



AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
September 11, 2018
7:00 P.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. Village Pickleball – every Saturday, 9am, at the hockey rink
- B. Bell Tower Eagle Scout Project – donations still being accepted
- C. Check City Office for lost and found items
- D. We are social, follow us on Facebook/Twitter and/or register for the email listserv

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (pp. 3-4)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from August 23, 2018* (p. 5)
- B. Approve Treasurer’s Report* (pp. 6-17)

CITY BUSINESS – REGULAR AGENDA

- A. Interim Council Member Selection* (p. 18)
 - a. Review Letters of Interest
 - b. Select and Swear In Candidate*Time Budget: 5 Minutes*
- B. Greater White Bear Lake Community Foundation Presentation
Time Budget: 10 Minutes
- C. East County Line Rd Parking (Wingfield)
 - a. Council Deliberation*Time Budget: 10 Minutes*
- D. Planning Commission Recommendations* (pp. 19-27)

- a. Non-Conforming Uses (300.020.34 & 301.050) – Second reading of Ordinance 2018-05-02 and order public hearing
- b. Variances and Appeals (304.040) – Second reading of Ordinance 2018-04-01 and order public hearing
- c. Impervious Surface Definition (300.020.23) – First reading of Ordinance 2018-08-01 and order public hearing
- d. Building Permit Escrow Fees
Time Budget: 20 Minutes
- E. Fee Schedule Amendments (Wingfield)
 - a. Escrow additions (ROW & easement)* (pp. 28-30)
 - b. Fee Schedule Amendment* (pp. 31-32)
Time Budget: 15 Minutes
- F. Section 605 Animals (Wingfield)* (pp. 33-44)
 - a. Council Deliberation
Time Budget: 10 Minutes
- G. Birchwood Docks* (p. 45)
 - a. Dock Committee Purpose
 - b. 2019 Dock Management Contract
Time Budget: 10 Minutes
- H. Roads Committee Update and Recommendations* (pp. 46-47)
 - a. Review Recommendations
 - b. Advise if joint meeting is still desired
 - c. Wildwood Avenue Sink Hole
Time Budget: 10 Minutes
- I. Council Member Reports:
 - a. Mayor Wingfield
 - i. Reconvening Utility Committee
 - ii. Tree Inspections* (pp. 48-49)
Time Budget: 10 Minutes
- J. City Administrator's Report
 - a. Additional Kayak Racks* (p. 50)
 - b. Videographer Rate Increase* (pp. 51-52)
 - c. Dog Waste Stations
 - d. 2018 Tree Inspection Results
 - e. SL-Serco Meter Reading Contract* (pp. 53-57)
 - f. Bell Tower Dedication Ceremony
Time Budget: 25 Minutes

ADJOURN

MEMORANDUM



Birchwood Village

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

Dear Mayor & City Council Members:

Below is a reporting of all law enforcement incidents for July 2018 and all citations for July and August 2018.

Due to the full agenda this month, the Sheriff's presentation that was requested by the Council in July will take place at the October City Council meeting.

INCIDENTS

WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD

7/4/2018 2:48:05 AM	WC18024304	XXX Birchwood Ave, BIRCHWOOD	tr.
7/5/2018 4:13:38 PM	WC18024577	XXX Birchwood Ave, BIRCHWOOD	MISSING PERSON
7/7/2018 11:44:03 PM	WC18024998	XXX Birchwood Ave, BIRCHWOOD	speed box
7/8/2018 7:42:12 AM	WC18025030	Wildwood Ave / Hall Ave, BIRCHWOOD	DUMPING COMPLAINT
7/13/2018 5:25:34 PM	WC18025980	XXX Birchwood Ct, BIRCHWOOD	DRIVING QUESTIONS
7/14/2018 10:06:40 PM	WC18026175	XXX Lake Ave, BIRCHWOOD	NOISE COMPLAINT/DISTURBANCE
7/19/2018 9:04:56 PM	WC18026943	XXX Birchwood Ave, BIRCHWOOD	ANIMAL COMPLAINT
7/20/2018 4:21:45 AM	WC18026988	2-8 OAKRIDGE DR, BIRCHWOOD	extra patrol
7/21/2018 5:25:54 AM	WC18027149	2-8 OAKRIDGE DR, BIRCHWOOD	DRIVING COMPLAINT
7/21/2018 9:40:34 AM	WC18027170	XXX Wildwood Ave, BIRCHWOOD	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
7/21/2018 1:10:40 PM	WC18027189	XXX Wildwood Ave, BIRCHWOOD	CIVIL MATTER/DISPUTE
7/22/2018 1:30:34 PM	WC18027359	XXX Birchwood Ave, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
7/22/2018 8:22:27 PM	WC18027427	XXX Wildwood Ave, BIRCHWOOD	NOISE COMPLAINT/DISTURBANCE
7/23/2018 12:22:57 AM	WC18027447	XXX Birchwood Ave, BIRCHWOOD	Speed Box
7/23/2018 5:17:55 AM	WC18027463	2-8 OAKRIDGE DR, BIRCHWOOD	DRIVING COMPLAINT
7/25/2018 3:39:18 PM	WC18027892	XXX Birchwood Ave, BIRCHWOOD	THEFT
7/26/2018 10:03:30 AM	WC18028002	Cedar St / Oakridge Dr, BIRCHWOOD	PARKING COMPLAINT
7/26/2018 10:26:02 AM	WC18028008	10XXX -180 CEDAR ST, BIRCHWOOD	PARKING COMPLAINT
7/30/2018 11:35:20 PM	WC18028678	XXX Wildwood Ave, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
7/31/2018 12:44:35 PM	WC18028735	XXX Wildwood Ave, BIRCHWOOD	CITIZEN/PUBLIC ASSIST
7/31/2018 3:15:18 PM	WC18028755	XX Oakhill Ct, BIRCHWOOD	VEHICLE TAMPERING
7/31/2018 3:15:22 PM	WC18028752	XXX Birchwood Ct, BIRCHWOOD	CITIZEN/PUBLIC ASSIST

CITATIONS

Citations for: Birchwood

7/1/2018 To 7/31/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	7/15/2018	820027819601	WC11633	J. Szczepanski	Citation	0	LAKE AVE				Birchwood	BW - Excessive noise during night hours	616.040
WCSO	7/19/2018	820006820001	WC7631	R. Helms	Citation	0	BIRCHWOOD AVE				Birchwood	BW - Unlicensed animal	605.021
WCSO	7/23/2018	820087820401	WC11633	J. Szczepanski	Citation	0	Birchwood Av				Birchwood	CRIM-DISORDERLY CONDUCT-OFFENSIVE/ABUSIVE/NOISY/O BSCENE	609.72.1(3)
WCSO	7/23/2018	820087820402	WC11633	J. Szczepanski	Citation	0	Birchwood Av				Birchwood	CRIM-DISORDERLY CONDUCT-OFFENSIVE/ABUSIVE/NOISY/O BSCENE	609.72.1(3)
WCSO	7/26/2018	820007820701	WC11633	J. Szczepanski	Citation	0	CEDAR ST		OAKRIDGE DR		Birchwood	REG-Motor Vehicle Displaying Expired Registration PK-Within 30 of Stop Sign or Signal	168.09.4
WCSO	7/26/2018	820007820701	WC11633	J. Szczepanski	Citation	0	CEDAR ST		OAKRIDGE DR		Birchwood	REG-Motor Vehicle Displaying Expired Registration PK-Within 30 of Stop Sign or Signal	169.34.1(a)(7)

Citations for: Birchwood

8/1/2018 To 8/31/2018

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	8/20/2018	820040823201	WC182	Bradley Marquardt	Citation	700	BIRCHWOOD AVE				Birchwood		605.041

Thanks!

