



AGENDA OF THE WORKSHOP OF THE
CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
October 25, 2017
6:00 P.M.

CALL TO ORDER

CITY BUSINESS – REGULAR AGENDA

- A. Review and Discuss the Birchwood Dock Association's Annual Dock Permit Application Package* (pp. 26-55)
- B. Review and Discuss City Code Section 617: Public Lake Tracts* (pp. 2; 3-19; 20-25)
 - 1. Review and discuss other relevant materials as appropriate.

ADJOURN

MEMORANDUM

DATE: October 25, 2017

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



Birchwood Village

Dear Mayor and Council Members,

Please find the following material enclosed for your review of the Birchwood Dock Association's (BDA) annual dock permit application package and discussion on City Code Section 617 Public Lake Tracts:

- 1) BDA 2018 Dock Permit Application Package;
- 2) BDA 2018 WBLCD Application Package;
- 3) Section 617 with proposed amendments from Mayor Wingfield; and
- 4) Birchwood Dock Association Bylaws

Thanks!

Regards,
Tobin Lay

CHAPTER 617: PUBLIC LAKE TRACTS

SECTION 617.100: DEFINITIONS AND PURPOSE

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

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

617.112 "Dock Association" is defined as a private entity, nonprofit, or other incorporated association whose membership is limited to City of Birchwood Village residents that may be issued a Dock Permit by the City to install and maintain a private dock on one of the Public Lake Tracts subject to the rights of the City to permit and regulate the use of the dock.

617.113. "Boating Season" is defined as April 1 through October 31 of each year.

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

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

617.116 ~~"Dock Maintenance "Boat Slip Permit" fees" are fees set by the City Council to be collected from each boat slip user. Dock Association to pay for dock-association approved dock maintenance and capital improvement expenditures.~~

617.117

"WBLCD" shall mean the White Bear Lake Conservation District.

617.118

"Boat Slip Permit" shall mean a permit issued by the City granting the holder the opportunity to install and use a boat on a particular dock at one of the City's Public Lake Tracts during a Boating Season. Such permit is subject to the payment of the appropriate fee as set forth in Chapter 701 and compliance with all provisions of this ordinance. Such permits shall not be considered a sale or other transfer of the City's underlying riparian rights, of which the City shall retain ownership.

617.119

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

617.150.

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

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

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

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

617.215 **1. Small Craft Storage.** Only Birchwood residents may store canoes, kayaks, and other small non-motorized watercraft on racks located at City Easements. Residents may not rent their small craft to non-residents. Small craft shall be stored in racks when not in use. Such craft may be stored on a Public Lake Tract only during the Boating Season and the owner shall remove them during the non-Boating Season. Owners of small craft must not leave any chains or locks on the racks at the end of each Boating Season. As a matter of courtesy, families who own more than one small craft are encouraged to place both

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craft on the same rack.

2. **Permit Required.** Residents must purchase a permit from the City Clerk to store small craft on racks at City Easements. The cost for each permit is \$10.00 annually. A sticker accompanying the permit must be placed on each small craft registered with the City. When purchasing a permit, the small craft owner must show proof of ownership and residency.

3. **Penalty for Violation.** The owner of small craft determined to not have a valid permit will be charged \$25.00. If, after notice, a small craft without a sticker remains on a rack, the City reserves the right to remove the small craft and charge the owner a \$50.00 removal cost.

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

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

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

- Docks are private property
- Public Lake Tract closed from 9:30 PM to 6:00 AM
- Quiet activities only from 6:00 AM to 8:00 AM
- No alcoholic beverages
- No vehicle assisted boat launching allowed
- No all-terrain vehicles or snowmobiles allowed
- No glass beverage containers allowed
- VIOLATORS SHALL BE PROSECUTED

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

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

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

- (1) A Dock Permit for the dock has been issued by City Council; and
- (2) A WBLCD dock license application for the dock is first approved by the City Council and then the same application is submitted to and approved by the WBLCD; and
- (3) All applicable Chapter 701 Dock Association Dock Permit and Boat Slip Permit Fees; and WBLCD dock license fees have been paid.

617.245.

617.250.

Vehicle and Trailer Parking Prohibited. No person shall park or cause to be parked any house, hauling or boat trailer upon any Public Lake Tract. The City Council may adopt such parking regulations for automobiles thereon as it may deem necessary. Unless such regulations are adopted, parking of automobiles on any Public Lake Tract shall be prohibited.

Storage Prohibited. No person shall store or allow to remain on any Public Lake Tract any personal property such as boats, oars, motors, boat hoists, or other

equipment for any period of time other than when in actual use unless such storage has been authorized by the City.

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

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

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

617.301 Dock Association Organizational requirements.

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(1) The Dock Association shall adopt Articles of Incorporation that are in conformance with Minnesota Statutes 322B et al and must be pre-approved by the City Council before being filed with the Secretary of State of Minnesota.

(2) The Dock Association shall adopt By Laws of Incorporation that are consistent with the purpose in 617.150 and must be pre-approved by the City Council before being adopted. No changes to such By Laws shall be made without the consent of and pre-approval by the city council.

617.302 Boat Slip Permit Fees

(1) The fees for Boat Slip permits shall be set by the city council from time to time to reflect fair and reasonable charges consistent with the purpose of 617.150.

(2) All Boat Slip Permit holders shall pay such Permit fee by February 1 of each Boating Season to claim a Boat Slip for that year as well as comply with Proof of Insurance requirements under 617.390. Failure to timely pay such fee or provide such proof shall result in forfeiture of any potential remaining years under 617.350.

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617.303 Dock Association Expense Reimbursement

(1) The Dock Association may submit receipts for any costs incurred for dock insurance, installation and removal, maintenance, repair and replacement of its docks, subject to the approval of the City Council. Any expenditure in excess of \$500 per dock shall require pre-approval by the City Council.

(2) Any expenses to be reimbursed for Dock Association member expenses or services shall require proof that the expense or service was reasonable and valid. Such proof may be met by providing two Third-party bids whose contractor(s) have no affiliation to or Conflict of Interest with the Dock Association or its members.

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617.304 Yearly Dock Permit Income

All monies collected that are in excess of the costs reimbursed to the Dock Association at the end of each year are the sole property of the city and no rights or privileges shall attach.

617.305 Dock Association Assets

All Dock Association property, including all docks and accessories owned by the Dock Association shall not be liquidated or sold. All such properties shall become the sole property of the City upon Dissolution or relinquishment by the Dock Association, unless otherwise agreed upon by the City Council.

617.310 **Dock Association Memberships.**

- (1.) Dock Association memberships shall ~~be limited to~~ include all residents or property owners of the City, with a limit of one membership per dwelling unit.
- (2.) Members of the Dock Association shall have equal voting status.
- (3.) Dock Association Membership and its privileges are not transferable.
- (4.) ~~The Dock Association shall have a Dock Use Only membership category.~~

617.320 **Dock Association Meetings:**

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

617.330 **~~Dock Association Fees, Dues, and Assessments:~~**

~~(1.) Dock Association fees, dues, and assessments shall not be set or used to limit or exclude membership.~~

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~~(2) The Dock Association may assess, in accordance with its bylaws, fees to its members to generate monies for operating costs, routine dock maintenance, capital improvements, and other expenses.~~

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

617.340 **Dock Permits.** The City may issue a Dock Permit to the Dock Association authorizing the Dock Association to install and operate a private dock(s) on the Public Lake Tracts subject to the requirements set forth in this code and those set forth in WBLCD ordinances. No Dock Permit issued by the City is valid unless and until the WBLCD approves the associated permit. The Dock Association shall pay all dock permit fees as set forth in Chapter 701. Failure to pay shall result in revocation or denial of associated permits.

617.345 **Dock Permit Review.** The City shall review the Dock Permit Application(s) at the City's annual Dock Permit Review Meeting.

617.350 **Boat Slip Permits.**

- (1) Use of a boat slip on a Public Lake Tract shall require a Boat Slip Permit. The City shall manage the assignment of Boat Slip Permits on docks installed on its Public Lake Tracts in accordance with this ordinance.
- (2) Boat Slip Permit fees as set forth in Chapter 701 shall be paid to the City on or before April February 1 of each year for the upcoming Boating Season. ~~Permit holders shall pay the Boat Slip Permit fee directly to the City rather than to the Dock Association. Failure to pay the Boat Slip Permit fee for a Boat Slip Permit shall result in denial and/or revocation of the Permit.~~
- (3) Boat Slip Permits are not transferable or assignable by the holder.
- (4) The maximum number of years an individual or household may use a Boat Slip Permit is 6 years (6 Boating Seasons). Upon accruing such maximum, said individual or household is subject to the provisions of Section 617.350(9).
- (5) Once an individual is granted a Boat Slip Permit, the individual shall continue to be eligible for a Boat Slip Permit in successive years unless and until the individual exceeds the number of accumulated years set forth by this Code, or engages in any violation of code or other conduct causing the individuals to forfeit the Boat Slip Permit.

