work will comply with the requirements of this Ordinance. The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant there under to protect the public health, safety and welfare, to insure the structural integrity of the ROW, to insure completion of restoration of the ROW within a specified period, to protect the property and safety of other users of the ROW and to minimize the disruption and inconvenience to the traveling public. If it is determined by the Office of the ROW Engineer that the proposed ROW intrusion or use is not in the best interest of the city and no agreement or alternative compromise solution is feasible, the applicant may appeal the Engineer's decision to ~~the Director of Public Works. Should the issue there remain un-resolved, the applicant may then request to address the case before~~ the Birchwood Village City Council for final disposition. If the applicant's ROW permit application is terminated at any given level, the City may at its discretion elect to grant a partial refund of fees that may have been paid but shall not disburse any part of the basic Registration Fee or more that 50% of the Administrative Fees. No ROW permit shall be issued to any person who has failed to register pursuant to this code.

G. **Dumpsters/Portable-on-Demand-Storage (POD) Units.** The placement of dumpsters or POD units in the street portion of the ROW is not allowed. Dumpsters or POD units may be placed within the boulevard or driveway portions of the ROW provided that they do not obstruct pedestrian traffic along sidewalks or trails and the boulevard is restored to previous conditions. In extraordinary circumstances, the City ~~Right-of-Way~~ Engineer may make exceptions to this provision and applicant shall be subject to the permitting and fee requirements of this ordinance.

H. **Exceptions.** No permit shall be required for the following:

1. Approved surface landscaping work.
2. Approved private sidewalks, street furnishings, posts and pillars.
3. Snow removal activities.
4. Irrigation systems provided that the system does not connect directly to water mains in the ROW installed at the property owner risk.
5. Activities of the City of Birchwood Village.
6. If granted approval by the city, piercing or drilling a street or sidewalk/trail pavement for the purpose of exploratory examination or utility depth determination.

309.070

**TIMELINESS OF WORK.**

The work to be done under the ROW permit and the patching and restoration of the ROW as required herein, must be completed within the dates specified in the permit. It may be increased by as many days as work could not be done because

of circumstances beyond the control of the permit holder or when work was prohibited as unseasonable or unreasonable.

309.080

**STANDARDS FOR CONSTRUCTION OR INSTALLATION.**

A. **General Standards.** The permit holder shall comply with the following standards, to the extent consistent with applicable Minnesota rules, when performing the work authorized under the permit:

1. Take such precautions as are necessary to avoid creating unsanitary or unsafe conditions. Observe and comply with all laws, rules and regulations of the State and local governments.
2. Conduct the operations and perform the work in a manner as to insure the least obstruction to and interference with traffic.
3. Take adequate precautions to insure the safety of the general public and those who require access to abutting property.
4. Notify adjoining property owners prior to commencement of work which may disrupt the use of and access to such adjoining properties.
5. Comply with the Minnesota Manual of Uniform Traffic Control Devices at all times during construction or installation.
6. Exercise precaution at all times for the protection of persons, including employees and property.
7. Protect and identify excavations and work operations with barricade flags and if required, by flagmen in the daytime and by warning lights at night.
8. Provide proper trench protection as required by O.S.H.A.
9. Protect the root growth of trees and shrubbery.
10. Where possible, provide for space in the installation area for other telecommunication ROW users and companies that install facilities in public ROW.
11. Maintain maximum access to all properties and cross streets as possible during construction operations and maintain emergency vehicle access at all times.
12. Maintain planned alignment and grade unless otherwise authorized by the City. Field changes not approved by the City will require removal and reconstruction.
13. During trenching of facilities, a warning tape must be placed at a depth of twelve (12) inches above all copper cables with over two hundred (200) pairs and above any fiber facilities.
14. Beneath concrete or bituminous paved road surfaces, directional bore facilities shall be installed in conduit of a type approved by the city.
15. The placing of all telecommunications facilities must comply with the National Electric Safety Code, as incorporated by reference in Minn. Stat. Sec. 326.243.
16. Locate all property lines near ROW lines and replace any disturbed property corner markers or judicial monuments. A Minnesota licensed surveyor must be used in the replacement of disturbed property corners markers or judicial monuments.
17. Excavations, trenches and jacking pits off the roadway or adjacent to the

roadway or curbing shall be sheathed and braced depending upon location and soil stability and as directed by the City.

18. Excavating, trenches and jacking pits shall be protected when unattended to prevent entrance of surface drainage.
19. All backfilling materials must be placed in 6 inch lifts (maximum) at optimum moisture and compacted with the objective of attaining ninety-five percent (95%) of Standard Proctor Density. Compaction shall be accomplished with hand, pneumatic or vibrating compactors as appropriate.
20. Backfill material shall be subject to the approval of the City. The City may permit backfilling with the material from the excavation provided such material is granular in nature and acceptable to the City.
21. Compacted backfill shall be brought to bottom of the gravel of the approved street section.

~~22. All work performed in the ROW shall be done in conformance with Birchwood Village Plates 1 to 13, unless a less stringent standard is approved by the City.~~

~~23.~~ 22. Street and pedestrian traffic shall be maintained throughout construction unless provided otherwise by the permit.

~~24.~~ 23. No road surface damaging lugs, cleats or equipment may be used or driven upon paved city street surfaces.

~~25.~~ 24. Dirt, trash or other debris must be periodically removed during construction.

~~26.~~ 25. Other reasonable standards and requirements of the City.

**B. Standards for Installation of Underground Utilities.** The permit holder shall comply with the following standards when installing facilities underground:

1. Underground facilities must be placed as far off the roadway as possible to provide access from outside of the paved area.
2. Buried fiber facilities shall be at a minimum depth of three (3) feet and a maximum depth of four (4) feet unless an alternate location is approved by the City. Buried copper facilities beneath concrete or bituminous paved road surfaces must be placed at no less than three (3) feet but no more than four (4) feet deep. Other buried copper facilities must be placed at a minimum depth of thirty (30) inches and a maximum depth of four (4) feet.
3. Crossing of streets and hard surfaced driveways shall be directional bored unless otherwise approved by the City.
4. If construction is open cut, the permit holder must install the visual tracers approximately twelve (12) inches above buried facilities. If other construction methods are used, substitute location methods will be considered.
5. The permit holder shall register with Gopher State One Call and comply with the requirements of that system.
6. Compaction in trench backfill material shall be ninety-five percent (95%) of the standard proctor density and copies of test results shall be submitted

to the City. All tests and their locations shall be determined by the City. Tests must be conducted by an independent testing firm approved by the City. Street pavement replacement will not be permitted until sub-base densities are approved by the city. Testing shall be required at the discretion of the ROW engineer. Street Pavement structure and materials shall be as specified by the city and re-paved ~~in accordance with Birchwood Village plates 1-13~~. All pavement replacement shall be done in the presence of a City inspector with certified pavement material to City specifications.