Regards,
Tobin Lay

**CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
AUGUST 23rd, 2018**

MINUTES

Members Present: Mayor Mary Wingfield & Council Members Kevin Woolstencroft and Randy LaFoy.

Staff Present: City Administrator Tobin Lay.

Others Present: Emma Worthley and Kelsey Lundberg.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

Mayor Wingfield: Called the regular meeting to order at 4:00 pm. The Pledge of Allegiance was recited.

APPROVE AGENDA

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

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from July 10, 2018
- B. Approve Treasurer’s Report
- C. Approve Dock Management Contract

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

CITY BUSINESS – REGULAR AGENDA

- A. Council Member Vacancy
 - a. Council Deliberation

Councilmember LaFoy: Proposed to post the vacancy for full disclosure and to fill the seat during September’s meeting.

Mayor and Council Members: Discussed the vacancy.

Mayor Wingfield: Offered an amendment to invite Jessi Aakre to apply as she has expressed a sincere interest and is running for this seat unopposed.

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO POST THE VACANCY FOR APPOINTMENT DURING SEPTEMBER’S MEETING AND TO INVITE JESSI AAKRE TO APPLY. ALL AYES. MOTION PASSED.

ADJOURN

MOTION WAS MADE BY COUNCILMEMBER LAFOY AND SECONDED BY COUNCILMEMBER WOOLSTENCROFT TO ADJOURN THE MEETING. ALL AYES. MOTION PASSED. MEETING ADJOURNED AT 04:06 PM CST.

ATTEST:

Mary Wingfield
Mayor

Tobin Lay
City Administrator – Clerk

For the Period : 8/15/2018 To 9/6/2018

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$713,958.86	\$2,005.44	\$15,988.52	\$699,975.78
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$1,100.00)	\$0.00	\$0.00	(\$1,100.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$18,342.40	\$0.00	\$300.00	\$18,042.40
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	(\$7,285.26)	\$0.00	\$0.00	(\$7,285.26)
Birchwood In Re-hab Bond	(\$577.08)	\$0.00	\$0.00	(\$577.08)
Sewer Re-hab 2008 Debt	\$19,907.03	\$0.00	\$0.00	\$19,907.03
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	\$44,211.15	\$0.00	\$5,410.87	\$38,800.28
Sewer	\$34,132.92	\$637.94	\$615.54	\$34,155.32
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$887,863.93	\$2,643.38	\$22,314.93	\$868,192.38

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
08/24/2018	Wingfield, Mary	171734463*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Woolstencroft, Kevin	171734464*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Aakre, Jessi	171734465*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	White, Trilby	171734466*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Fleck, John	171734467*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Churchill, Chris	171734468*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Dean, Steve	171734469*	Election Candidate Filing Fee - 2018	(08/24/2018) -	N	Miscellaneous	100-36140-	\$ 2.00
								\$ 2.00
08/24/2018	Jake Overcott Exteriors	171734470*	Building Permit	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 215.25
								\$ 215.25
08/24/2018	Ciapetta, Nicholas & Kelly	171734471*	Animal License	(08/24/2018) -	N	Animal Licenses	100-32240-	\$ 10.00
								\$ 10.00

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
08/24/2018	American Legion Post 168	171734472*	Donation - Bell Tower Project	(08/24/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 150.00
								\$ 150.00
08/24/2018	Simanski, Mark & Julie	171734473*	Donation - Bell Tower Project	(08/24/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 25.00
								\$ 25.00
08/24/2018	Murray, Dana & Dennis	171734474*	Donation - Bell Tower Project	(08/24/2018) -	N	Contributions and Donations from Private Sources	100-36230-	\$ 50.00
								\$ 50.00
08/24/2018	Evans, Andrea	171734475*	Animal License + Late Fee	(08/24/2018) -	N	Animal Licenses	100-32240-	\$ 10.00
						Animal Licenses	100-32240-4	\$ 5.00
								\$ 15.00
08/24/2018	Anderson, Timothy & Suzanne	171734476*	Animal License + Late Fee (x2)	(08/24/2018) -	N	Animal Licenses	100-32240-	\$ 20.00
						Animal Licenses	100-32240-4	\$ 10.00
								\$ 30.00
08/24/2018	TileSmart, Inc.	171734477*	Sewer Lining Assessment - 2017 + 4% Interest thru 08/03/2018 - Princ	(08/24/2018) -	N	SPECIAL ASSESSMENTS	605-36100-	\$ 628.30
						SPECIAL ASSESSMENTS	605-36100-4	\$ 9.64
								\$ 637.94
08/24/2018	Perfection Heating & Air, Inc.	171734478*	Building Permit - 290 Jay St.	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 67.00
								\$ 67.00
08/24/2018	Q3 Contracting	171734479*	Building Permit	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 420.00
								\$ 420.00
08/24/2018	Guidinger Construction, LLC	171734480*	Building Permit - 2(9)7 Jay St.	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 351.26
								\$ 351.26

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
08/24/2018	Seibert, Maureen	171734481*	Building Permit	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 258.43
								<hr/>
								\$ 258.43
08/24/2018	Kaufmann, Charles & Carol	171734482*	Building Permit	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 315.00
								<hr/>
								\$ 315.00
08/24/2018	Resident - Unknown	171734483*	Building Permit	(08/24/2018) -	N	Building Permits (Excludes surcharge)	100-32210-	\$ 84.50
								<hr/>
								\$ 84.50
Total for Selected Receipts								<hr/> <hr/> \$ 2,643.38

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
08/17/2018	Payroll Period Ending 08/17/2018	30188	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30188					\$ 1,817.66
08/17/2018	Bob Peskin	30189	Music in the Park - Fabulous Fairlanes - 08/19/2018	N	Recreation	210-45101-440-	\$ 150.00
	Total For Check	30189					\$ 150.00
08/17/2018	PERA	EFT081718A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT081718A					\$ 350.00
08/24/2018	Payroll Period Ending 08/22/2018	30190	Maintenance - Jim Rydeen	N	Parks	100-45207-100-	\$ 1,119.72
	Total For Check	30190					\$ 1,119.72
08/24/2018	Don Feeney	30191	Music in the Park - Quintessence Winds & Capitol Brass - 08/26/2018	N	Recreation	210-45101-440-	\$ 150.00
	Total For Check	30191					\$ 150.00
08/31/2018	Payroll Period Ending 08/31/2018	30192	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 1,817.66
	Total For Check	30192					\$ 1,817.66
08/31/2018	Manship Plumbing & Heating Inc	30193	Monthly Standby / Water Testing / Locates - 08/2018	N	Water Utility	601-43180-314-	\$ 890.00
	Total For Check	30193					\$ 890.00
08/31/2018	PERA	EFT083118A*	Employee Retirement - Tobin	N	Clerk - Treasurer	100-41401-121-	\$ 350.00
	Total For Check	EFT083118A					\$ 350.00
09/04/2018	Payroll Period Ending 08/31/2018	30194	Treasurer - Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 618.12
	Total For Check	30194					\$ 618.12
09/04/2018	Lay, Tobin	30195	Reimbursement - Election Judge - 08/14/2018	N	Elections	100-41410-810-	\$ 103.87
	Total For Check	30195					\$ 103.87
09/04/2018	City of White Bear Lake	30196*	Fire Services - September 2018	N	Fire	100-42201-314-	\$ 1,694.75
	Total For Check	30196					\$ 1,694.75