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- (6.) An individual may voluntarily relinquish their Boat Slip Permit at any time but shall be required to reapply to be added to the Boat Slip Waiting List pursuant to Section 617.410 to regain a Boat Slip Permit.
- (7.) No person or household shall be permitted more than one (1) boat slip on a Public Lake Tract.
- (8.) The Dock Association shall have the discretion to determine the physical boat slip to be used by each individual who has a valid Boat Slip Permit. The Dock Association shall assign slips as to maximize the useable number of boat slips. The City ~~reserves the right to shall~~ monitor the Dock Association's boat slip assignment process and to recommend changes to the Dock Association's boat slip assignment process ~~as necessary.~~
- (9.) Upon a Dock Association member reaching the maximum number of years of Boat Slip Permit use in Section 617.350(4), said Dock Association member shall relinquish his or her Boat Slip Permit, and his or her years of accrued use shall be set back to zero years. Thereafter, said Dock Association member may apply to be placed on the Boat Slip Waiting List pursuant to the provisions of Section 617.410.
- (10.) The maximum number of boat slips that can be approved by the City for each of its Public Lake Tracts shall be determined each year by the City at the City's annual Dock Permit application review process. As of September, 2010 the maximum number of boat slips approved for each Public Lake Tract is as follows:
 - a. Kurt Feistner Beach - 0
 - b. Ash Beach- 8
 - c. Birch Beach - 10
 - d. Elm Beach- 6
 - e. Dellwood Beach - 8
 - f. Kay Beach - 0

617.360. **Neighborhood Meeting.**

(1) Prior to submitting a Dock Permit Application Package and prior to the Dock Association's meeting to discuss the placement and operation of the proposed docks for the upcoming Boating Season, the Dock Association shall hold a neighborhood meeting to which each adjoining neighbor of the Public Lake Tract shall be invited to discuss the final placement and operation of the proposed docks for the upcoming Boating Season. The Dock Association shall provide written notice of the meeting to Dock Association members, neighboring lakeshore property owners within 200 feet of a Public Lake Tract's boundaries, and the City Clerk at least one week prior to the meeting. The notice shall contain the time, date, location, and purpose of the meeting. The City Clerk shall post the notice on the bulletin board outside city hall. The meeting shall be open to the public.

- (2) At a minimum, the meeting shall address the following issues:
- (a) The proposed length of each of the Dock Association's docks from the water's edge.
 - (b) The proposed configuration of each of the Dock Association's docks, including number and location of boat slips, lifts, canopies and shore ramps.
 - (c) The proposed location and orientation of each of the Dock Association's docks and shore ramps on the Public Lake Tract relative to the shore line and property boundaries.

(3) The Dock Association shall include in its Dock Permit Application Package that is submitted to the City Council the minutes of the neighborhood meeting. The minutes shall include the persons in attendance, issues discussed, areas of agreement, and unresolved issues.

****AMENDED BY ORDINANCE 2012-10, SEPTEMBER 11, 2012****

617.370

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

- (1) Completed Dock Permit Application Package Checklist,
- (2) Dock Association's bylaws if not previously submitted, and any amendments to said bylaws if original bylaws are already on file with the City.
- (3) Dock Association's current treasurer's report.
- (4) Minutes of the Dock Association's annual meeting.
- (5) The following lists:
 - a. Dock Association officers including telephone and email contact information.
 - b. ~~Dock Association membership initiation fees, dues, other charges, and dock maintenance fees.~~
 - c. Current Dock Association members indicating total years of association membership and the identification of and the contact information for the Dock Association member designated to receive complaints against the Dock Association.
 - d. Planned repairs or improvements to the Dock Association's dock(s) or any other equipment. The list shall address when and how the repairs and improvements shall be accomplished.
- (6) Minutes of the Dock Association's meeting(s) with the property owners specified in Section 617.360. If a meeting was not held, the Dock Association shall present evidence of its attempt to hold the meeting.
- (7) Scale drawings for each proposed dock showing the dock configuration and placement, boat slip placement, neighboring property lines, shore ramps, and the area of each affected Public Lake Tract available to maintain a balance of suitable recreational activities for all residents.

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

617.380

Docks, Boat Slips, and Boats.

- (1.) Docks, boat slips, shore ramps, and boats shall be installed and configured so as to allow, inasmuch as natural conditions allow, at least 50% of the Public Lake Tract beach area and adjacent water to be available for non-boating activities.
- (2.) Docks shall be installed and configured such that:
 - a. Boat slips shall not extend beyond the end of the dock.
 - b. A dock's location shall not unreasonably impede the non-boating beach use.
 - c. Boat slip placement shall minimize the need for boats to enter designated swimming areas during ingress or egress.
- (3.) Docks shall not exceed the length specified in the WBLCD approved dock license. Dock length shall be consistent with other docks in the vicinity.
- (4.) Shore ramps shall not exceed 4 feet in width and 12 feet in length and shall be secured to the shore in a location and manner that does not pose a hazard for persons.
- (5.) The City retains the right to inspect all Dock Association docks and shore ramps installed on the Public Lake Tracts to ensure health, safety and well-being. The City shall forward all dock safety concerns or deficiencies to the Dock Association's complaint contact person for action. The Dock Association shall have seven (7) days to reply in writing to the City addressing the identified deficiencies. The City Council shall thereafter review the matter if necessary.
- (6.) Boats installed on any Public Lake Tract shall not exceed twenty-two (22) feet in length on Birch Beach and shall not exceed nineteen (19) feet in length on all other Public Lake Tracts. **(As amended via Ord. 2011-01, 04-12-11)**
- (7.) A boat owner, whose boat exceeds the maximum size limits as of the enactment of this ordinance and who had previously moored the boat at a

Dock Association dock, may continue to install the boat on one of the Dock Association's docks as long as the following conditions are met:

- a. The same boat owner retains ownership of the boat, and
- b. The same boat owner continues to be entitled to a Boat Slip Permit the following year.

Once the boat owner's Boat Slip Permit rights are terminated, the non-conforming boat shall not be permitted to be installed on a Public Lake Tract in subsequent years.

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

617.390

Dock Association and Boat Owner Insurance:

- (1.) The Dock Association shall maintain and provide written proof of general liability insurance coverage for the docks of at least \$2,000,000.00, and shall name the City of Birchwood Village as an additional insured. Written proof of insurance shall include: name of insurance company, policy number, policy limits, dates of coverage; and certification by the Dock Association that the policy shall remain in full force and effect for the duration of the Boating Season.
- (2.) Each boat owner with a Boat Slip Permit shall maintain and shall provide written proof of boat liability insurance in the amount of \$1,000,000.00 per occurrence/\$300,000.00 per individual, insuring the boat owner against liability. Each boat owner granted a Boat Slip Permit shall provide written proof of insurance to the City before the boat is installed on a Public Lake Tract, including: name of insurance company, policy number, policy limits, dates of coverage; and certification by the boat owner that the policy shall remain in full force and effect for the duration of the Boating Season.

SECTION 617.400: CITY OF BIRCHWOOD VILLAGE RESPONSIBILITIES:

617.410 **Boat Slip Waiting List.** The City shall maintain and manage the Boat Slip Waiting List for all Birchwood residents who desire a Boat Slip Permit for a Public Lake Tract. Places on the Boat Slip Waiting List are not transferable or assignable. The City shall use the following procedures to maintain and implement the Boat Slip Waiting List.