7. The facilities shall be located so as to avoid traffic signals and signs which are generally placed a minimum of five (5) feet behind the curb.
  8. When utilizing trenchless installation methods to cross an area in which a municipal utility is located, and/or when directed by the City, the permit holder shall excavate an observation hole over the utility to ensure that the City utility is not damaged. Observation holes shall not be backfilled until viewed and approved by the city ROW Inspector.
  9. All junction boxes or access points shall be located no closer than ten (10) feet from municipal fire hydrants, valves, manholes, lift stations or catch basins unless an alternate location is approved by the City.
  10. Underground facilities shall not be installed between a hydrant and auxiliary valve.
  11. Underground facilities shall not be installed within five (5) feet of hydrants, valves, lift stations or manholes in areas where utility easements exist beyond the ROW. In those areas in which no utility easement exists, placement of an underground facility shall be between the edge of pavement and no closer than three (3) feet to an existing municipal utility appurtenance unless approved by the City.
  12. In areas where an extensive effort to determine the location of municipal utility lines will be required to accommodate the installation of private facilities, the City's representative for Gopher State One Call must be contacted by the permit holder two (2) weeks prior to the beginning of the work to schedule meetings.
  13. Buried telecommunication facilities must have a locating wire or conductive shield, except for di-electric cables.
  14. Buried fiber facilities must be placed in a conduit of a type determined by the ROW user unless the permit holder obtains a waiver from the City.
- C. **Standards for Installation of Overhead Facilities.** The permit holder shall comply with the following standards when installing facilities overhead:
1. All wires must be in compliance with the National Electric Safety Code and at a location that does not interfere with traffic signals, overhead signs, or street lights.
- D. **Standards for Wireless Telecommunication Facilities.**
1. **Purpose.** The City of Birchwood Village desires high quality wireless communication services to accommodate the needs of residents and businesses. At the same time, the City strives to minimize the negative impacts that wireless telecommunication facilities can have on aesthetics

and public safety. Due to the many services that must be delivered within its limited area, the City also strives to avoid unnecessary encumbrances within the public ROW. The City allows and regulates wireless telecommunication facilities outside of the public ROW through performance standards and height limits. The purpose of this Section is to regulate wireless telecommunication facilities within the public ROW in a manner that balances desire for service with aesthetic, public safety, and ROW flexibility concerns.

Public ROW are appropriate locations for wireless telecommunication facilities that present minimal impacts (i.e. small pole attachments that do not require new poles, do not require pole extensions, and do not have associated ground mounted equipment). Wireless telecommunication facilities that require greater heights than can be afforded by existing poles in the public ROW and that require ground-mounted equipment are more appropriately sited outside the public ROW in accordance with adopted performance standards of this Code. However, the City recognizes that as wireless technology advances, some residential areas of the City may be hard to serve with wireless technology due to the lack of acceptable siting alternatives in the immediate vicinity. In such areas, where no alternative non-ROW locations are available, wireless telecommunication facilities that require pole extensions and ground equipment will be allowed in the public ROW subject to the requirements of this Section which are meant to protect the public health, safety, and welfare.

2. **Wireless Telecommunication Facilities as Pole Attachments.** Wireless telecommunication facilities that comply with the following requirements may be attached to existing public utility structures within the ROW after issuance of a pole attachment permit.
  - a. The wireless telecommunication facility shall not extend above the top of the existing public utility structure and the height of the existing public utility structure shall not be increased to accommodate the wireless telecommunication facility.
  - b. If the public utility structure must be replaced to structurally accommodate the wireless telecommunication facility, the replacement public utility structure height shall not exceed the existing public utility structure height and the replacement public utility structure diameter shall not exceed the existing public utility structure diameter by more than 50 percent.
  - c. The wireless telecommunication facility shall not be larger than three (3) cubic feet and shall have no individual surface larger than four (4) square feet.
  - d. The wireless telecommunication facility shall not extend outward from the existing pole or tower or arm thereof by more than two and one half (2 1/2) feet, except that an antenna one half inch in diameter or less may extend an additional six inches.
  - e. The wireless telecommunication facility shall include no ground

- mounted equipment.
- f. The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of this Ordinance.
  - g. Wireless telecommunication facilities in the ROW shall be removed and relocated at City request subject to the provisions of this Ordinance.
  - h. The wireless telecommunication facility shall not block light emanating from the public utility structure and shall not otherwise interfere with the original use of the public utility structure.
3. **Wireless Telecommunication Facilities as Pole Extensions or with Ground Mounted Equipment.** Wireless telecommunication facilities that require increased public utility structure height or that have ground mounted equipment may be erected in the public ROW only when in compliance with the following provisions and after issuance of a pole attachment permit or excavation permit:
- a. The applicant shall demonstrate to the satisfaction of the City or his/her designee that the wireless telecommunication facility cannot be placed in a ~~Code~~-complying location outside the ROW within one quarter (1/4) mile of the proposed location.
  - b. The replacement public utility structure, including lightning rods and all other attachments, shall not exceed the height of the existing public utility structure by more than fifteen (15) feet. Once the height of a public utility structure has been increased under the provisions of this Section, the height shall not be further increased.
  - c. The replacement public utility structure diameter shall not exceed the existing public utility structure diameter by more than fifty (50) percent.
  - d. The wireless telecommunication facility shall not extend outward from the public utility structure by more than two (2) feet.
  - e. If feasible and desirable, as determined by the City, the replacement public utility structure shall match the original and surrounding public utility structures in materials and color.
  - f. The wireless telecommunication facility shall not interfere with public safety communications and shall meet the requirements of this Ordinance.
  - g. A pole attachment or excavation permit for a wireless telecommunication facility that has ground mounted equipment will be issued only if the Issuing Authority finds the following:
    - i. the ground mounted equipment will not disrupt traffic or pedestrian circulation;
    - ii. the ground mounted equipment will not create a safety hazard;
    - iii. the location of the ground mounted equipment minimizes impacts on adjacent property; and,
    - iv. the ground mounted equipment will not adversely impact the health, safety, or welfare of the community.

- h. Ground mounted equipment associated with the wireless telecommunication facility shall meet the following performance standards:
  - i. be set back a minimum of ten (10) feet from the edge of street or curb line;
  - ii. be separated from a sidewalk by a minimum of three (3) feet;
  - iii. be set back a minimum of fifty (50) feet from the nearest intersecting ROW line;
  - iv. be separated from the nearest ground mounted wireless telecommunication equipment installation on the same block face by a minimum of 330 feet unless the equipment is placed underground;
  - v. if located adjacent to residential uses, ground mounted equipment shall be limited to three (3) feet in height above grade and twenty seven (27) cubic feet in cumulative size;
  - vi. if located adjacent to non-residential uses, ground mounted equipment shall be limited to five (5) feet in height above grade and eighty-one (81) cubic feet in cumulative size;
  - vii. ground mounted equipment located outside the public ROW shall conform to the requirements of this Ordinance
  - viii. vegetative or other screening compatible with the surrounding area shall be provided around the ground mounted equipment if deemed necessary by the City.
- i. Wireless telecommunication facilities in the ROW shall be removed and relocated at City request subject to the provisions of this Ordinance.
- 4. **New Poles.** The construction in the ROW of a new pole to support wireless telecommunication facilities is not allowed, except as a replacement of an existing public utility structure subject to the requirements of this Section.
- 5. **Charges.** In addition to the permit fees outlined in this Ordinance, the City reserves the right to charge telecommunication providers for their use of the public ROW to the extent that such charges are allowed under state or Federal law. Telecommunication providers shall be responsible for payment of property taxes attributable to their equipment in the public ROW.