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
09/04/2018	Lund, John	30197*	Emergency Tree Removal - August 2018	N	Tree Removal	100-43135-314-	\$ 170.00
		30197*				100-43135-314-	\$ 65.00
	Total For Check	30197					\$ 235.00
09/04/2018	TSE Inc. - Work Account	30198*	Janitorial Services - August 2018	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
		30198*				100-41940-314-	\$ 25.00
	Total For Check	30198					\$ 50.00
09/04/2018	Press Publications	30199*	Legal Notice Publications x 8.5	N	Ordinances and Proceedings	100-41130-351-	\$ 49.65
		30199*				100-41130-351-	\$ 40.37
		30199*				100-41130-351-	\$ 49.65
	Total For Check	30199					\$ 139.67
09/04/2018	Office Depot	30200*	Office Supplies	N	Office Operations Supplies	100-41911-210-	\$ 71.94
		30200*				100-41911-210-	\$ 22.77
	Total For Check	30200					\$ 94.71
09/04/2018	AirFresh Industries, Inc.	30201*	Standard Portable Restroom Rental (2) - August 2018	N	Parks	100-45207-314-	\$ 162.50
	Total For Check	30201					\$ 162.50
09/04/2018	Manship Plumbing & Heating Inc	30202	Monthly Standby / Testing / Locates - 09/2018	N	Water Utility	601-43180-314-	\$ 1,870.00
	Total For Check	30202					\$ 1,870.00
09/04/2018	Thatcher Engineering, Inc	30203*	Plan Reviews, ROW Permits, General Services	N	Engineer Service	100-41650-300-	\$ 892.50
		30203*				100-41650-300-	\$ 850.00
		30203*				100-41650-300-	\$ 170.00
		30203*				100-41650-300-	\$ 85.00
	Total For Check	30203					\$ 1,997.50
09/04/2018	Allstream	30204*	Analog Phone Line - 08/23/18 to 09/22/18	N	General Government Buildings and Plant	100-41940-320-	\$ 46.56
	Total For Check	30204					\$ 46.56
09/04/2018	MN Department of Health	30205*	Community Water Supply Service Connection Fee - 07/01/2018 - 09/30/2018	N	Water Utility	601-43180-437-	\$ 562.00
	Total For Check	30205					\$ 562.00

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
09/04/2018	Tennis Sanitation, LLC	30206*	Recycling for Service Period: Jul - Aug 2018	N	Recycle	100-43300-314-	\$ 1,656.00
		Total For Check	30206				\$ 1,656.00
09/04/2018	St. Anthony Village	30207*	Q3 2018 Utility Billing Services	N	Financial Administration	601-41501-314-	\$ 2,088.87
		Total For Check	30207				\$ 2,088.87
09/04/2018	Leeves, Robert	30208*	Videographer - Regular CC Meeting 08/23/2018	N	Cable Eqpmt and Service	100-41950-314-	\$ 63.33
		Total For Check	30208				\$ 63.33
09/04/2018	Toshiba Business Solutions	30209*	Maintenance - Q3 2018	N	Office Operations Supplies	100-41911-314-	\$ 34.60
		Total For Check	30209				\$ 34.60
09/04/2018	Metropolitan Area Management Assoc.	30210*	Management Training - 08/09/2018	N	City Training and Development	100-41914-433-	\$ 25.00
		Total For Check	30210				\$ 25.00
09/04/2018	League of MN Cities	30211*	LMC Annual Membership Dues - Invoice #276011	N	City Training and Development	100-41914-433-	\$ 1,051.00
		Total For Check	30211				\$ 1,051.00
09/04/2018	Advanced First Aid Inc	30212*	AED Electrodes	N	Unallocated Expenditures	100-49201-430-	\$ 161.00
		Total For Check	30212				\$ 161.00
09/04/2018	City of Roseville	30213*	IT & Phone Services - August 2018	N	General Government Buildings and Plant	100-41940-320-	\$ 366.00
		30213*				100-41940-320-	\$ 62.12
		Total For Check	30213				\$ 428.12
09/04/2018	Precision Landscape & Tree	30214*	Tree Removal - 1 Five Oaks Dr.	N	Tree Removal	100-43135-314-	\$ 1,200.00
		Total For Check	30214				\$ 1,200.00
09/04/2018	AVENET, LLC	30215*	Annual Service Package - GovOffice - thru 08/31/19	N	Recording and Reporting	100-41420-230-	\$ 475.00
		Total For Check	30215				\$ 475.00
09/04/2018	PERA	EFT090418A*	Employee Retirement - Paul	N	Clerk - Treasurer	100-41401-121-	\$ 100.80
		Total For Check	EFT090418A				\$ 100.80
09/04/2018	Amazon	EFT090418B*	Printer paper and utility envelopes	N	Office Operations Supplies	100-41911-200-	\$ 40.91
12		EFT090418B*				605-41911-200-	\$ 37.93

Fund Name: All Funds

Date Range: 08/15/2018 To 09/06/2018

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
		Total For Check	EFT090418B				\$ 78.84
09/04/2018	Xcel Energy	EFT090418C*	Gas for Generator & Electric Utility Billing - 07/18/18 - 08/16/18	N	General Government Buildings and Plant	100-41940-380-	\$ 114.36
		EFT090418C*				100-41940-383-	\$ 28.31
		EFT090418C*			Parks	100-45207-380-	\$ 12.37
		EFT090418C*			Sewer Utility	605-43190-380-	\$ 333.69
		EFT090418C*				605-43190-380-	\$ 166.75
		EFT090418C*				605-43190-380-	\$ 49.32
		EFT090418C*				605-43190-383-	\$ 27.85
		Total For Check	EFT090418C				\$ 732.65
Total For Selected Checks							\$ 22,314.93

As on 9/6/2018

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	12,050.00	12,050.00
Total Acct 322	0.00	12,050.00	12,050.00
Park Fees	0.00	220.00	220.00
Total Acct 347	0.00	220.00	220.00
Total Revenues	0.00	12,270.00	12,270.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Recreation			
Miscellaneous: Dues and Subscriptions	0.00	200.00	(200.00)
Community Events	0.00	1,500.00	(1,500.00)
Total Acct 451	0.00	1,700.00	(1,700.00)
Parks			
Misc	0.00	220.00	(220.00)
Total Acct 452	0.00	220.00	(220.00)
Total Disbursements	0.00	1,920.00	(1,920.00)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		7,692.40	
Total Receipts and Other Financing Sources		12,270.00	
Total Disbursements and Other Financing Uses		1,920.00	
Cash Balance as of 09/06/2018		18,042.40	

As on 9/6/2018

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		66,233.91	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 09/06/2018		66,233.91	