- (1) Each applicant to the Boat Slip Waiting List shall pay a deposit in the amount of the Boat Slip Permit fee as set forth in Chapter 701. The deposit shall be refunded in full if, prior to being awarded a Boat Slip Permit, the applicant removes his or her name from the Boat Slip Waiting List. If the applicant is awarded a Boat Slip Permit, the deposit shall be applied to the Boat Slip Permit Fee.
- (2) Any Birchwood resident who does not currently have a Boat Slip Permit and who is not currently on the Boat Slip Waiting List may apply to have his/her name added to the Boat Slip Waiting List by providing the City a completed application and depositing with the City the required deposit as set forth in Section 617.410(1). Only one individual per household may apply. Names shall be added to the Boat Slip Waiting List in the order received.
- (3) At the beginning of each calendar year, the City shall send written notice of available Boat Slip Permits for the next Boating Season to the individuals on the Boat Slip Waiting List. Boat Slip Permits for the upcoming Boating Season shall be offered to individuals on the Boat Slip Waiting List in descending order based on the length of time each individual has been listed on the Boat Slip Waiting List.
- (4) An individual offered a Boat Slip Permit pursuant to 617.410(3) shall accept or reject the Boat Slip Permit before ~~March~~ February 1st. Acceptance shall be in writing and any failure to respond shall be considered a rejection.
- (5) The City shall continue to offer available Boat Slip Permits in descending order down the Boat Slip Waiting List until all Boat Slip Permits are assigned or until all individuals on the Boat Slip Waiting List have been offered and have declined a Boat Slip Permit.
- (6) An individual who is offered a Boat Slip Permit may decline and remain in the same position on the Boat Slip Waiting List until the individual either accepts a Boat Slip Permit or removes his/her name from the Boat Slip Waiting List.
- (7) If boat slip vacancies become available during the Boating Season, the City shall offer the associated Boat Slip Privileges to individuals on the Boat Slip

Waiting List in descending order. If accepted, the associated Boat Slip Permit Fee shall be prorated based on the number of months remaining in the current Boating Season.

- (8.) The City shall maintain an up-to-date list of individuals assigned a Boat Slip Permit that includes their accrued number of years of use.
- (9.) At the end of each Boating Season, the City shall notify in writing each individual whose accrued years of Boat Slip Privilege use require him/her to relinquish his or her Boat Slip Permit pursuant to Section 617.350(9).

617.420. **Unusable Boat Slip Privileges.** The City and Dock Association shall use the following process to maximize the use of boat slips during periods of low water levels.

- (1.) If an individual's Boat Slip Permit cannot be used due to low water levels, the Dock Association shall notify the City in writing that a boat slip is available and stating the draft of boat that may be able to use the available boat slip.
- (2.) The City shall review the applications of the individuals on the Boat Slip Waiting List in priority order and offer a temporary Boat Slip Permit to individuals who may be able to use the available boat slip. If an applicant accepts and uses the temporary Boat Slip Permit, at the end of the Boating Season, the Boat Slip Permit rights revert back to the individual who relinquished them due to inability to use them based on the low water level. The individual that used the temporary Boat Slip Permit shall retain his/her place on the Boat Slip Waiting List. The temporary boat slip user shall be charged with a pro rata amount of Boat Slip Permit use.
- (3.) An individual who cannot use his/her Boat Slip Permit for an entire Boating Season due to low water level shall be charged with a pro rata amount of accrued Boat Slip Permit use and may resume using his/her Boat Slip Permit the following Boating Season if the individual is still eligible to do so pursuant to Section 617.350.

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

617.440 **Submission of Application to WBLCD.** If the City Council approves Dock Permit Application, it shall issue the applicant a Dock Permit for the dock(s) and forward the approved WBLDC dock license application to the WBLCD for further approval.

The City Council shall designate a City Council member to present the City approved WBLCD dock license application at the appropriate WBLCD meeting.

617.450 **Installation of Dock.** If the WBLCD approves the license application(s), the Dock Association may install its dock(s) on or after the start of the Boating Season, but only as approved in the application and only after paying ~~the City the total~~ all applicable Dock Permit Fees and all Boat Slip Permit Fees listed in Chapter 701 have been paid.

617.460 **Dock Association Liaison.** The City Council shall assign a City Council member to serve as its liaison with the Dock Association. The designated Liaison shall facilitate communications between the Dock Association and the City Council. In addition, the designated Liaison shall assist in resolving or arbitrating complaints filed against the Dock Association or its members.

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

- (1) The complainant shall first present his/her complaint in writing to the Dock Association's designated complaint contact person and provide a copy of the written complaint to the City, who shall file it.
- (2) The Dock Association shall respond to the written complaint within 7 days of receipt. The Dock Association response shall be written and shall document actions done or planned to resolve the complaint. The response shall be presented to the complainant with a copy provided to the City, who shall file it with the original complaint.
- (3) If the Dock Association's response does not satisfy the complainant, the complainant may then file a formal written complaint with the City. The formal complaint shall be accompanied by any additional documentation of the complainant's attempt(s) to resolve the complaint with the Dock Association, including the Dock Association's response(s).
- (4) Upon receiving a formal complaint with any supporting documentation, the City shall forward copies of the documents to the City Council Dock Association Liaison.
- (5) The Dock Association Liaison shall review the documentation and arrange for a meeting to be attended by the Dock Association Liaison, the complainant and the Dock Association's president. The objective of the meeting is to facilitate a resolution that is acceptable to both the complainant and the Dock Association.

- (6.) If the complaint is satisfactorily resolved, the Dock Association Liaison shall document the resolution and provide it to the City to be filed with the original formal complaint.
- (7.) If the complaint is not resolved, the Dock Association Liaison shall provide the City with written documentation of the unresolved issues and the City shall place the matter on the agenda for resolution by the City Council.
- (8.) If the City Council determines that a violation of City Code has occurred, the City Council, in its discretion, shall determine the appropriate remedy. If the party who is the subject of the complaint is a holder of a Boat Slip Permit, the City Council may, in its discretion, revoke such permit from that party or their household. Upon a finding of noncompliance with the ordinance, if the party who is the subject of a complaint is on the Boat Slip Waiting List, the City Council may, in its discretion, remove that party or their household from the Waiting List.

SECTION 617.500 ENFORCEMENT:

- 617.510 **Compliance with Posted Rules.** No person shall disregard or fail to comply with any posted regulations, directional signs and graphics, barriers or other control devices located at any Public Lake Tract.
- 617.520. **Misdemeanor.** Any person, firm, association, or entity violating any of the provisions of this Chapter 617 by doing any act or failing to do any act which constitutes a breach of any section of this ordinance is guilty of a misdemeanor.
- 617.530. **Removal from Public Lake Tract.** Any person violating any of the provisions of this Code Chapter 617 may be expelled, ejected or ousted at such time of violation from a Public Lake Tract at the discretion of a law enforcement officer.
- 617.540. **Revocation of Boat Slip Permit.** Any person violating any provision of this Code Chapter 617 who holds Boat Slip Privileges may have such privileges temporarily or permanently revoked by the City based upon such violation, and shall be required to remove his/her boat from the slip.
- 617.550. **Revocation of Dock Permit.** The City may deny or revoke a Dock Association Dock Permit if the City Council determines that the Dock Association:
 - (1.) Misrepresented information in its Dock Permit Application Package or on its WBLCD dock license application; or
 - (2.) Violates any provision set forth in this Chapter 617.
- 617.560. **Civil Action.** Separate from and in addition to the foregoing remedies, the City may commence a civil action in District Court to remedy any violation of any provision of

this Chapter 617, including seeking any and all available forms of legal, equitable, or injunctive relief.

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

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

~~Adopted by the City of Birchwood Village City Council~~

~~This 14th day of December, 2010.
(Day) (Month) (Year)~~

~~Attest: /s/ Mary Wingfield _____, Mayor
Mary Wingfield~~

~~Attest: /s/ Dale Powers _____, City Clerk
Dale Powers~~

**BIRCHWOOD DOCK ASSOCIATION
BYLAWS**

ARTICLE 1. NAME

The name of the organization is the Birchwood Dock Association.

ARTICLE 2. PURPOSE

The purpose of the Birchwood Dock Association is to manage and install docks on the Public Lake Tracts owned by the City of Birchwood for the use and enjoyment of the members of the Association and to protect and indemnify Association members from liability arising from the use and maintenance of the docks.

ARTICLE 3. MEMBERSHIP IN THE ASSOCIATION

Section 1. Open to Residents. Residents and property owners in the City of Birchwood are eligible to join the Birchwood Dock Association. All full-time residents of a household shall be included when a person at the residence joins the Association, although each household shall have only one vote.

Section 2. Boating Members. Residents who obtain a boat slip on a dock maintained by the Association are considered boating members.

Section 3. Dock Use Only Members. Residents who want access to the docks but who do not desire to obtain a boat slip are eligible to join as dock use only members.

Section 4. City Boat Slip Waiting List. Residents may place their name on the City Boat Slip Waiting List as regulated by City procedures and ordinances.

ARTICLE 4. FEES AND DUES

Section 1. Initiation Fees. A resident joining the Association as a boating member shall pay an initiation fee established by the Board of Directors. A resident joining the Association as a dock use only member shall be required to pay an initiation fee.

Section 2. Annual Dues. All members of the Association shall pay the annual dues established by the Board of Directors. The Board may establish higher annual dues for those boating members who have usable boat slips than for boating members without a usable slip. The annual dues for dock use only members shall be set at a reasonable amount that reflects the costs associated with maintaining the docks, including the costs of insurance.