309.090

**PATCHING OR FULL RESTORATION OF ROW.**

The permit holder shall patch its own work. In lieu of ROW restoration, a ROW user may elect to pay a degradation fee as determined by the City.

- A. **City Restoration.** If the City restores the ROW, the permit holder shall pay the costs thereof within thirty (30) days of billing. If, during the twenty-four (24) months following such surface restoration, the pavement settles due to the permit holder's improper backfilling and compaction, the permit holder shall pay to the City, within thirty (30) days of billing, all costs associated with having to correct the defective work.

- B. **Permit Holder Restoration.** If the permit holder restores the ROW, it shall at the time of application for a ROW permit post a performance bond or cash deposit in an amount determined by the City to be sufficient to cover the cost of restoration and any associated erosion and sediment control measures. The performance bond or cash deposit must be approved by the City Attorney. If, within twenty-four (24) months after completion of restoration of the ROW, the City determines the ROW has been properly restored, the posted security will be released.
- C. **Standards.** The permit holder shall perform patching and restoration according to the Birchwood Village standards or to the satisfaction of its Engineer.
- D. **Guarantees.** If the permit holder performs the restoration work, the permit holder shall guarantee such work and its maintenance for twenty-four (24) months following its completion. During this twenty-four (24) month period it shall, upon notification from the City, promptly and within 7 working days from receipt of notification, correct all faulty restoration work to the extent necessary, using the method required by the City or its Engineer.

If permit holder fails to act within the 7 working day period the City shall at its discretion have the work performed and the security shall be used to reimburse the City for its actual and administrative costs associated with the correction(s).

309.100

**JOINT APPLICATIONS.**

- A. **Joint Application.** Registrants may jointly apply for permits to excavate or obstruct the ROW at the same place and time.
- B. **Shared Fees.** Registrants who apply for permits for the same obstruction or excavation may share in the payment of the obstruction or excavation permit fee. Registrants must agree among themselves as to the portion each will pay and indicate the same on their applications.

309.110

**OTHER OBLIGATIONS.**

- A. **Compliance With Other Laws.** The permit holder must obtain all other necessary permits, licenses and approvals and pay all fees required. The permit holder shall comply with all requirements of local, state and federal laws, including Minn. Stat. Secs. 216D.01-.09 ("One Call Excavation Notice System"). A permit holder shall perform all work in conformance with all applicable codes and established rules and regulations and is responsible for all work done in the ROW pursuant to its permit, regardless of who does the work.
- B. **Prohibited Work.** Except in an emergency, and with the approval of the City, no ROW excavation or obstruction may be done when seasonally prohibited or when conditions are unreasonable for such work.
- C. **Interference with ROW.** A permit holder shall not so obstruct a ROW that the natural free and clear passage of water through the gutters or other waterways is or would be interfered with. Any physical observation of such

obstruction shall be grounds to revoke a permit without further proceedings.

309.120 **DENIAL OF PERMIT.**

The City may deny a permit based on any of the following grounds:

- A. Failure to register pursuant to requirements of this Ordinance.
- B. The applicant is subject to revocation of a prior permit issued pursuant to this Ordinance.
- C. The proposed schedule for work would conflict or interfere with an exhibition, celebration, festival or any other similar event.
- D. The proposed schedule conflicts with scheduled or total or partial reconstruction of the ROW.
- E. The applicant fails to comply with the requirements of this Ordinance.
- F. The City determines that denial is necessary to protect the health, safety and welfare of the public or protect the ROW and its current use.

309.130 **EMERGENCIES AND WORK DONE WITHOUT A PERMIT.**

Each registrant shall immediately notify the City and all other affected parties or property owners of any event regarding its facilities, which it considers to be **an emergency**. The registrant may proceed to take whatever actions are necessary to respond to the emergency. If the registrant has not been issued the required permit, the registrant shall, within two (2) business days after the occurrence of the emergency, apply for the necessary permits, pay the permit fees (where necessary) and fulfill the remaining requirements necessary to bring itself into compliance with this Ordinance for the actions it took in response to the emergency.

If the City becomes aware of an emergency regarding a registrant's facilities, the City shall attempt to contact the local representative of each registrant affected, or potentially affected, by the emergency. The City may take whatever action deemed necessary to respond to the emergency, the cost of which shall be borne by the registrant whose facilities occasioned the emergency.

Except in an emergency, any person who, without first having obtained the necessary permit, obstructs or excavates a ROW must subsequently obtain a permit and (where appropriate) as a penalty, pay twice the normal fee for the permit and shall deposit with the City the fees determined to correct any damage to the ROW.

309.140 **INSPECTION.**

- A. **Site Inspection.** The permit holder shall make the work site available to the City and to all others authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.
- B. **Authority of City**
  - 1. At the time of inspection, the City may order the immediate cessation of any work which poses a serious threat to the life, health, safety or well-being of the public.

2. The City may issue a stop work order to the permit holder for any work which does not conform to the terms of the permit or other applicable standards, conditions or codes. The order shall state that failure to correct the violation within a stated deadline will be cause for revocation of the permit. If the violation is not corrected within the stated deadline, the City may revoke the permit.

309.150

**REVOCAION OF PERMITS.**

- A. **Substantial Breach.** The City may revoke a ROW permit, without a fee refund, if there is a substantial breach of the terms or conditions of any statute, this Code, rule or regulation, or any condition of the permit. A substantial breach of a permit holder shall include, but not limited to, the following:
  1. The violation of any material provision of the permit.
  2. Any material misrepresentation of fact in the application for a permit.
  3. The failure to maintain the required bonds or other security and insurance.
  4. The failure to complete the work in a timely manner.
  5. The failure to correct, in a timely manner, work that does not conform to applicable standards, conditions or codes, upon inspection and notification by the City of the faulty condition.
  6. An evasion or attempt to evade any material provision of the ROW permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its citizens.
  7. The failure to comply with the terms and conditions of any applicable federal, state and local laws, rules and regulations, including any provision of this Ordinance.
- B. **Notice of Breach.** If the City determines that a permit holder has committed a substantial breach of a term or condition of any statute, this Ordinance, rule or regulation or any condition of the permit, the City shall make a written demand upon the permit holder to remedy such violation within a reasonable period of time or be subject to potential revocation of the permit. The City may impose additional or revised conditions on the permit to mitigate or remedy the breach.
- C. **Reimbursement of City Costs.** If a permit is revoked, the permit holder shall reimburse the City for its reasonable costs, including restoration costs and the costs of collection and reasonable attorney fees incurred in connection with the revocation.