As on 9/6/2018

Water

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	0.00	49,183.68	49,183.68
Penalty - Late Water/Sewer	0.00	369.45	369.45
State and Misc fees	0.00	1,461.71	1,461.71
Total Acct 341	0.00	51,014.84	51,014.84
Water Main Break	0.00	3,017.21	3,017.21
Total Acct 349	0.00	3,017.21	3,017.21
DELQ - Water-Sewer fees	0.00	1,460.42	1,460.42
Total Acct 361	0.00	1,460.42	1,460.42
Total Revenues	0.00	55,492.47	55,492.47
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	7,721.97	(7,721.97)
Total Acct 415	0.00	7,721.97	(7,721.97)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	216.50	(216.50)
Contracted Services	0.00	44,892.02	(44,892.02)
Fees	0.00	1,686.00	(1,686.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	400.00	(400.00)
Professional Services: Medical and Dental Fees	0.00	10,749.90	(10,749.90)
Total Acct 431	0.00	57,944.42	(57,944.42)
Total Disbursements	0.00	65,666.39	(65,666.39)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		48,974.20	
Total Receipts and Other Financing Sources		55,492.47	
Total Disbursements and Other Financing Uses		65,666.39	
Cash Balance as of 09/06/2018		38,800.28	

As on 9/6/2018

Sewer

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	0.00	461.44	461.44
Sewer Fee	0.00	74,887.82	74,887.82
Total Acct 341	0.00	75,349.26	75,349.26
SPECIAL ASSESSMENTS	0.00	16,978.01	16,978.01
DELQ - Water-Sewer fees	0.00	1,460.42	1,460.42
Total Acct 361	0.00	18,438.43	18,438.43
Total Revenues	0.00	93,787.69	93,787.69
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
OFFICE SUPPLIES (201 through 209)	0.00	773.60	(773.60)
Total Acct 414	0.00	773.60	(773.60)
Engineer Service			
PROFESSIONAL SERVICES (301 through 319)	0.00	4,960.00	(4,960.00)
Total Acct 416	0.00	4,960.00	(4,960.00)
Office Operations Supplies			
OFFICE SUPPLIES (201 through 209)	0.00	37.93	(37.93)
Total Acct 419	0.00	37.93	(37.93)
Utility Locates			
Contracted Services	0.00	159.20	(159.20)
Total Acct 428	0.00	159.20	(159.20)
Sewer Utility			
Sewer - Wastewater Charge	0.00	35,289.92	(35,289.92)
PROFESSIONAL SERVICES (301 through 319)	0.00	67,972.50	(67,972.50)
Contracted Services	0.00	7,689.75	(7,689.75)
Utility Services (381 through 389)	0.00	7,491.71	(7,491.71)
Utility Services: Gas Utilities	0.00	254.33	(254.33)
Total Acct 431	0.00	118,698.21	(118,698.21)
Total Disbursements	0.00	124,628.94	(124,628.94)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		64,996.57	
Total Receipts and Other Financing Sources		93,787.69	
Total Disbursements and Other Financing Uses		124,628.94	
Cash Balance as of 09/06/2018		34,155.32	

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Interim Council Member Selection
DATE: September 6, 2018

Dear Mayor and Council Members,

During the brief August City Council meeting, the Council directed staff to post notice of the vacancy on the Council and accept letters of interest from interested candidates for Council's selection at this September meeting.

As the deadline for the letters of interest falls after the packets are published, all letters will be emailed to Council members after the deadline has arrived and will also be distributed during the Council meeting.

The candidates have been advised to be prepared to be sworn in at the beginning of this meeting if selected and to sit with the Council for the duration of the meeting. Accordingly, staff is prepared to swear in the candidate you select for this interim position.

Request/Recommendation

Accordingly, staff requests Council:

- 1) Review the letters of interest;
- 2) Select a candidate and;
- 3) Direct staff to swear in the candidate for immediate participation.

Thanks!

Regards,
Tobin Lay

Enclosed: letter from Mr. Robert Leeves

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Planning Commission Recommendations

Dear Mayor and Council Members,

Per Council's direction, the Planning Commission has worked with City Attorney Kantrud on the topics assigned them and now presents the following recommendations:

Non-Conforming Uses (Sections 300.020.34 & 301.050)

Commissioners recommend amending sections of 300.020 and 301.050 instead of a complete repeal and replacement of such. See enclosed.

Variances and Appeals (Section 304.040)

Commissioners recommend amending section 304.040 as shown in Ordinance 2018-04-01. See enclosed.

Both of these Ordinances have had a First Reading by the Council but since a public hearing has not yet been held for either Ordinance, both Ordinances will need a Second and Third Reading along with a public hearing.

Impervious Surface Definition (300.020.23)

Commissioners recommend amending the definition of Impervious Surface in Section 300 to correct an oversight from the last amendments. See enclosed Ordinance 2018-08-01. A First Reading is needed for this as well as publishing notice for a public hearing.

Building Permit Escrow Fees

Commissioners have not reached a recommendation on this question but they have asked Chair Doug Danks to attend this City Council meeting to address their concerns with the Council about this question. Mr. Danks is present and prepared to speak accordingly.

Request/Recommendation

The Planning Commission recommends Council:

- 1) Approve Ordinance 2018-05-02, 2018-04-01 and 2018-08-01 as enclosed; and
- 2) Authorize staff to publish a notice for public hearings for all three, to take place at the Oct. City Council meeting.

Thanks!

Regards,
Tobin Lay

ORDINANCE 2018-05-02**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA****AN ORDINANCE AMENDING
NON-CONFORMING USES IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 300.020.34 of Chapter 300 (Land Use) and Section 301.050 of Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village are hereby amended as follows:

SECTION 300: LAND USE

300.020.34 Non-Conforming Use. ~~Any building, structure or use of land lawfully in existence as of January 1, 1975, or authorized by variance thereafter, which does not conform with the January 1, 1975, Zoning Code, as the same may be amended from time to time.~~**Non-Conforming Pre-Existing Structure or Use:** Any building or structure which was legally existing on January 1, 1975, or authorized by variance thereafter, which would not conform to the applicable conditions if the building or structure were to be erected under this Code. ~~Such a structure or use may be continued but may not be extended, expanded, intensified, or changed unless to a conforming use.~~**Non-Conforming Illegal Structure, Use, or Lot:** A lot, building, structure, premises, or use illegally established when it was initiated, created, or constructed, which did not conform with the applicable conditions or provisions of the City Code for the area in which the structure or use is located.

SECTION 301: ZONING CODE: GENERAL PROVISIONS301.050. NON-CONFORMING USES.

A. Definition: Non-Conforming Use. See definition in Section 300.20.34

B. Pre-Existing Structures or Uses: A non-conforming use may be continued so long as it remains otherwise lawful, subject to the provisions of paragraphs (1) through (7) below, in order to ensure that the non-conforming use will not be intensified and that, over time, the non-conforming use will, where possible, be brought into conformity with the Zoning Code.

1. A **Non-Conforming Pre-Existing Structure use** shall not be enlarged, modified, changed, extended (either horizontally or vertically) or structurally altered, unless such changes bring the **Non-Conforming Pre-Existing Structure use** into conformity with the Zoning Code. (Exception: A non-conforming use, lawfully located within 60% of all required setbacks, may be structurally altered if the alterations do not change the horizontal or vertical dimensions of the structure and otherwise conform to the Zoning Code.)