Section 3. Special Assessments. The Board shall have the authority to impose special assessments on all dock members. The Board shall inform the members of the purpose and reasons for any special assessments.

Section 4. Acceptance of Funds. The Board shall have the authority to accept any gifts and donations on behalf of the Association. The Association may engage in fundraising activities.

ARTICLE 5. BOARD OF DIRECTORS

Section 1. Creation. There shall be a Board of Directors consisting of five Directors – the President, the Vice President, the Secretary, the Treasurer, and a member at large who shall be selected by the other four other members.

Section 2. Terms. The members of the Board of Directors shall serve one year terms but may be re-elected for consecutive terms. The term of the members of the Board of Directors shall run from January 1 to December 31.

Section 3. Election. The President, the Vice President, the Secretary, and the Treasurer shall be elected by the members of the Association. A majority of those voting is sufficient to elect the Board members. All elections shall occur at a meeting of the Association held in the fall of the year before the terms of the present members expire on December 31. No household shall have more than one vote.

Section 4. Duties of the Board. The Board of Directors shall be responsible for the conduct of the Association's business and has authority to make decisions on behalf of the Association. The Board shall establish initiation fees, the annual dues, and any special assessments. The Board shall be responsible for calling meetings of the Association. The Board shall maintain a list of members of the Association and shall have the responsibility to facilitate boat slip assignments to the boating members each spring, following procedures established by the City. The Board shall have other duties as more specifically defined in these bylaws.

Section 5. Vacancy. A Director may resign at any time by giving written notice to the Secretary and President. When a vacancy shall occur on the Board of Directors, for any reason, the President, after soliciting the advice of the other Board members, shall appoint a qualified person to fill the remaining term of the person who vacated the position, unless the vacancy shall occur less than two months before the next election, in which case the position shall remain open until the position is filled by election. If the position of President shall become vacant, the Vice President shall serve until the next election.

Section 6. No Compensation. Members of the Board of Directors shall receive no compensation for service on the Board or for service as an officer. Nor shall Board members and officers receive any priority status regarding the selection of boat slips on any dock. Board members and officers shall pay all applicable fees and dues.

Section 7. Meetings of the Board. The Board of Directors may meet upon the call of the President or upon the request of two Board members. Three members must be present for the Board to conduct a meeting and to take any action. A majority vote of those present and voting is required for the Board to make a decision. The President shall determine whether notice of the meeting shall be given and the extent of any notice. The Board can decide to close any meeting of the Board to the Association members and to the public. The President shall report to the Association at each meeting of the Association about any Board meetings that were held in the interim since the previous Association meeting.

ARTICLE 6. OFFICERS

Section 1. President. There shall be a President of the Association. The President shall have the authority to speak for the Association consistent with actions of the Board of Directors and these bylaws. The President shall have the authority to call regular or special meetings of the Association and shall preside at all meetings of the Association.

Section 2. Vice President. There shall be a Vice President of the Association. The Vice President shall serve in the absence of the President.

Section 3. Secretary. There shall be a Secretary of the Association. The Secretary shall maintain the Minutes of all meetings of the Association and keep the books and records of all financial transactions of the Association.

Section 4. Treasurer. The Treasurer shall keep the books and records of all financial transactions of the Association. The Treasurer shall have the authority to sign checks and pay bills on behalf of the Association.

Section 5. Dock Management Teams. Each Public Lake Tract shall have a Dock Management Team consisting of the two most senior boating members at each public lake tract, or elected members serving as Dock Manager and an Assistant Dock Manager.

- A. **Dock Manager.** The Dock Manager will have the responsibility to coordinate dock installation and removal, oversee any required dock maintenance issues, and prepare documents required for necessary dock permit applications of the Association.
- B. **Assistant Dock Manager.** The Assistant Dock Manager will have the duty to assist the dock manager in his/her responsibilities and serve in the absence of the Manager.

Section 5. Election of Dock Managers. Dock Management Teams will be elected volunteers by a majority vote of the members of the Association who are present and voting at the meeting when the election is held. All elections shall occur at a meeting of the Association held in the fall of the year before the terms of the present members expire on December 31. No household shall have more than one vote.

ARTICLE 7. ASSOCIATION MEETINGS

Section 1. Regular Meetings. The Board of Directors shall schedule at least two regular meetings of the Association, one in the spring and one in the fall.

Section 2. Special Meetings. Two members of the Board of Directors or the President may call for a special meeting of the Association at any time.

Section 3. Quorum. A quorum shall consist of a majority of the Board, regardless of how many Association members are present.

Section 4. Notice of Meetings. The President shall provide written notice through the U.S. Post Office or by e-mail of all Association meetings at least five days in advance of the meeting. The notice shall be provided to all members of the Association and to the landowners within 200 feet in both directions from any Public Lake Tract where the Association maintains or is proposing to maintain a dock. The President shall also provide notice to the Birchwood City Clerk.

Section 5. Participation. All members of the Association shall be entitled to be heard at a meeting of the Association. The Board **may** allow nonmembers to be heard.

ARTICLE 8. DOCK AUTHORIZATION

Section 1. Birchwood Authorization. Each fall the Board of Directors shall determine what docks and boat slips the Association would like to maintain in the following summer season on the Public Lake Tracts owned by the City of Birchwood. The Board of Directors shall be responsible for preparing all necessary paperwork and documentation, in consultation with the Dock Managers, to apply to the City for the appropriate authorization.

Section 2. White Bear Lake Conservation District Authorization. The Board of Directors shall be responsible for preparing all necessary paperwork and documentation to assist the City in obtaining a permit for all docks and boat slips on Lake Easement Tracts from the White Bear Lake Conservation District.

ARTICLE 9. BOAT SLIP ASSIGNMENT

Section 1. Slip Assignment. The Dock Association acknowledges that the city will manage the assignment and relinquishment of boat slip privileges, but the dock association will manage the assignments of the specific boat slip and individual uses. At the spring meeting of the Association, the Board of Directors shall determine which members are entitled to which of the available boat slips that have been authorized by the City of Birchwood and the White Bear Lake Conservation District by using the City's Consolidated Wait List. The person at the top of the list has the number one priority, and so on down the list. The Board shall continue down the list until all available slips have been accounted for.

Section 2. Slip Refusal. Any member on the Wait List who has a high enough priority to qualify for a boat slip may refuse to moor a boat in the assigned slip that particular year for any reason without losing their rotation position. The boat slip shall become available to the next person lower in priority on the Wait List.

ARTICLE 10. COMMITTEES

Section 1. Creation. The Board of Directors may create such committees as it deems advisable. The Board shall determine the size of the committee, its duration, its charge, and any other terms the Board determines appropriate. Any Association member may ask the Board to create a committee.

Section 2. Appointment. The Board of Directors shall appoint the members of all committees that are created. A person does not need to be a member of the Association to be appointed to a committee.

Section 3. Duration. The Board of Directors shall determine whether a committee is a permanent committee or a temporary committee. Temporary committees shall expire on a date

certain established by the Board. Permanent committees shall continue until such time as the Board determines to terminate the committee. The Board may terminate a committee, whether permanent or temporary, at any time.

ARTICLE 11. CONDUCT OF MEMBERS

Section 1. Behavior. All members shall comply with the requirements of these bylaws and any other rules or regulations established by the Board of Directors. Members shall act in a manner that is courteous and respectful during meetings of the Association and when using the Public Lake Tracts and the docks.

Section 2. City Requirements. All members of the Association shall comply with requirements imposed by the City that apply to the Public Lake Tracts or to the docks or the boats.

ARTICLE 12. LOSS OF MEMBERSHIP.

Section 1. Revocation. A member of the Association may have his or her membership revoked by the Board of Directors for failure to comply with the conduct expected under Article 10 or for other conduct detrimental to the Association. No person's membership shall be revoked without providing the person an opportunity to address the Board of Directors. Revocation shall apply to the entire household. Any person whose membership has been revoked shall not be entitled to reimbursement of any fees, dues, or assessments paid to the Association. If the member is a boating member, the member shall be required to vacate the slip within ten days of the revocation. In lieu of revocation, the Board may determine to suspend a person's membership and to impose conditions on continued membership.

Section 2. Reinstatement. Any member whose membership has been revoked by the Board of Directors under Section 1 may apply for reinstatement one year or more after the action by the Board revoking the membership. If the person is a boating member, the person shall go to the bottom of the boating list upon reinstatement.

ARTICLE 13. INSURANCE

The Association and its (boating) members shall maintain, as a minimum, the insurance types and limits required by the City.

ARTICLE 14. INDEMNIFICATION

The Association shall indemnify its officers, members, and agents from any liability for acts of the Association or its members to the extent permitted by law.