309.160

**APPEAL.**

- A. **Filing of Appeal.** Any person aggrieved by, (i) the denial of a permit application; (ii) the denial of a registration; (iii) the revocation of a permit, or (iv) the application of the fee schedule imposed by this Code, may appeal to the City Council by filing a written notice of appeal with the City Clerk or Administrator. Said notice must be filed within twenty (20) days of the action causing the appeal.
- B. **Notice of Hearing.** The City Council shall hear the appeal at its next regularly scheduled meeting, unless the time is extended by agreement of the parties.

Notice of the date, time, place and purpose of the hearing shall be mailed to the appellant.

- C. **Hearing and Decision.** The City Council shall, at the hearing, consider any evidence offered by the appellant, the City and any other person wishing to be heard. The Council shall issue a written decision within thirty (30) days of the completion of the hearing.

309.170

**MAPPING DATA.**

- A. **Information Required.** Each registrant shall provide mapping as required by the City and which shall include the following information:

1. Location and approximate depth of registrant's mains, cables, conduits, switches and related equipment and facilities, with the location based on:
  - a. offsets from property lines, distances from the centerline of the public ROW and curb lines as determined by the City; or
  - b. Washington County Coordinate System; or
  - c. Any other system agreed upon by the ROW user and the City;
2. The type and size of the utility;
3. A description showing above-ground appurtenances;
4. A legend explaining symbols, characters, abbreviations, scale and other data shown on the map; and
5. Any facilities to be abandoned, if applicable, in conformance with Minnesota Statutes, Section 216D.04, subdivision 3.

- B. **Submittal Requirement.**

1. Within two (2) years after the effective date of this ordinance, all telecommunication ROW users shall submit comprehensive detailed maps for review, if available, in accordance with Subsection (a) of this Section, for all facilities and equipment installed, used or abandoned within the public ROW.
2. Subsequent to providing the required comprehensive facility map, interim mapping data shall be submitted by all registrants for all equipment and facilities which are to be installed or constructed after the effective date of this ordinance at such time as permits are sought pursuant to this ordinance.

- C. **Trade Secret Information.** At the request of any registrant, information requested by the City which qualifies as "trade secret" data under Minnesota Statutes, Sec. 13.37(b) shall be treated as trade secret information as detailed therein.

309.180

**RELOCATION OF FACILITIES.**

A ROW user shall promptly and at its own expense, with due regard for seasonal working conditions, remove and relocate their facilities in the ROW when it is necessary to prevent interference or obstruction, but not merely for the convenience of the City, in connection with: (1) a present or future City use of the ROW for a public project or facility, (2) the public health or safety; or (3) the safety and convenience of travel over the ROW. The registrant shall restore any ROW to the condition it was in prior to removal and relocation.

309.190 **DAMAGE TO OTHER FACILITIES.**

When the City does work in the ROW and finds it necessary to maintain, support, or move registrant's facilities to protect it, the City shall notify the registrant as soon as possible. The costs associated therewith shall be billed to the registrant and must be paid within thirty (30) days from the date of billing. Each registrant shall be responsible for the cost of repairing any facilities in the ROW which it or its facilities damage. Each registrant shall be responsible for the cost of repairing any damage to the facilities of another registrant caused during the City's response to an emergency occasioned by that registrant's facilities.

309.200 **ROW VACATION.**

A. **Reservation of Right.** If the City vacates a ROW which contains the equipment or facilities of a registrant or permit holder, and if the vacation does not require the relocation of the registrant's or permit holder's equipment or facilities, the City shall reserve, to and for itself and all registrants or permit holders having equipment and facilities in the vacated ROW, a public easement for the right to install, maintain and operate any equipment and facilities in the vacated ROW and to enter upon such ROW at any time for the purpose of reconstruction, inspecting, maintaining or repairing the same.

B. **Relocation of Facilities.** If the vacation requires the relocation of the registrant's or permit holder's equipment or facilities; and (i) if the vacation proceedings are initiated by the registrant or permit holder, the registrant or permit holder must pay the relocation costs; or (ii) if the vacation proceedings are initiated by the City, the registrant or permit holder must pay the relocation costs unless otherwise agreed to by the City and the registrant or permit holder; or (iii) if the vacation proceedings are initiated by a person or persons other than the registrant or permit holder, such person or persons must pay the relocation costs.

309.210 **ABANDONED AND UNUSABLE EQUIPMENT AND FACILITIES.**

A. **Discontinued Operations.** A registrant who has determined to discontinue all or a portion of its operations in the City must provide information satisfactory to the City that the registrant's obligations for its facilities in the ROW under this chapter have been lawfully assumed by another registrant.

B. **Removal of Abandoned Facilities.** Any registrant who has abandoned facilities in any ROW shall remove it from that ROW to the extent such facilities interfere with another ROW repair, excavation, or construction, unless this requirement is waived by the City.

309.220 **INDEMNIFICATION AND LIABILITY.**

By registering with the City or by accepting a permit granted under this Ordinance, a registrant or permit holder agrees as follows:

A. **Limitation of Liability.** By reason of the acceptance of a registration or the grant of a ROW permit, the City does not assume any liability (i) for injuries to persons, damage to property or loss of service claims by parties other than

the registrant or the City, or (ii) for claims or penalties of any sort resulting from the installation, presence, maintenance or operation of equipment or facilities by registrants or permit holders or activities of registrants or permit holders.

**B. Indemnification.** A registrant or permit holder shall indemnify, keep and hold the City, its officials, employees and agents, free and harmless from any and all costs, liabilities, and claims for damages of any kind arising out of the construction, presence, installation, maintenance, repair or operation of its equipment and facilities, or out of any activity undertaken in or near a ROW, whether or not any act or omission complained of is authorized, allowed or prohibited by a ROW permit. The foregoing does not indemnify the City for its own negligence except for claims arising out of or alleging the City's negligence in issuing the permit or in failing to properly or adequately inspect or enforce compliance with a term, condition or purpose of a permit. This section is not, as to third parties, a waiver of any defense or immunity otherwise available to the registrant, permit holder or the City, and the registrant or permit holder, in defending any action on behalf of the City, shall be entitled to assert in any action every defense or immunity that the City could assert on its own behalf.

If the registrant or permit holder is required to indemnify and defend, it shall thereafter have control of the litigation, but the registrant or permit holder may not settle the litigation without the consent of the City. Such consent will not be unreasonably withheld.

309.230 **FRANCHISE HOLDERS.**

If there is a conflict in language between the franchise of a person holding a franchise agreement with the City or the Water Service Agreement (White Bear Lake) with the City and this Ordinance, the terms of the franchise or Water Service ~~agreement~~ Agreement shall prevail.

309.240 **SEVERABILITY.**

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

*APPENDIX I ESSENTIAL MUNICIPAL SERVICES*

Special conditions and provisions to regulate and control ROW intrusions by essential service providers for which previous agreements or ordinances have been enacted and approved by the City in concurrence with the respective service providers.