2. A non-conforming use shall not be moved to any other part of the parcel of land upon which the same was constructed unless the move would bring the structure and its use into conformity with the Zoning Code.
3. ~~If a non-conforming use is damaged or destroyed to an extent of 50% or more of its replacement cost for any reason (including remodeling or rebuilding), according to the estimate of the building inspector as approved by the City Council, any reconstruction must conform to the provisions of the Zoning Code. If any Non-Conforming Pre-Existing Structure or Use is destroyed by fire or other peril to the extent of greater than 50 percent of its estimated market value, as indicated in the records of the county assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged, any replacement or reconstruction must conform to the provisions of the Zoning Code.~~ (Exception: If the non-conforming use that is to be reconstructed came into being as the result of a previously granted variance, the Council, after review, may continue the variance if the owner demonstrates that the conditions under which that variance was granted continue to exist.)
4. Normal maintenance of a Non-Conforming Pre-Existing Structure ~~that represents a non-conforming use~~ is permitted, including necessary non structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.
5. Notwithstanding paragraph (1) above, a Non-Conforming Pre-Existing Structure ~~representing a non-conforming use~~ may be expanded, provided:
 - a. That such expansion does not increase the non-conformity in any dimension (vertical or horizontal), does not create a new non-conforming use, and in itself conforms with the Zoning Code; and
 - b. The sum of the setbacks on either side of the structure is not LESS than 20 feet.
6. When any Non-Conforming Pre-Existing use of land or of a building or structure ~~shall be abandoned or is~~ discontinued for a period in excess of one year, such land, building, or structure shall thereafter be used only as allowed by this Code.
7. No provision of this section shall be interpreted as negating the provisions of 302.015 (Undersized Lots).

C. Illegal Structures, Uses, or Lots: Any replacement or reconstruction of any kind of a Non-Conforming Illegal Structure, Use, or Lot must conform to the provisions of the Zoning Code.

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

Adopted by the City of Birchwood Village City Council this 9th day of October, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

ORDINANCE 2018-04-01**CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA****AN ORDINANCE AMENDING VARIANCE PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 304 (Variances and Appeals) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 304. ZONING CODE: VARIANCES AND APPEALS.

304.010. BOARD OF APPEALS. ~~The City Council is hereby established as the Board of Appeals (Board) and shall have the power to hear and decide appeals in which it is alleged that there is an error in any administrative order, requirement, decision or determination made in the interpretation or enforcement of the Zoning Code. The Planning Commission is hereby established as the Board of Appeals (Board). When acting as the Board, the Planning Commission will have the power to hear and advise the Council on the following matters:~~

- ~~1. Requests for variances from the literal provisions of the Zoning Code; and~~
- ~~2. Appeals in which it is alleged that there is an error in any administrative order, requirement, decision or determination made in the interpretation or enforcement of the Zoning Code.~~

304.030020. APPEALS OF ADMINISTRATIVE DECISIONS.

1. A person who deems himself aggrieved by an alleged error in any order, requirement, decision or determination made in the interpretation and enforcement of ~~this ordinance~~ the Zoning Code, may appeal to the Board -by filing a written appeal with the City Clerk within 30 days after the date of such order, requirement, decision or determination. The appeal shall fully state the order to be appealed and the relevant facts of the matter.

2. The Board shall conduct a public hearing within 60 days after the filing of a written appeal. The Board shall make its decision after considering the oral and written views of all interested persons expressed at the public hearing.

304.020030. PETITIONS FOR VARIANCES. ~~The Planning Commission is hereby established to hear and advise the Council on requests for variances from the literal provisions of the Zoning Code.~~ The owner or owners -of land to which the variance relates may file a petition for a variance with the Clerk. The petition shall be made on forms provided by the City Clerk. The petition shall be accompanied by plans described below and by all required fees. The City may require the petitioner to submit a certificate by a registered professional land surveyor verifying the location of all buildings, setbacks and building

coverage, and certifying other facts that in the opinion of the City are necessary for evaluation of the petition.

304.040. VARIANCE REQUIREMENTS AND CRITERIA. Petitions for Variances must include all Required Information and demonstrate that Criteria for each Variance are met.

1. Required Information.

- a. Legal description and address of parcel. Name, address, and phone number of applicant (and of the owner if owner is not the applicant).
- b. Plot plan drawn to scale. Elevation contour lines may be required.
- c. ~~Plan showing existing and proposed new and changed structures on the lot. Existing structures on adjacent lots must also be shown.~~
- d. Evidence demonstrating compliance with the Rice Creek Watershed District's and other Governmental Units' regulations may be required. (See Section 303.040.)

2. Criteria for Granting a Variance. ~~Variances may only be granted in Minnesota Statutes, Chapter 462. Pursuant to Minn. Stat. Sec. 462.357, subd. 6, as it may be amended from time to time, the Planning Commission, acting as a Board of Appeals and Adjustments, may issue recommendations to the City Council for variances from the provisions of this zoning code. A variance is a modification or variation of the provisions of this zoning code as applied to a specific piece of property.~~

Variances to the strict application of the provisions of the Code may be granted, however, no variance may be granted that would allow any use that is prohibited within the City. Conditions and safeguards may be imposed on the variances so granted. A variance shall not be granted unless the following criteria are met:

SUBD. 1.

A. Variances shall only be permitted

- i. when they are in harmony with the general purposes and intent of the ordinance and
- ii. when the variances are consistent with the comprehensive plan.

B. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance.

SUBD. 2. "Practical difficulties," as used in connection with the granting of a variance, means that

- ai. Special conditions or circumstances exist which are peculiar to the land, structure, or building involved.
- bii. The condition which result in the need for the variance were not created by the applicant's action or design solution. The applicant shall have the burden of proof for showing that no other reasonable design solution exists.

~~e. The variance is proved necessary in order to secure for the applicant the right or rights that are enjoyed by other owners in the same area of the district.~~

~~diii.~~ The granting of a variance will result in no increase in the amount of water draining from the property.

~~eiv.~~ Granting the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, or welfare of the residents of the City.

~~fv.~~ No variance shall be granted simply because there are no objections or because those who do not object outnumber those who do.

~~gvi.~~ Financial gain or loss by the applicant shall not be considered if reasonable use for the property exists under terms of the Zoning Code.

304.050. VARIANCE HEARING AND RECOMMENDATION BY THE BOARD~~COMMISSION.~~ Within 60 days after the City ~~Clerk~~ determines that a variance petition is complete, and all required fees and information, including plans, drawings and surveys, have been received, ~~or within 60 days after the filing of an appeal of an administrative decision,~~ the Board~~Commission~~ shall conduct a public hearing and after hearing the oral and written views of all interested persons, the Board~~Commission~~ shall make its recommendation to the City Council by a majority vote at the same meeting or at a specified future meeting thereof.

304.060. NOTICE OF HEARINGS.

1. Notice of variance hearings shall be mailed not less than ten (10) days before the date of the hearing to the person who filed the petition for variance, to the Minnesota Department of Natural Resources, and to each owner of property situated wholly or partially within 200 feet of the property lines to which the variance relates.

2. A notice of hearing for appeals of administrative decisions shall be published in the official newspaper of the City not less than ten days before the hearing. A notice shall also be mailed to the appellant.

3. No new notice need be given for any hearing which is continued ~~by the Board~~ to a specified future date.

304.070. FINAL DECISION. The Council shall decide all appeals of administrative decisions and petitions for variances ~~and appeals~~. The decision shall be made -not later than 30 days after the date of the hearing.

304.080. FORM OF ACTION TAKEN AND RECORD THEREOF. The Council shall maintain a record of its proceedings relative to the petition for variance or appeal -which shall include the minutes of its meetings and final order concerning the variance petition or appeal of administrative decision. When applicable, notice of the final order shall be sent to the Minnesota Department of Natural Resources within ten (10) days.