ARTICLE 15. ASSOCIATION ASSETS

Section 1. Acquisition. The Association may acquire such assets as the Board determines appropriate to carry out the functions of the Association. Without limitation, this includes docks, boats, boat lifts, and money. The Board may also determine to dispose of any assets through sale, transfer, or discarding.

Section 2. Liquidation. Upon the dissolution of the Association (organization), assets shall be distributed for one or more exempt purposes within the meaning of Section 501 (c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose.

ARTICLE 16. AMENDMENT OF BYLAWS

These bylaws may be amended at a regular or special meeting of the Association by a two-thirds (2/3) vote of all eligible members. No proposed amendments may be brought to the membership for a vote unless the specific text of the amendment is provided to the members at least ten days before the meeting.

These bylaws adopted this 22nd day of January, 2011

**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.

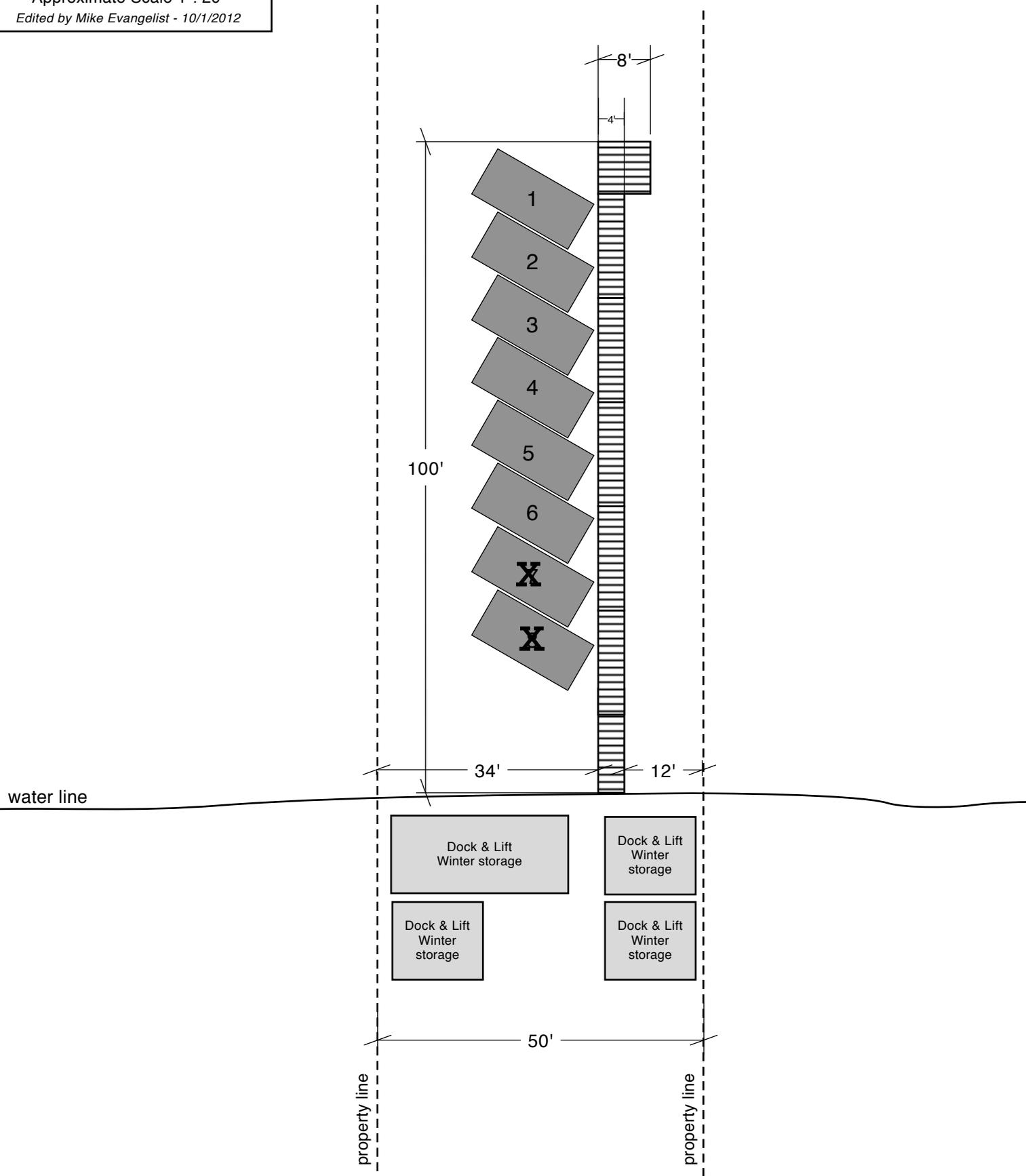
Beach club members with boats or lifts at any of the easements are reminded that a certificate of liability insurance is required to be turned into City Hall by May 1st of every year.

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

Ash Beach

Approximate Scale 1": 20'

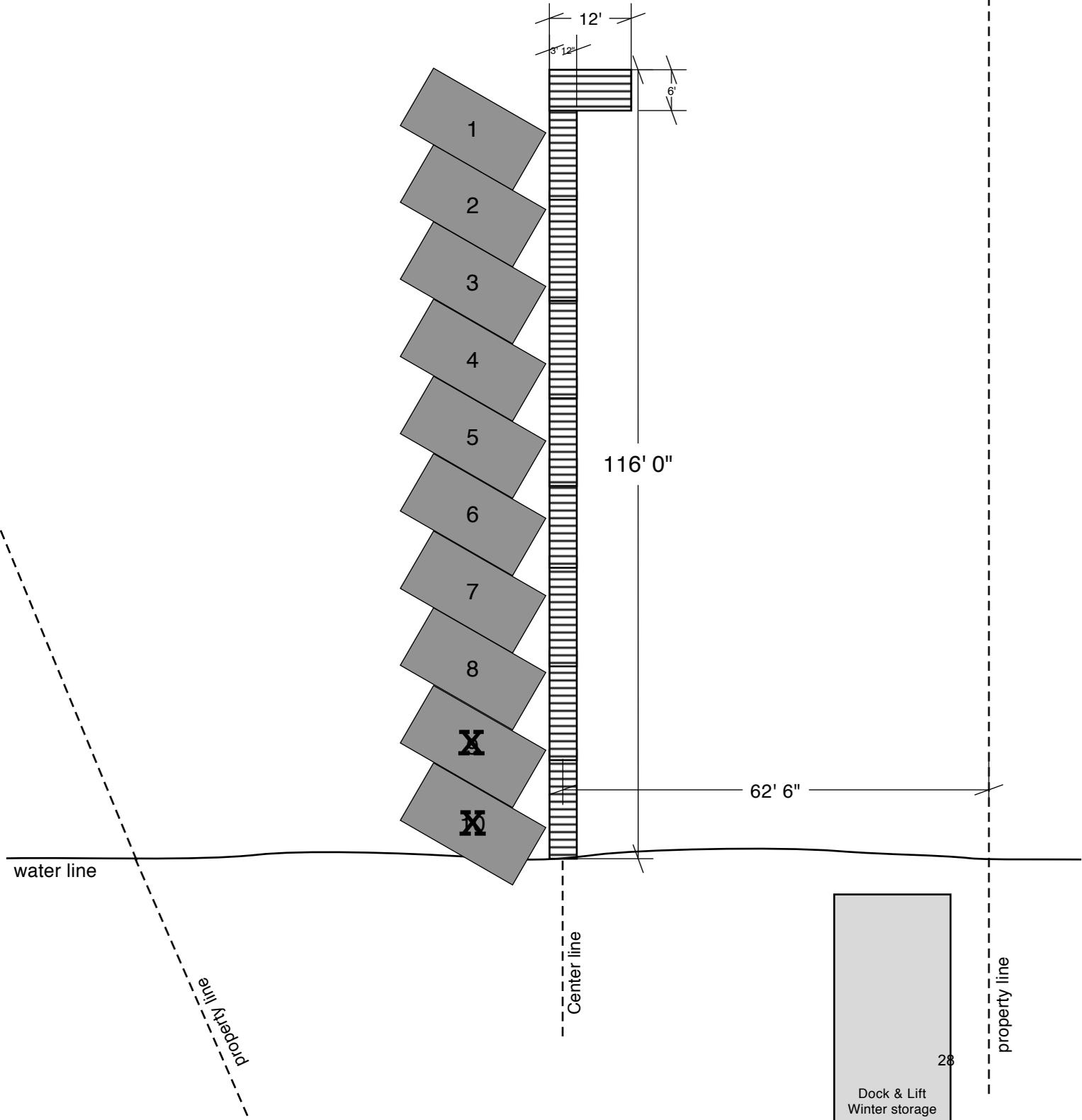
Edited by Mike Evangelist - 10/1/2012



Birch Beach

Approximate Scale 1": 20'