**INDEX**

**Participating Municipal Provider:**

City of White Bear Lake  
White Bear Township

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

Adopted by the City of Birchwood Village City Council this 12<sup>th</sup> day of December, 2017

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Mary Wingfield  
Mayor

Attest:

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Tobin Lay  
City Administrator-Clerk

# MEMORANDUM

**DATE:** November 14, 2017

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**TO:** Birchwood City Council  
**FROM:** Tobin Lay, City Administrator  
**SUBJECT:** Ordinance 2017-10-01 Zoning Administration



**Birchwood Village**

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Dear Mayor and Council Members,

Earlier this year the City Council requested the Planning Commission work with City Attorney Kantrud to review City Code 303 to consider a rewrite of the entire ordinance.

This request was stemmed by the Planning Commission's request of the Council to approve an adjustment to the Commission's set meeting time. After realizing the meeting time was fixed by ordinance, the Council reviewed City Code 303 deeper and found it to be in need of extensive changes.

The Planning Commission has worked with Kantrud several times and presented their recommendation to the City Council During the October 10, 2017 regular City Council meeting. During that meeting, the Council heard public comment and questioned Planning Commission Chair Doug Danks on the Commission's recommendation.

After discussing the public feedback, the City Council requested the Planning Commission meet about this Ordinance again with resident Alan Mitchell, to consider additional changes to their recommendation. The Council also approved the public hearing for the Ordinance for tonight's City Council meeting.

The Planning Commission did meet with Alan Mitchell and now presents the enclosed amended Ordinance for your consideration. City Attorney Kantrud is present at this meeting to answer any questions.

The notice for public hearing on this Ordinance has been published in the White Bear Press for tonight's meeting to consider replacing City Code Section 303 related to zoning code administration.

## **Request/Recommendation**

Staff requests Council:

- 1) Review and discuss replacing Section 303 of City Code with the enclosed ordinance 2017-10-01;
- 2) Perform the first reading of enclosed Ordinance 2017-10-01.

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

**ORDINANCE 2017-10-01**

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

**AN ORDINANCE RESCINDING AND REPLACING THE DUTIES OF A  
CITY PLANNING COMMISSION IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that existing Chapter 303 (Zoning Code Administration) of the Municipal Code of the City of Birchwood Village is hereby rescinded and replaced as follows:

**SECTION 303: ZONING CODE: PLANNING COMMISSION**

**303.010 ESTABLISHMENT OF THE PLANNING COMMISSION**

The Planning Commission is hereby established. The Planning Commission shall be the city planning agency authorized by M.S. 462.354, subd. 1, as it may be amended from time to time. Except as otherwise provided in this ordinance, the Planning Commission shall be advisory directly to the City Council.

**303.020 COMPOSITION AND TERMS**

1. **Composition, Number.** Such Planning Commission shall consist of five members, who are residents of the city. Members shall be appointed by the City Council. In addition, the City Council ~~shall~~ may select an ex officio member from among its own members to serve on the Commission as a council liaison to the Planning Commission. The ex officio member shall be a non-voting member who is not counted for quorum purposes.
2. **Terms.** ~~The term of each member shall be for three (3) years. Persons appointed to the Planning Commission by the City Council shall serve a term of three (3) years. Terms shall expire on December 31 of the appropriate year. At the first meeting in January 2018, the City Council shall establish the number of years remaining on the terms of each of the serving members, such that no more than two members' terms expire on the same date. The City Administrator-Clerk shall record the terms of each member appointed to the Planning Commission. A member whose term has expired may continue to serve on the Planning Commission until a successor is appointed. A member whose term has expired may also be reappointed by the City Council.~~
3. **Compensation.** ~~No members shall be compensated. The City Council shall set the compensation to be paid members of the Planning Commission. The City Council may determine that members of the Planning Commission will receive no compensation.~~
- 3.4. **Resignation.** ~~A member of the Planning Commission may decide to resign from the Planning Commission prior to the expiration of the member's term. The member~~

who desires to resign shall notify the City Council in writing of the request and the effective date of the resignation.

4.5.**Removal.** Members may be removed by the City Council by a simple majority vote of the City Council.

5.6.**Vacancies.** Vacancies during the term shall be filled by the City Council for the unexpired portion of the term.

6.7.**Oath.** Every appointed member shall, before exercising any of his or her duties, take an oath that he or she will faithfully discharge the duties of the office.

### 303.030 ORGANIZATION, MEETINGS, MINUTES AND EXPENDITURES

1. **Officers.** At the first regular meeting in January, the Planning Commission shall elect a Chairperson and a Vice-Chairperson from among its appointed members, each for a term of one year. The Planning Commission may create and fill other offices as it may determine necessary.

2. **Meetings.** The Planning Commission ~~may shall hold schedule~~ at least one meeting each month as needed at the time and place as they may fix by resolution, subject to City Council approval and filed with the City Administrator-Clerk. The Planning Commission may cancel any regular meeting. Special meetings may be called at any time by the Chairperson, or in the case of the Chairperson's absence, by the Vice-Chairperson, or as directed by the City Council or Mayor.

3. **Commission Policy on Meetings, Organizational Form and Rules of Order.** Subject to approval by the City Council, the Planning Commission may adopt rules of order or bylaws for the transaction of business, ordering meetings, adopting findings of fact and holding public hearings.

4. **Minutes.** Written minutes of meetings shall be kept and filed with the City Administrator-Clerk prior to the next regularly scheduled City Council meeting, but shall be subject to approval at the next Planning Commission meeting.

5. **Expenditures.** ~~No expenditures by the city on behalf of t~~The Planning Commission shall ~~be made~~not incur any expenditures unless and until authorized by the City Council.

### 303.040 ATTENDANCE

Duly appointed members of the Planning Commission shall be required to attend no less than half the official meetings of the Planning Commission held within a given calendar year unless specifically excused by the Chair of the Planning Commission and said excused absences noted in the minutes. Failure to attend no less than half of the official meetings within a given calendar year, without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission. In addition, failure to attend four-consecutive regular

meetings without excuse of the Chair of the Planning Commission, shall be considered as formal notice of resignation from said Planning Commission.

303.050 **STAFF FOR THE COMMISSION**

The City Administrator-Clerk, Building Inspector, City Planner, City Engineer and City Attorney may act as staff for the Planning Commission and may be required at times to attend commission meetings. City Staff may provide the Commission with information as requested by the Commission. The City Administrator-Clerk or other person may perform secretarial duties for the Commission, such as the keeping of minutes, and may be responsible for the keeping of records.