304.090. REVOCATION. A violation of any condition set forth or required in granting a variance shall be a violation of this Code and automatically terminates the variance. A variance shall become null and void one year after it was granted, unless made use of within the year or such longer period prescribed by the Council.

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 9th day of October, 2018

Mary Wingfield
Mayor

Attest:

Tobin Lay
City Administrator-Clerk

ORDINANCE 2018-08-01

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

**AN ORDINANCE AMENDING IMPERVIOUS SURFACE
PROVISIONS IN CITY CODE**

The City Council of the City of Birchwood Village hereby ordains that Section 300.020.23 of Chapter 300 (Land Use) of the Municipal Code of the City of Birchwood Village is hereby amended as follows:

SECTION 300: LAND USE

300.020.23 Impervious Surface. A ground surface covered or compacted with material so as to substantially retard the entry of water into the soil, and to cause water to remain on the surface or to run off the surface in greater quantities or at an increased rate of flow than would occur if there was a natural soil surface.

Impervious surfaces shall include improvements utilizing concrete, asphalt, gravel, or other non-porous materials. Examples of impervious surfaces include, but are not limited to, roads, driveways, parking areas, sidewalks, patios, rooftops, and covered decks. Examples of impervious surfaces resulting from compacting are unpaved or ungraveled driveways and parking areas.

EXCEPTION 1: Open decks and walkways with open joints at least ¼ inch wide per 8 inch wide board, and areas beneath overhangs less than 2 feet wide, if bare or vegetated soil is beneath the decks or walkways or overhangs, shall not be considered impervious surfaces.

EXCEPTION 2: Unless otherwise considered a pervious surface percentage approved by the City Engineer using applicable industry standards.

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 9th day of October, 2018

Attest:

Mary Wingfield
Mayor

Tobin Lay
City Administrator-Clerk

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Escrow Additions (ROW & easements)

The City continues to sustain damage from new construction projects and other matters involving the use of machinery in the village. Last June, the city council referred the issue of regulating the use of the city Right of Way for such projects. The city approved a code regulating small cell towers but the Planning Commission is still reviewing the use of the ROW for other projects.

The city's resources and infrastructure continue to be damaged (both voluntarily and involuntarily) and costs continue to be absorbed by our residents. In addition, considerable staff time has been diverted to these problems. These situations do not need to happen.

Requiring an escrow/damage deposit for work done by contractors/companies would go a long way to addressing these ongoing problems.

In reviewing other jurisdictions' fee schedules, there is no continuity. Many are voluminous. The city of Grant is probably the easiest schedule to adapt. Enclosed is a proposal based on their fee schedule:

--
m

enclosed: proposed escrow fee schedule and easement & park access rental agreement

PROPOSED ESCROW SCHEDULE

CITY OF BIRCHWOOD VILLAGE FEE SCHEDULE ADDITIONAL CHARGES FOR ESCROW AOUNTS/DAMAGE DEPOSITS

An escrow amount (damage deposit) will be required at the time of application fees and the application is received by the City. This charge will be used to cover additional staff time required and the cost of repair for any damage to city infrastructure or resources.

Subdivision	\$7000
Lot Split	n/a
Variance	\$3000
Conditional Use Permit (amended and new)	\$3000
Park and easement rental	\$1000
All other Land uses Including building, driveway, Grading, fence, retaining wall Permits	\$3000

Unused escrow and/or damage deposits will be returned to the Applicant upon completion of the project

The Applicant will be responsible for damages or costs in excess of the escrow or damage deposit, if applicable.

PROPOSED EASEMENT RENTAL AGREEMENT

CITY OF BIRCHWOOD VILLAGE EASEMENT AND PARK ACCESS RENTAL AGREEMENT

Renter:

Address:

Rental Fee Received: \$50.00/hour or \$500/day

Damage Deposit Received: \$1000.00

Deposit Returned:

Daytime Phone:

Date Key Issued:

Key Issued To:

Date Key Returned:

- Generally, no motorized vehicles are allowed on city easements and parks.
- Exceptions to the city ordinances will be considered for easement rental between October 15 and April 15.
- Easements are only rentable at the discretion of the City Administrator for the limited, special purpose of using mechanical equipment to gain access to owner's real and/or personal property.
- Rental is limited to no more than five consecutive days and may not be renewed without permission from the city council.
- The Renter must sign this Rental Agreement in the space provided below. By doing so, the Renter agrees to adhere to the following requirements, unless special arrangements have been noted by staff on this Rental Agreement, and agrees to accept the consequences for their failure to do so.

A. Park hours. Renters are permitted to use the rented easement between the hours of 8:00 a.m. to 8:00 p.m.

B. Insurance. The Renter shall indemnify and hold the City harmless for any liability upon city property during the rental period.

C. Keys. Keys to the park lock(s) must be returned to City Hall the next business day immediately following the rental date. Renters shall be responsible for the cost of replacing lost or damaged keys, or re-keying the facilities. If preferred, Renters may return the key by depositing it in the drop box located in the entrance of City Hall.

D. Damage and deposit. There is a \$1000.00 deposit required in addition to the rental fee, which shall be returned only if City staff determines that all conditions of this Rental Agreement have been met. The Renter's responsibility shall not be limited to the amount of the deposit. In the event of a violation of this Rental Agreement, the deposit may be retained to recover the administrative cost of recovering damages from the Renter, which shall be in addition to the deposit amount.

E. Adult. Renters must be at least eighteen years of age

F. Refunds. There are no refunds in part or in whole of rental fees, whether due to inclement weather or for any other reason.

Signature

Print Name

Date

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Fee Schedule Amendment

PROPOSED FEE SCHEDULE AMENDMENT.

The City of Birchwood fees listed in the fee schedule are low relative to other jurisdictions. This has created a lack of incentive to comply with timely payment since the risk is minimal. Some jurisdictions have adopted a consequence of tripling the penalty. Adopting this change would be reasonable under the circumstances and hopefully result in better compliance and save staff time.

--
m

enclosed: proposed fee schedule amendment

**CITY OF BIRCHWOOD VILLAGE
2018 FEE SCHEDULE**

....

ADDITIONAL FEES

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

Additional Fee: An additional fee, not to exceed actual expenses or the original amount of the fee (whichever is less), shall be paid if the City Council determines that the applicant has changed the project after submission of the initial application, or if it is necessary to conduct an excessive number of reinspections of the project in order to ensure compliance with the City Code or the terms of the permit of license.

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

605. ANIMALS

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

1. Animals

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

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

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

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

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

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

a. Any large cat of the family Felidae, such as lions, tigers, jaguars, leopards, cougars and ocelots, except commonly accepted domesticated house cats.

b. Any member of the family Canidae, such as wolves, coyotes, dingos, and jackals, except domesticated dogs.

c. Any crossbreed such as crossbreeds between dogs and coyotes, or dogs and wolves, but does not include crossbred domesticated animals.

d. Any poisonous snake such as a rattlesnake, coral snake, water moccasin, puff adder or cobra.

e. Any snake or reptile which by its size, vicious nature or other characteristic is dangerous to human beings.

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

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

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

605.020. LICENSING.

605.021. No persons shall own, keep or harbor any dog over six months (6) old within the City unless such dog is licensed as herein provided. Written application for such license shall be made to the City Clerk and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The application must be accompanied by a certificate from

a qualified licensed veterinarian certifying that the dog has been vaccinated against rabies on a date that is not more than 36 months prior to the expiration date of the license to be issued. The license fee shall be paid at the time of making application and a numbered receipt given to the applicant. The City Clerk shall keep and maintain an accurate record of identifying numbers.