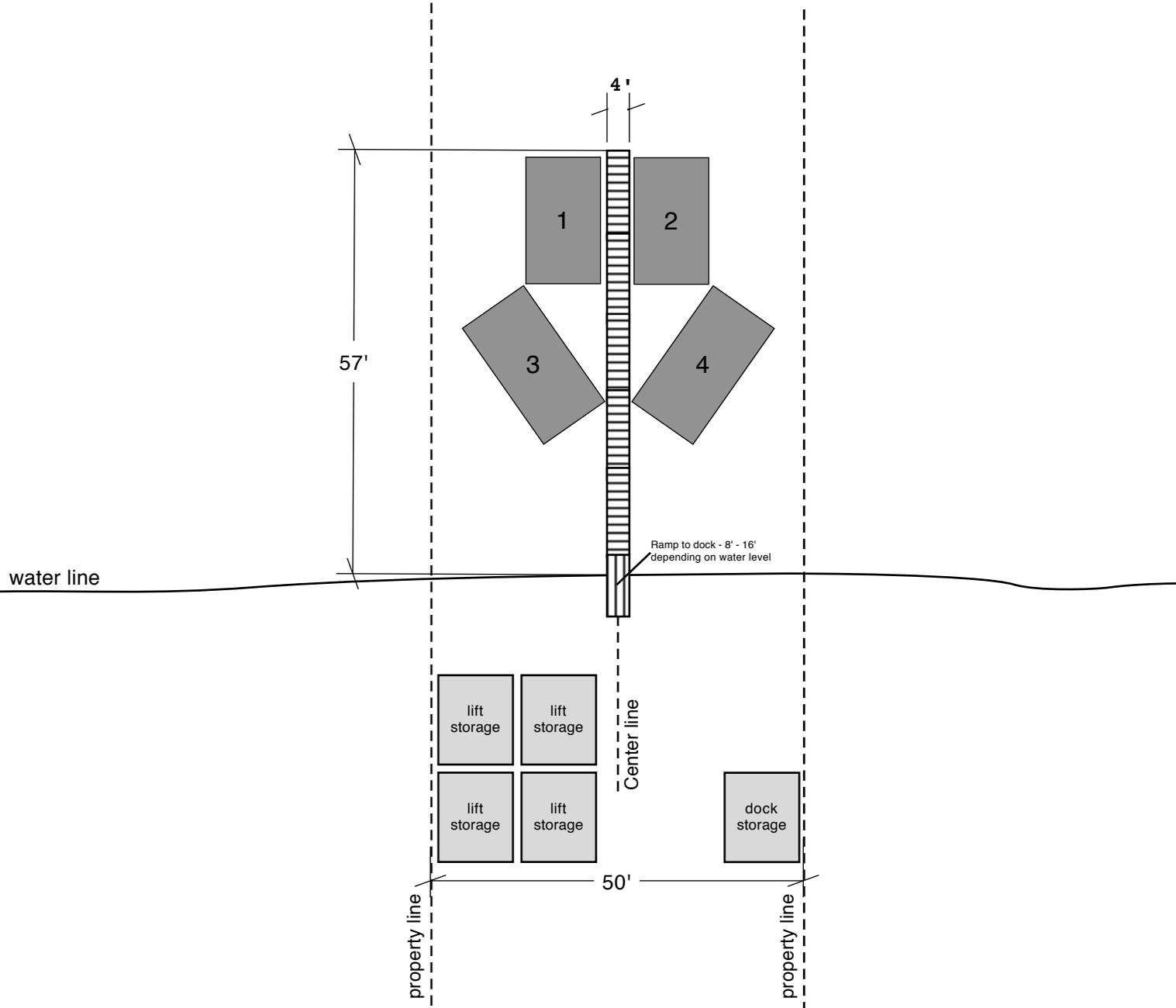
Edited by Mike Evangelist - 8/25/2012



Elm Beach

Approximate Scale 1": 20'

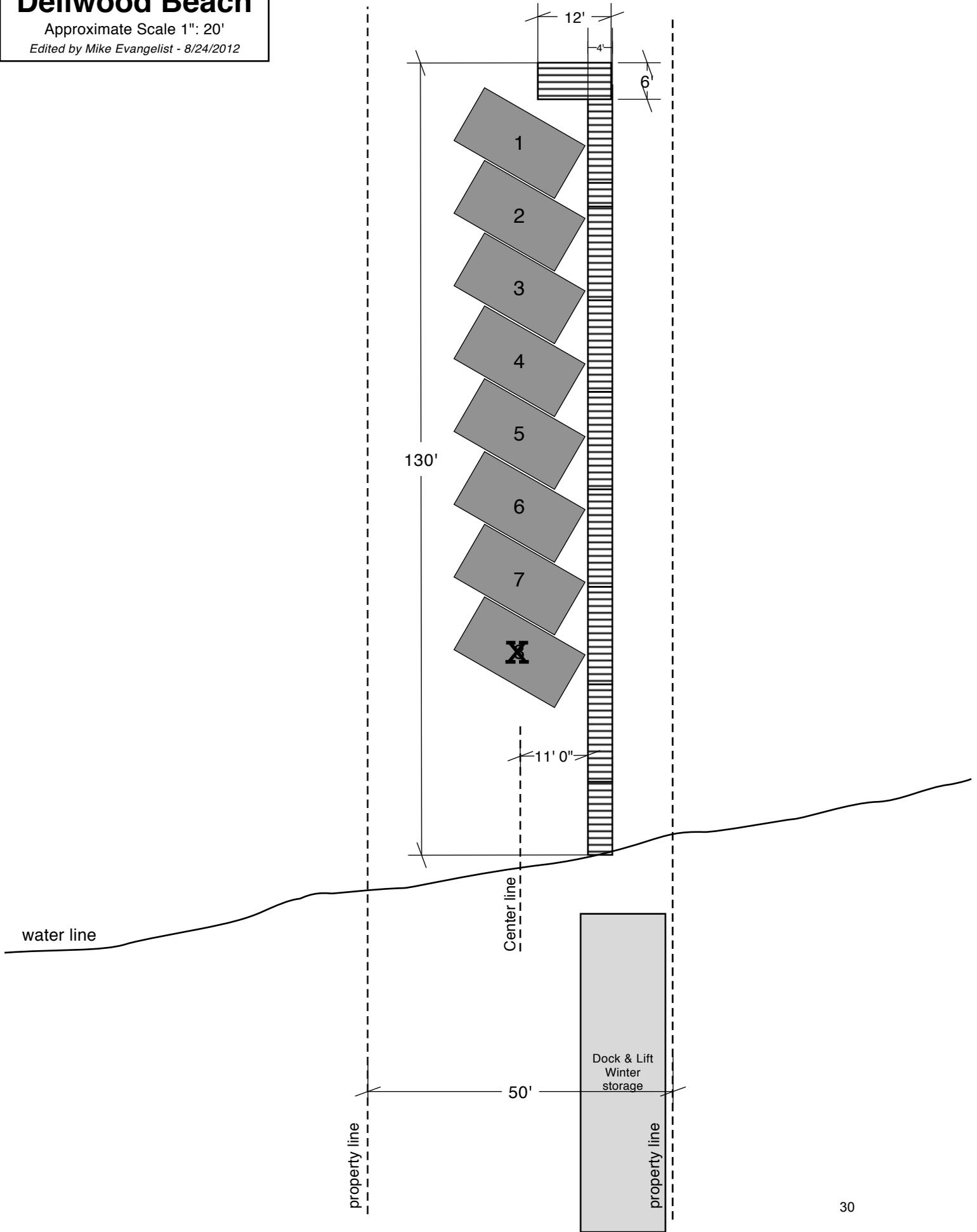
Edited by Mike Evangelist - 10/1/2012



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

Vice President

Chris Churchill
140 Birchwood Ave. 651-429-7915 chris.churchill@bestbuy.com

Dana Klimp
414 Birchwood Ct. 651-653-1184 danaklimp@comcast.net

Treasurer

Lynn Hanson
700 Hall Ave. 612-209-3055 lhanson54@comcast.net

Secretary

Mary Sue Simmons
418 Birchwood Cts. 651-429-6259 simmo001@umn.edu

Member at Large

Debbie Harrod
483 Lake Ave. 612-246-4612 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

12-Sep

Balance Fall Meeting - 10-1-2016

11,447.78 **9/12/2016**

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
			13,432.78

8-Apr

Balance Spring Meeting - 4-8-2017

13,432.78 **1-Apr**

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

7-Oct

Balance Fall Meeting - 10-7-2017

17,005.67 **7-Oct**

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
			WBLCD FEE	\$ 650
		7 @ Dellwood vs 6		