303.060 **POWERS AND DUTIES**

1. **Generally.** The Planning Commission shall have the powers and duties given to city planning agencies generally by law, including the authority to conduct public hearings as directed by City Council or city policy. The Planning Commission also shall exercise the duties conferred upon it by ~~this ordinance~~ Chapter 303 or other provisions of the City Code or assigned to it by the City Council.
2. **Comprehensive Plan.** It shall be the purpose of the Planning Commission to ~~prepare and adopt a~~ advise and inform the City Council regarding its comprehensive plan for the physical development of the city, including proposed public buildings, street arrangements and improvements, efficient design of major thoroughfares for moving of traffic, parking facilities, public utilities services, parks and playgrounds, a general land use plan and other matters relating to the physical development of the city. ~~This plan may be prepared in sections, each of which shall relate to a comprehensive plan program. After the City Council has adopted the comprehensive plan,~~ The Planning Commission may periodically, but at least every ~~five-ten~~ years, review the comprehensive plan and any ordinances or programs implementing the plan and recommend amendments to the City Council.
3. **Means of Executing Plan.** Upon the adoption of a comprehensive plan or any section thereof, it shall be the concern of the Planning Commission to recommend to the City Council reasonable and practical means for putting into effect the plan or section thereof, in order that it will serve as a pattern and guide for the orderly physical development of the city and as a basis for judging the timely disbursements of funds to implement the objective. Means of effectuating the plan, among other things, shall consist of a zoning ordinance, subdivision regulations, capital improvement programming and technical review, and recommendations of matters referred to the Planning Commission by the City Council.
4. **Zoning Ordinances.** Pursuant to M.S. 462.357, subd. 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the zoning ordinances, conduct public hearings as directed by City Council or city policy, and make recommendations to the City Council concerning zoning ordinance amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall

report its recommendations to the City Council for action. The Planning Commission may on its own initiative also propose possible amendments to the Birchwood zoning ordinances.

5. **Conditional Use Permits.** The Planning Commission may make recommendations on all requests for a conditional use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
6. **Interim Use Permits.** The Planning Commission may make recommendations on all requests for an interim use permit under the terms of the zoning ordinance and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
7. **Subdivision Regulations.** The Planning Commission may make recommendations about the subdividing of land as prescribed by the city ordinances and conduct public hearings as directed by City Council or city policy. The Planning Commission shall report its recommendations to the City Council for action.
8. **Zoning Variances.** All applications for variances ~~may shall~~ be referred to the Planning Commission, and forwarded with or without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.357, subd. 6, as it may be amended from time to time for its decision.
- ~~8.9.~~ **Board of Appeals.** Whenever a person shall allege that there is an error in any order, requirement, decision, or determination made by any person other than the City Council or the Planning Commission in the enforcement of any provision of the Birchwood zoning ordinances, the Planning Commission may review and advise the City Council on the allegation. The City Council shall make the final decision.
- ~~9.10.~~ **Official Map.** Pursuant to M.S. 462.359, subd. 2, as it may be amended from time to time, after adoption of a major thoroughfare plan and a community facilities plan (which may be contained in the city comprehensive plan or adopted separately), the Planning Commission, for the purpose of carrying out the policies of the major thoroughfare plan and community facilities plan, may prepare and recommend to the governing body a proposed official map covering the entire municipality or any portion thereof. The official map or maps shall be prepared in sufficient detail to permit the establishment of the future acquisition lines on the ground. In unplatted areas, a minimum of a centerline survey shall have been made prior to the preparation of the final draft of the official map. The accuracy of the future acquisition lines shown on the official map shall be attested to by a licensed land surveyor.
- ~~10.11.~~ **Appeals to Denials of Zoning, Land Use or Building Permits Based on the Official Map.** All appeals to denials of zoning, land use or building permits based on the official map may be referred to the Planning Commission, and forwarded with or

without recommendations directly to the City Council. The City Council shall have the powers of a Board of Appeals and Adjustments as provided for in M.S. 462.359, subd. 4, as it may be amended from time to time for its decision.

~~11.~~12. **Purchase and Sale of Real Property.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed acquisitions or disposals of publically owned interests in real property within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed acquisition or disposal of real property with the comprehensive municipal plan. The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.

~~12.~~13. **Capital Improvements.** Pursuant to M.S. 462.356, subd. 2, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed capital improvements within the city by the municipality, or any special district or any agency thereof, or any other political subdivision having jurisdiction within the municipality, and make findings as to the compliance of the proposed capital improvement with the comprehensive municipal plan. ~~The City Council may by resolution adopted by two-thirds vote dispense with the requirements of this section when in its judgment it finds that the proposed acquisition or disposal of real property has no relationship to the comprehensive municipal plan.~~

~~13.~~14. **Comprehensive Plan Amendments.** Pursuant to M.S. 462.355, subds. 2, 3, as it may be amended from time to time, after adoption of a comprehensive plan, the Planning Commission shall review all proposed amendments to the comprehensive plan, hold at least one public hearing, and make recommendations to the City Council comprehensive plan amendments and their relation to the city comprehensive plan and other land use controls. The Planning Commission shall report its recommendations to the City Council for action.

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

Adopted by the City of Birchwood Village City Council this 14<sup>th</sup> day of November, 2017

Attest:

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Mary Wingfield  
Mayor

---

Tobin Lay  
City Administrator-Clerk

**RESOLUTION 2017-24**

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

**A RESOLUTION ACCEPTING FIVE (5) NEW BANQUET TABLES FROM  
RESIDENTS OF BIRCHWOOD COURTS**

At a regular meeting of the City Council of the City of Birchwood Village held on Tuesday, November 14, 2017, at Birchwood City Hall, 207 Birchwood Avenue, Birchwood, Minnesota, with the following members present: Mayor Mary Wingfield, Councilmembers Megan Malvey, Randy LaFoy, Trilby White, and Kevin Woolstencroft, and the following absent: none, the Birchwood City Council resolved:

**WHEREAS**, Residents of Birchwood Courts have offered to donate five (5) new banquet tables to the City of Birchwood Village to be used for City and/or community events both in and away from City Hall; and

**WHEREAS**, The new banquet tables are valued at \$163.90.

**NOW THEREFORE BE IT RESOLVED**, by the City Council of the City of Birchwood Village that the City Council accepts the donation of five (5) new banquet tables valued at \$163.90 from residents of Birchwood Courts.

I certify that the City of Birchwood Village adopted the above Resolution on this 14th day of November, 2017.

---

Mary Wingfield, Mayor

ATTEST:

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Tobin Lay  
City Administrator-Clerk

11/5/17

To: Tobin Lay, for inclusion in November City Council meeting packet

From: Megan Malvey

Re: Capital Improvement Plan Template

The attached xlsx file is intended to serve as a first draft of a template for a new Capital improvement plan for Birchwood. The starting point for this was provided by Mary Wingfield to me (attached file "Long Range Plan.pdf"), with screen shots of the original document are included immediately below. This previous document includes capital items and also includes some maintenance/service items (non-capital) and some community activities all in one document.