“AMENDED NOVEMBER 12, 2013”

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

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

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

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

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

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

605.028. CHICKENS

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

- (a) A maximum of six (6) hen chickens or pullets are permitted.
- (b) Roosters are prohibited.
- (c) The butchering of chickens is prohibited.
- (d) Shelter. Proper shelter in the form of barns, coops or hutches shall be provided in any area where chickens are permitted to roam. Such shelters shall be adequately fenced to ensure the chickens remain on the owner’s premises. Shelters must comply with all requirements of the Zoning Code concerning accessory structure and said structures shall not be placed in the front, side yard or side yard abutting a street on residential property. Said shelters shall be setback a minimum of 30-feet from an adjacent principal dwelling.

- (i) All chicken coops must have a minimum size of three (3) square feet per chicken, a maximum size of forty (40) square feet, and must not exceed six (6) feet in total height.
- (ii) Chicken coops must be elevated a minimum of twelve (12) inches and a maximum of twenty-four (24) inches to allow for circulation beneath the coop.
- (e) Space. Chickens shall be fully contained on the property at all times through use of adequate fencing.
 - (i) Fencing must not exceed six (6) feet in height and must be built according to the zoning code.
 - (ii) Chickens are restricted to the rear yard.
 - (iii) Chicken runs may be enclosed with wood and/or woven wire materials, or any other material so long as the chickens cannot escape through the fencing.
- (f) Food Storage. Food materials that are stored outside shall be in closed containers with lids.
- (g) Manure Removal. All containment areas and shelters shall be maintained in a clean, sanitary, and odor free environment and shall be free from the presence of rodents or vermin at all times. Organic matter shall not be allowed to accumulate for more than one (1) week at a time. However, organic matter shall be removed more often than one (1) time per week if it is necessary to eliminate any odors that constitute a nuisance.
- (h) Fighting. Chickens shall not be raised or kept for fighting. Cockfighting is prohibited.
- (i) Consent. The applicant for any permit required under the provisions of this section shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of real property within the City and within one hundred (100) feet of the outer boundaries of the premises for which the permit is being requested. However, where a street or right of way separates the premises for which the permit is being requested from the other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street or right of way.

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

- (i) A license shall be issued for a period of two years.
- (ii) Upon completion of the application form and receipt of the license fee, the City Clerk shall cause a license to be issued to the applicant.

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

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.029. MINIATURE VIETNAMESE POT-BELLIED PIGS.

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

- (a) The possession of a Vietnamese Potbellied Pig is limited to two (2) per residence.
- (b) Male Vietnamese Potbellied Pigs must be neutered when they reach the age of four weeks.
- (c) Adult Vietnamese Potbellied Pigs shall not weigh more than 120 pounds or stand more than 22 inches at the shoulders.
- (d) Vietnamese Potbellied Pigs shall undergo a blood test to show that the animal is free from pseudorabies.

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

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

- (i) A license shall be issued for a period of two years
- (ii) Upon completion of the application form, receipt of the license fee, and proof that the Vietnamese potbellied pig is free from pseudorabies, the City Clerk shall cause a license to be issued to the applicant.

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

“AMENDED BY ORDINANCE 2014-08-01; SEPTEMBER 9, 2014”

605.030. TAG AND COLLAR.

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

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

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

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

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

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

“AMENDED September 13, 2016”

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

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

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

“AMENDED BY ORDINANCE 2010-12-14-E1; DECEMBER 14, 2010”

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

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

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.060. IMPOUNDMENT.

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

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

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

within ten days after such adoption a certificate from a veterinarian attesting that such dog has been spayed.

605.067. ANIMALS WHICH CANNOT BE IMPOUNDED.

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

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

“Amended by Ordinance 1998-1; May 12, 1998.”

605.070 REDEMPTION OF IMPOUNDED ANIMALS.

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

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

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

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

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

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

“AMENDED BY ORDINANCE 2014-05-01; MAY 13, 2014”

605.090. CONFINEMENT OF CERTAIN DOGS AND OTHER ANIMALS.

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

“Amended by Ordinance 1998-1; May 12, 1998.”

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

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

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

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

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

605.100. DISEASE CONTROL.

605.101. RABIES CONTROL. The Minnesota State Health Laws and Regulations pertaining thereto shall apply in cases of rabid animals, animals which have bitten any person or animals suspected of being rabid.

605.102. BITING ANIMALS TO BE QUARANTINED. Whenever any animal has bitten a person or whenever a known or suspected rabid animal is picked up by the animal warden, such animal shall be kept in confinement for a period of ten (10) days after the occurrence provided that the owner or custodian of such animal, after having been so notified either orally or in writing, shall have the right to direct where the animal will be quarantined provided that the location has proper State approved facilities for such quarantine. Upon reasonable belief that the animal may be rabid, the animal shall be subjected to the tests necessary to establish the same by a doctor of veterinary medicine for the purpose of determining if it is infected with rabies. The confinement, testing and treatment expenses, in addition to all other expenses incurred as the result of a animal biting a person, shall be the expense of the owner of the animal.

“Amended by Ordinance 1998-1; May 12, 1998.”

605.103. REPORTS OF BITE CASES. It shall be the duty of every physician or other practitioner to report to the Animal Control Officer and the City Council names and addresses of persons treated for bites inflicted by animals, together with as much as other information as will be helpful in rabies control.

605.104. RESPONSIBILITIES OF VETERINARIANS. It shall be the duty of every licensed veterinarian to report to the City Council his diagnosis of any animal observed by him as a rabies suspect.

605.110. KEEPING OF ANIMALS.

605.111. FARM ANIMALS. Except as otherwise provided, no person shall keep or permit any horse, hog, mule, sheep, goat or other farm animal or any other fowl, including emus or pigeons, upon any lot or property within the City of Birchwood Village.

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

605.112. CRUEL TREATMENT. No person shall treat an animal in a cruel or inhumane manner, or willfully or negligently cause or permit any animal to suffer torture or pain unnecessarily.

605.113. DOG KENNELS. No person shall operate a dog kennel or permit a dog kennel to be on his premises within the City.

605.114. MANNER OF KEEPING. No person shall keep any dog, cat or other animal in the City in an unsanitary place or condition or in a manner resulting in objectionable odors or in such a way as to constitute a nuisance or disturbance by reason of barking, howling, fighting, or other noise or in such a way as to permit the animal to annoy, injure, or endanger any person or property.

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

“Amended by Ordinance 1998-1; May 12, 1998.”

605.130. INVESTIGATION. For the purpose of discharging the duties imposed by this Code and to enforce its provisions, any agent of the City Council or any police officer is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such a dog or the license for such dog. It is further provided that any agent of the City Council may enter the premises where any animal is kept in a reportedly cruel

or inhumane manner and demand to examine such animal and to take possession of such animal when, in his opinion, it requires humane treatment.