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

Office Use Only

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

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

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

5. MULTIPLE USER TYPE: (Please check one)

- Outlot Association Multiple Municipal Dwelling
 Private Municipal Dwelling Municipal Dwelling
 Other (please explain) _____ Commercial _____ **Private Club** _____
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 _____

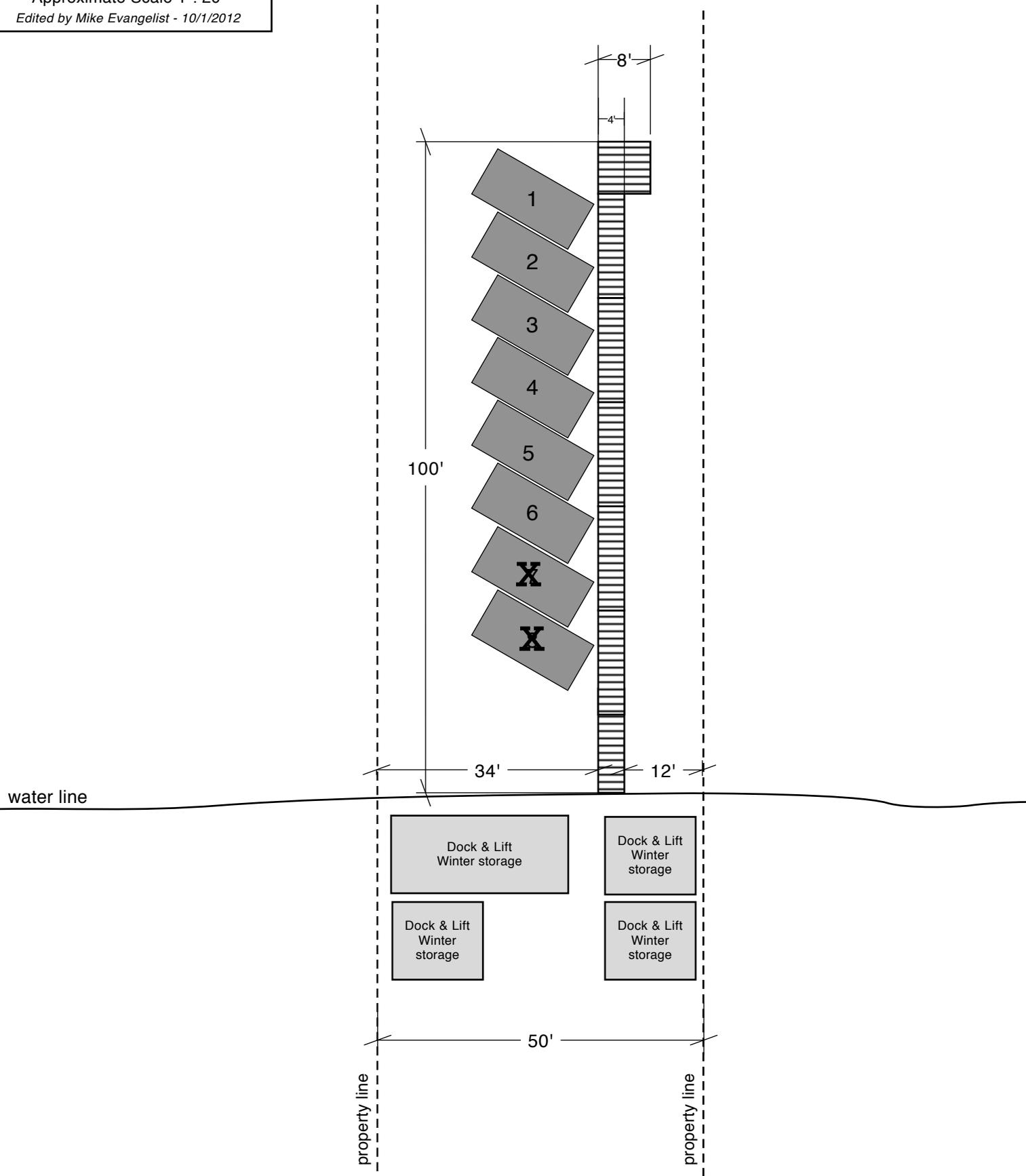
Birchwood Lake Tract Neighbors

	<u>First Name</u>	<u>Last Name</u>	<u>Address</u>	<u>City</u>	<u>Zip</u>	<u>Public Lake Tract</u>
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	Walfort	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	Jaros	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:

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

ONo 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 6	For company use
At moorings	For private use 6
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 6	TOTAL 6

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
 - North / West **34Ft.** ft.
 - South / East **8 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:

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: _____

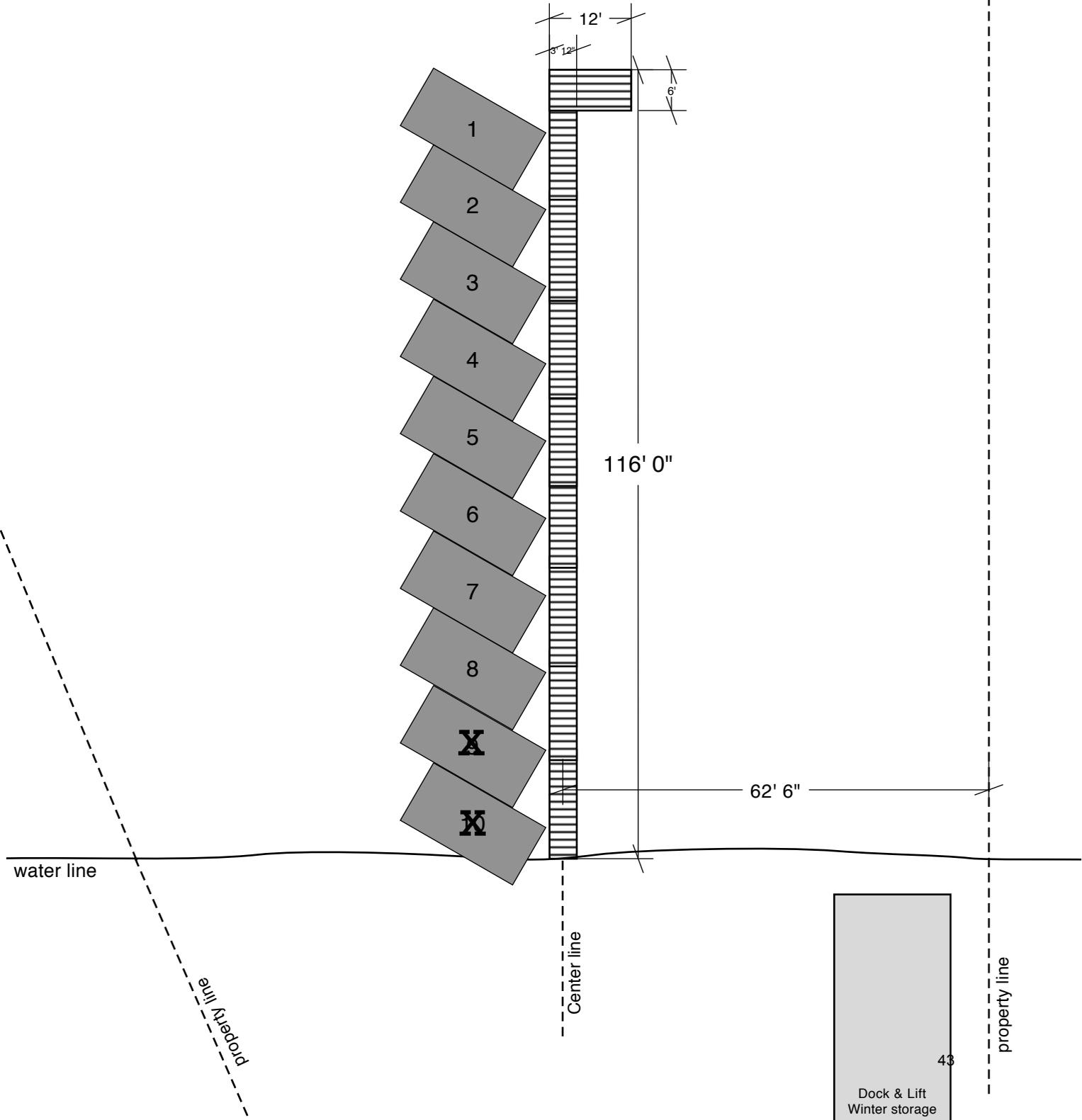
17. PUMPING SERVICE:

Boat toilet pumping service is provided Yes No

Birch Beach

Approximate Scale 1" = 20'

Edited by Mike Evangelist - 8/25/2012



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:

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	\$	50	_____
Fee for each approved slip over four: \$50.00	\$	200	_____
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 website <http://www.wblcd.org>

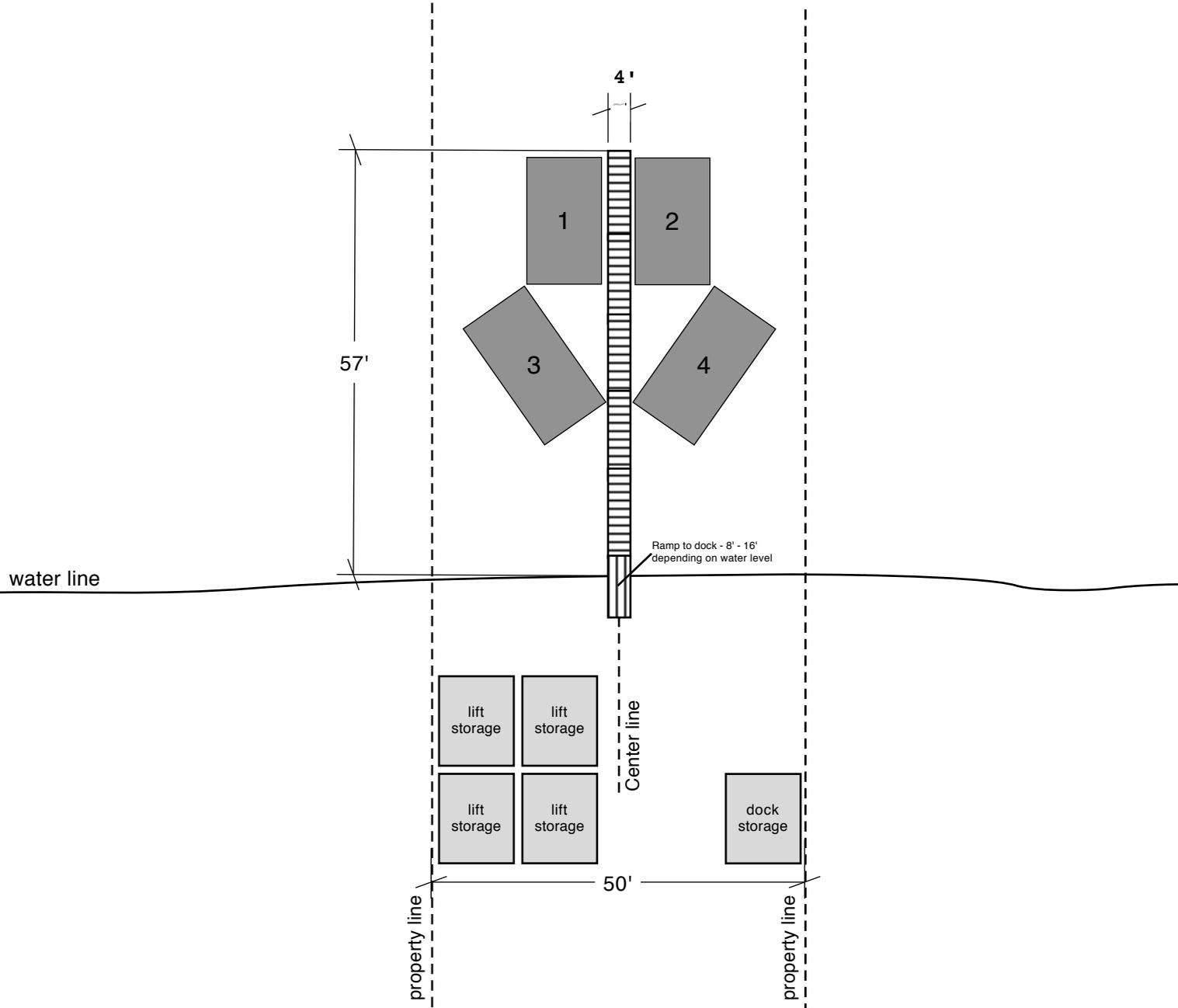
Return this application and all attachments to: White Bear Lake Conservation District
 4701 Highway 61
 White Bear Lake, MN 55110

(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:

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

No 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 4	For company use
At moorings	For private use 4
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 4	TOTAL 4

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.**
 - 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	\$	50 _____
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 website <http://www.wblcd.org>

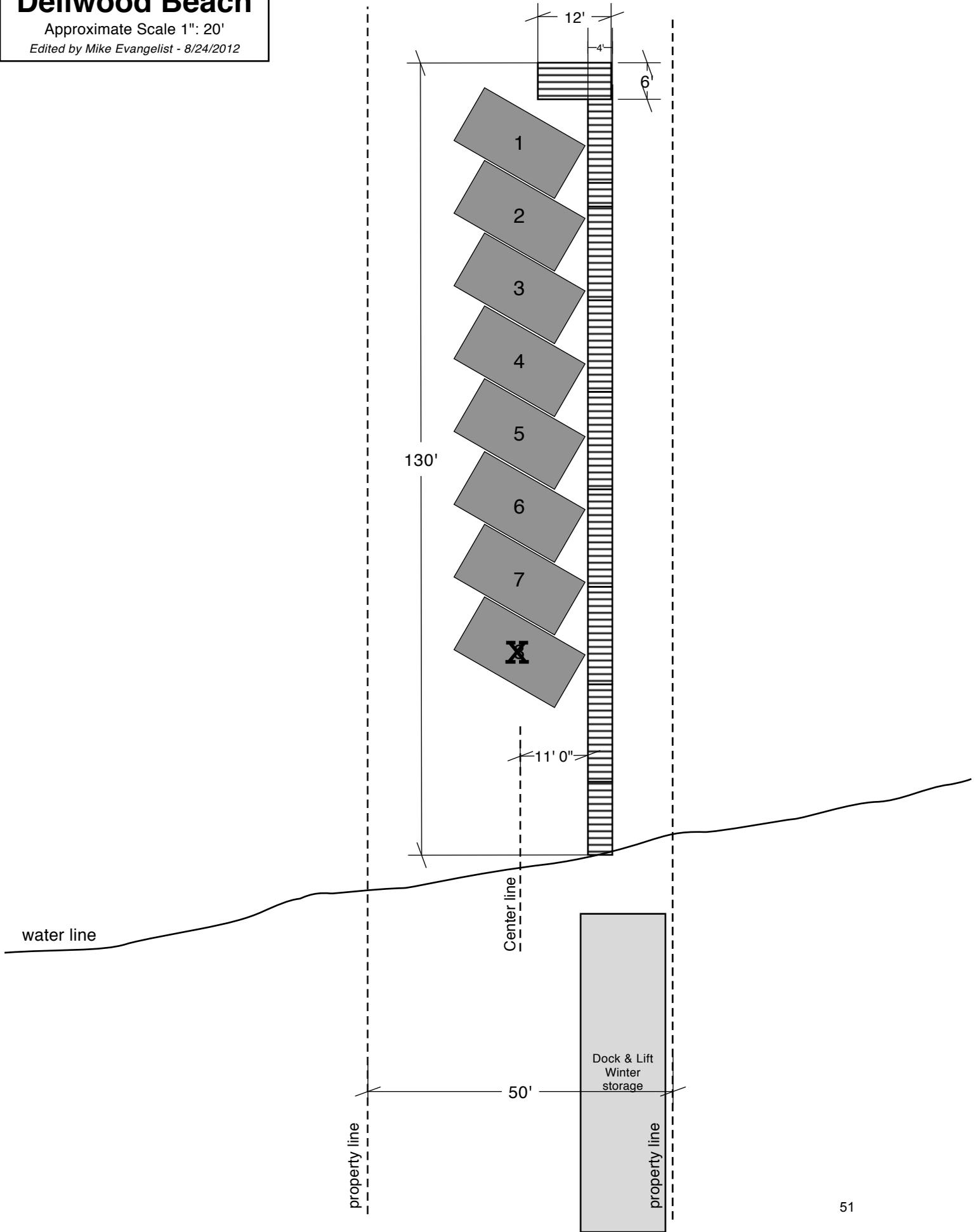
Return this application and all attachments to: White Bear Lake Conservation District
4701 Highway 61
White Bear Lake, MN 55110

(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:

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

ONo 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 7	For company use
At moorings	For private use 7
At tie-ons	For transient use
At off-lake storage	
Other (describe)	Other (describe)
TOTAL 7	TOTAL 7

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** _____

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Email: wblcd@msn.com website <http://www.wblcd.org>

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