APPENDIX A - 1

CITY OF BIRCHWOOD SCHEDULE/Capitol Projects

YEARLY	2008	2009	2010	2011	2012
January	Newsletter pot luck	Streets crack sealing seal coating	Streets seal coating	Streets crack sealing	Sanitary Sewer replace Bwd Lane LS Pump
February	buckthorn - Felsner	Sanitary Sewer rehabing mains	Storm Sewer catchbasin replacement (sumps)	Storm Sewer catchbasin replacement (sumps)	Storm Sewer catchbasin replacement (sumps)
March	pot luck	Watermain hydrant replacement check valve replacement	Tennis Court Reconstruction replace tennis court nets set aside money for leaf vac	purchase leaf vac	video sewers for cracks
April	Newsletter sweep streets clean out sumps put up tennis nets	Storm Sewer catchbasin replacement (sumps)	stain City Hall	paint Hockey Rink	
May	plant exchange open faucets at parks	City Contracts review all-update as needed			
June	garage sale ice cream social	Buckthorn Tennis Court Feiner Easement Ash Walkway Inventory trees	Buckthorn Birch Street Hall Avenue outlot Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Birch Street Hall Avenue outlot Hall Avenue
July	parade swim across the lake	Light poles	Service Contract Clean out drain pipe behind City Hall		
August	line up hockey person	Service Contract attorney tree inspector	Service Contract garbage park cleaning street sweeping	Service Contract engineer	
September	plant exchange newsletter clear out raingarden of trees	prepare for pandemic flu get leaf sucker	city hall parking lot re-do w/permiabile pavement		
October	clean out sumps close faucets at parks take down tennis nets before Halloween	lighting in City Hall replace w/energy eff. bulbs			
November	sweep streets clean out hockey rink	do energy audit of city hall thermostats, programmed?			
December	Christmas party	finish comp plan			

CITY OF BIRCHWOOD SCHEDULE/Capitol Projects

YEARLY	2013	2014	2015	2016	2017	2018	2019	2020
January				Sanitary Sewer replace Wildwood Ave LS pump			Sanitary Sewer replace Dellwood LS Pump	
February				Tennis Court crack sealing				
March		replace tennis nets					replace tennis court nets	
April		paint Hockey Rink			paint Hockey Rink		stain City Hall	
May								paint Hockey Rink
June	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway	Buckthorn Birch Street Hall Avenue outlot Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway	Buckthorn Birch Street Hall Avenue outlot Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway
July	Clean out drain pipe behind City Hall					Clean out drain pipe behind City Hall		
August	Service Contact attorney tree inspector	Service Contract garbage park cleaning street sweeping	Service Contract engineer		Inventory trees	Service Contact attorney tree inspector	Service Contract garbage park cleaning street sweeping	Service Contract engineer
September								
October								
November								
December								

I aimed to split this compilation into three categories, which are each included as a separate tab in the xlsx sheet. I included screen shots of each tab in the explanation below and attached the file, Capital Plan template 11-5-17.xlsx Please note that the items included here are straight from the original document; there may be some that are no longer relevant and missing items that should be identified and added when the template is completed.

- Capital tab should include historic and predicted future capital investments by the city of Birchwood (I wasn't entirely clear if all of the items on the Capital tab are capital investments, but those details can be worked through as this template (or a revision to it) is populated)
- Maintenance/Contracts tab includes non-capital items like maintenance items and service contracts that Birchwood has with outside companies
- Activities tab includes parties and other city sponsored activities

The information in the **Capital** tab includes:

- High level category for each item: Building, Parks, Sanitary sewer, Storm sewer, Streets and Water main (additional categories can be added if needed)
- Each capital item is included as a separate row
- There are columns to indicate the frequency and typical months (if applicable) for each item
- There are columns to indicate the last two times (year and cost) the item was completed

- There are columns to indicate the expected next time (year and cost) the item will need to be completed

Category	Specific Capital Item	Expected Frequency (Every X years)	Typical month(s)	Two Times Ago Completed		Last Completed		Target Next Time	
				Year	Cost	Year	Cost	Year	Cost
Building	HVAC City Hall								
Building	Stain city hall	10							
Parks	Paint hockey rink	3				2014		2017	
Parks	Replace tennis nets	5				2014		2019	
Parks	Tennis court reconstruction								
Parks	Tennis court surface replacement (crack sealing no longer makes sense from previous schedule)								
Sanitary sewer	Rehab sewer mains								
Sanitary sewer	Replace Lift Station Pump (Birchwood Lane)								
Sanitary sewer	Replace Lift Station Pump (Dellwood)								
Sanitary sewer	Replace Lift Station Pump (Wildwood Ave)								
Sanitary sewer	Video sewers for cracks								
Storm sewer	Catch basin replacement (sumps)	1							
Storm sewer	Clean out sumps	1							
Streets	Crack sealing								
Streets	Seal coating								
Streets	Sweep streets	0.5	April, November						
Watermain	Check valve replacement								
Watermain	Hydrant repair								

The information in the **Maintenance/Contracts** tab includes:

- High level category for each item: Buckthorn removal, Building, Contracts, Parks, Trees
- Each specific maintenance or contract item is included as a separate row
- There are columns to indicate the expected frequency, typical completion month and cost
- I didn't include tracking for last two times the item was completed but this could be added if desired

Category	Item	Frequency	Typical month	Expected cost
Buckthorn removal	Ash Walkway			
Buckthorn removal	Birch easement			
Buckthorn removal	Birch Street			
Buckthorn removal	Bloomquist			
Buckthorn removal	Feistner			
Buckthorn removal	Hall Ave			
Buckthorn removal	Hall Ave. outlet			
Buckthorn removal	Halls Marsh			
Buckthorn removal	Wildwood Ave.			
Building	Clean out drain pipe behind City Hall			
Building	Energy audit of city hall			
Contracts	Attorney			
Contracts	Engineer			
Contracts	Garbage			
Contracts	Park cleaning			
Contracts	Review and update all city contracts			
Contracts	Street sweeping			
Contracts	Tree inspector			
Parks	Clean out hockey rink	Annually	November	
Parks	Clear out raingarden of trees	Annually	September	
Parks	Close faucets at park	Annually	October	
Parks	hire hockey coordinator	Annually	August	
Parks	open faucets at park	Annually	May	
Parks	Put up tennis nets	Annually	April	
Parks	Take down tennis netse	Annually	October	
Trees	Inventory trees			

The information in the **Activities** tab includes:

- The activity
- The frequency
- The typical month(s)
- The expected cost (per time)

Activity	Frequency	Typical Month	Expected cost
Newsletter	4/year	March, June, September, December	
Plant exchange	2/year	April, September	
Pot luck	1/year	January	
Garage sale	1/year	June	
Ice cream social	1/year	June	
Parade	1/year	July	
Swim across lake	1/year	July	
Christmas party	1/year	December	

I included the screen shots in this memo to help explain the various sections but it might be helpful to include each of the files/tabs as an attachment in the packet. I can save each of the tabs in the xlsx file as a separate pdf if that would be helpful.

If the council and staff think this template is suitable for tracking and planning for capital investments (and separating capital investments from maintenance/contracts and from activities) then I'd request a team/task force be created to identify the items that need to be added/changed from what was listed on the original document (and has been carried into this template) and to gather the information about frequency, cost and historic information about each item to populate the templates. This could include a member of city staff, council, roads committee, planning commission, parks committee, city engineer and others as needed. Or, instead of a task force, we could ask each committee to create the content for their area and then have city staff compile it.

In the xlsx file, it might also be useful to include the name of any contractors/companies who we work with for the capital items (and maintenance/contract items). In addition to the xlsx "tracking" file we also may want a document that provides a brief description of each of the capital and maintenance/contract items. Perhaps each committee could create the content for that as well.

I look forward to feedback from the council and city staff about this proposed template and process for updating Birchwood's capital plan.

CITY OF BIRCHWOOD SCHEDULE/Capitol Projects

YEARLY	2008	2009	2010	2011	2012
January	Streets crack sealing seal coating Sanitary Sewer rehabing mains	Streets seal coating	Streets crack sealing		Sanitary Sewer replace Bwd Lane LS Pump
February	Newsletter pot luck buckthorn - Feisner	Storm Sewer catchbasin replacement (sumps) Tennis Court Reconstruction replace tennis court nets set aside money for leaf vac	Storm Sewer catchbasin replacement (sumps) purchase leaf vac	Storm Sewer catchbasin replacement (sumps)	Storm Sewer catchbasin replacement (sumps) video sewers for cracks
March	Watermain hydrant replacement check valve replacement Storm Sewer catchbasin replacement (sumps) paint Hockey Rink	stain City Hall		paint Hockey Rink	
April	City Contracts review all-update as needed				
May	Buckthorn Tennis Court Feiner Easement Ash Walkway Inventory trees Light poles	Buckthorn Birch Street Hall Avenue outlot Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway	Buckthorn Birch Street Hall Avenue outlot Hall Avenue
June	Service Contract attorney tree inspector	Service Contract Clean out drain pipe behind City Hall garbage park cleaning street sweeping	Service Contract engineer		
July	parade swim across the lake	city hall parking lot re-do w/permiable pavement			
August	prepare for pandemic flu get leaf sucker lighting in City Hall replace w/energy eif. bulbs				
September	do energy audit of city hall thermostats, programmed? finish comp plan				
October	plant exchange newsletter clear out rainingarden of trees				
November	clean out sumps close faucets at parks take down tennis nets before Halloween sweep streets clean out hockey rink				
December	line up hockey person				
	Christmas party				

APPENDIX A - 2

CITY OF BIRCHWOOD SCHEDULE/Capitol Projects  
2008 - 2020

YEARLY	2013	2014	2015	2016	2017	2018	2019	2020
January				Sanitary Sewer replace Wildwood Ave LS pump			Sanitary Sewer replace Dellwood LS Pump	
February		replace tennis nets		Tennis Court crack sealing			replace tennis court nets	
March					paint Hockey Rink		stain City Hall	paint Hockey Rink
April								
May								
June	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway	Buckthorn Birch Street Hall Avenue outlet Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway	Buckthorn Birch Street Hall Avenue outlet Hall Avenue	Buckthorn Halls Marsh Birch Street Birch Easement Wildwood Ave Ash Walkway	Buckthorn Tennis Court Feiner Easement Ash Walkway
July	Clean out drain pipe behind City Hall				Inventory trees	Clean out drain pipe behind City Hall		
August	Service Contact attorney tree inspector	Service Contract garbage park cleaning street sweeping	Service Contract engineer			Service Contact attorney tree inspector	Service Contract garbage park cleaning street sweeping	Service Contract engineer
September								
October								
November								
December								

*Handwritten notes:*  
 Have an S... 2013  
 willow  
 6 projects last of 2013  
 2010

Category	Specific Capital Item	Expected Frequency (Every X years)	Typical month(s)	Two Times Ago Completed		Last Completed		Target Next Time	
				Year	Cost	Year	Cost	Year	Cost
Building	HVAC City Hall								
Building	Stain city hall	10							
Parks	Paint hockey rink	3				2014		2017	
Parks	Replace tennis nets	5				2014		2019	
Parks	Tennis court reconstruction								
Parks	Tennis court surface replacement (crack sealing no longer makes sense from previous schedule)								
Sanitary sewer	Rehab sewer mains								
Sanitary sewer	Replace Lift Station Pump (Birchwood Lane)								
Sanitary sewer	Replace Lift Station Pump (Dellwood)								
Sanitary sewer	Replace Lift Station Pump (Wildwood Ave)								
Sanitary sewer	Video sewers for cracks								
Storm sewer	Catch basin replacement (sumps)	1							
Storm sewer	Clean out sumps	1							
Streets	Crack sealing								
Streets	Seal coating								
Streets	Sweep streets	0.5	April, November						
Watermain	Check valve replacement								
Watermain	Hydrant repair								

Category	Item	Frequency	Typical month	Expected cost
Buckthorn removal	Ash Walkway			
Buckthorn removal	Birch easement			
Buckthorn removal	Birch Street			
Buckthorn removal	Bloomquist			
Buckthorn removal	Feistner			
Buckthorn removal	Hall Ave			
Buckthorn removal	Hall Ave. outlet			
Buckthorn removal	Halls Marsh			
Buckthorn removal	Wildwood Ave.			
Building	Clean out drain pipe behind City Hall			
Building	Energy audit of city hall			
Contracts	Attorney			
Contracts	Engineer			
Contracts	Garbage			
Contracts	Park cleaning			
Contracts	Review and update all city contracts			
Contracts	Street sweeping			
Contracts	Tree inspector			
Parks	Clean out hockey rink	Annually	November	
Parks	Clear out raingarden of trees	Annually	September	
Parks	Close faucets at park	Annually	October	
Parks	hire hockey coordinator	Annually	August	
Parks	open faucets at park	Annually	May	
Parks	Put up tennis nets	Annually	April	
Parks	Take down tennis netse	Annually	October	
Trees	Inventory trees			

Activity	Frequency	Typical Month	Expected cost
Newsletter	4/year	March, June, September, December	
Plant exchange	2/year	April, September	
Pot luck	1/year	January	
Garage sale	1/year	June	
Ice cream social	1/year	June	
Parade	1/year	July	
Swim across lake	1/year	July	
Christmas party	1/year	December	

November 5, 2017

Rice Creek Watershed District Board Members

Address.....

Dear RCWD Board Members,

John Waller reached out to the City of Birchwood, which is in Washington County, regarding the proposed general by-law revisions for the Rice Creek Watershed district. We are grateful for the work done by Mr. Waller as a Watershed Manager and by all of the RCWD team members. We think it is critical that the work of the Commission appropriately serves all communities.

City of Birchwood staff and council has reviewed the proposed by-laws revision and the related comments provided by Mr. Waller. We also reviewed the letter provided by Lisa Weik from Washington County and echo many of the comments made in her letter. We would request that the following be adopted in the Rice Creek Watershed District Board in the revision of the by-laws.

- The city of Birchwood requests transparency, objectivity and accountability related to decisions made by the Watershed District
- The city of Birchwood requests equitable representation of each city and other government units within the watershed
- The city of Birchwood requests that money should be spent in the district from which the tax funding was collected
- The city of Birchwood requests separation of accounting from auditing in Watershed District financial practices

We hope that these requests will be adopted as the by-law revisions are finalized. We appreciate the work done by the Watershed District Board.

Best regards,

Birchwood City Council Members