605.135. REVOCATION.

1. An animal permit or license may be revoked if:
 - A. The person holding the permit or license refuses or fails to comply with the provisions of this Chapter, any other regulations promulgated by the City or any state or local law governing cruelty to animals or the keeping of animals.
 - B. An owner fails to provide the animal with necessary food, water, shelter, veterinary care, or humane care and treatment.
 - C. An owner overdrives, overloads, overworks, tortures, ill-treats, torments, neglects, or unjustifiably injures, maims, mutilates or cruelly works an animal when unfit for labor, or otherwise abuses any animal.
 - D. An owner causes or permits any dog fight, cock fight, or other combat between animals or between animals and humans.
 - E. An owner violates the terms of this Chapter three (3) times within a one (1) year period.
2. Any person whose permit or license is revoked shall, within fifteen (15) days, remove such animal(s) permanently from the City or humanely dispose of the animal(s) cited in the violation as being owned, kept or harbored by such person and no part of the permit or license fee shall be refunded. In addition, the owner may be liable to court action under this Code, State Statutes and local laws for any of the actions cited above.
3. If a permit or license is revoked, no new permit or license may be issued for a period of one (1) year from date the permit or license is revoked.

“AMENDED BY ORDINANCE 2013-08-02; AUGUST 13, 2013”

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

605.150. RECORDS.

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

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

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

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

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Birchwood Docks

Dear Mayor and Council Members,

Several months ago, the Council planned to discuss the purpose of the Docks Committee; whether to continue the Committee and if so whether to increase its membership and determine if bylaws are needed. This agenda item was tabled until after the Dock Management contract had been completed for 2018. The Council approved the 2018 Dock Management contract last month.

As the current Dock Management contract expires October 31, staff requests Council discuss the following topics during September's Council meeting:

- Dock Committee purpose, etc.
- Council's desired procedure for the 2019 Dock Management contract.

Request/Recommendation

Staff requests Council:

- 1) Determine the purpose of the Docks Committee;
- 2) Direct staff as to the 2019 Dock Management contract.

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

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

Dear Mayor and Council Members,

Per Council's direction, the Roads and Streets Committee held a public hearing in August to get public input on reconfiguring the traffic signage at the Wildwood Ave intersection at Iris St.

The vast majority of those who spoke at the public hearing were in support of the Committees suggested reconfiguration.

Accordingly, the Roads Committee recommends removing the existing stop sign on Iris St. at Wildwood Ave and instead, placing two (2) stop signs on Wildwood Ave – one (1) for southeast traffic and another (1) for northwest traffic at the Iris St. intersection. This will make the intersection a two-way stop with Iris St. traffic having the right of way through the intersection.

The Committee also recommends installing two "stop ahead" signs for both directions on Wildwood Ave to warn of the stop signs.

Request/Recommendation

The Roads and Streets Committee recommends Council:

- 1) Approve the reconfiguration of the Wildwood and Iris streets intersection as described above;
and
- 2) Authorize City staff to purchase and install the signs accordingly.

Thanks!

Regards,
Tobin Lay

ROADS COMMITTEE MINUTES

Birchwood Village Roads and Streets Committee Minutes - Draft August 6th, 2018 - 6:30 PM Village Hall

Present: Tom Stangl, Ben Creagh, Gene Ruehle, Tom Patsy

1. Public Forum on Remove stop sign on Iris and Wildwood and add signage:
14 citizens present for roundtable discussion with overwhelming majority
in favor of recommendations

Concern over parking of pick-up truck on driveway, blocking stop sign [Stop sign ahead or
additional sign on left side of road north view]

Concern about vehicles needing to stop heading south on Wildwood Ave. and primary issue is
during winter. Suggestion more salting to alleviate

Citizen in favor of stop sign on Wildwood to get up hill when north side is too icy

History of buses going through stop sign on Iris

Challenge for line of sight when stopping on Iris with multiple citizens stating near misses with
accidents

Jay/Hall stop sign has made turn better

All intersections would benefit from brush removal

Motion to remove Iris street stop sign, and place two stop signs on Wildwood facing west, one
facing east, with "stop ahead" sign ahead of sign. Gene motions, Tom Patsy seconds. Motion
carries

2. Weed Control
 - a. Contact with Tobin for previous year's upkeep and can we do that again
3. Trees on Wildwood
 - b. Contact Tobin on Elm Beach clump that could disturb pavement
4. Lake Street Assessment
 - c. Waiting on council for vetting response. If after vetting, our recommendation
stands.

Adjourn 7:26 pm Tom Patsy motions, Gene seconds

MEMORANDUM



TO: Birchwood City Council
FROM: Mary Wingfield, Mayor
SUBJECT: Tree Inspections

Birchwood Village

A preliminary review of city codes suggest the tree inspection program that the city has adopted to protect our trees in our community is reasonable. Our code models many others and has been a part of the city's disease control plan since the 1970s.

Here is the Minneapolis code that mirrors our code and provides for onsite inspection of private property for the limited purpose of assessing any potential tree diseases:

Individual property owners are responsible for private trees. We inspect and sometimes require removal of certain private trees to prevent the spread of disease and infestation to other trees. To maintain a safe public right of way, we occasionally prune private trees.

Removal

Pruning

Tree Care

Removal

Diseased or infested trees on private property must be removed so the disease or infestation does not spread to other public and private trees. Minneapolis City Ordinance PB 10-23 allows us to inspect private trees to learn if they are diseased or infested.

Diseases that require removal include, but are not limited to:

Dutch Elm Disease on American Elms

Emerald Ash Borer in Ash trees

Oak Wilt on Red or White Oaks

As the property owner, you are responsible for removing the tree. You must discard wood from the tree following Minnesota Department of Agriculture guidelines.

Marking and Notification

If we find a diseased or infested tree on your property, we will mark it with paint and notify you that you must remove the tree within a specific timeframe.

If you do not remove your tree by the deadline, we will hire a private contractor to remove the tree. We will bill you for the removal cost plus an \$80 administrative fee.

Green Paint Ring

Your tree has Emerald Ash Borer.

Orange Paint Ring

Your Tree has Dutch Elm Disease.

Ways to Remove Your Tree

You have three options for removing your tree.

You hire a contractor.

We recommend you hire a City of Minneapolis licensed contractor [PDF] to remove your tree. This is typically the least expensive option.

We hire a contractor.

You may choose to let us hire a contractor to remove your tree, but you still need to pay for the removal plus an \$80 administrative fee.

You remove the tree.

You may remove your own tree, but must discard wood following Minnesota Department of Agriculture guidelines.

The City of Birchwood has gone further and opted to ask residents if they want to be notified when the tree inspector will be surveying in the community. Currently, 6 households have requested such notice. Under the circumstances, any additional city action is not warranted at this time.

--
m

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Additional Kayak Racks

Dear Mayor and Council Members,

Kayak/canoe racks are a high demand commodity in Birchwood. We currently offer 49 slots on 9 racks spread out on every beach easement except Kay and Kurt Feistner Memorial Preserve. Even with 49 slots, we have additional demand.

I was asked to request the Parks Committee discuss whether to build additional racks and if so, recommend where to place these new racks.

The Parks and Natural Resources Committee discussed this topic accordingly and recommends building at least two (2) additional racks to be placed at Birch and Dellwood easements.

Request/Recommendation

The Parks Committee recommends Council:

- 1) Approve the construction and installation of two (2) additional racks to be placed at Birch and Dellwood easements.

Thanks!

Regards,
Tobin Lay

MEMORANDUM



Birchwood Village

TO: Birchwood City Council
FROM: Tobin Lay, City Administrator
SUBJECT: Videographer Rate Increase

Dear Mayor and Council Members,

The City entered into contract with Videographer Robert Leeves one year ago last month. The contract allows the possibility to renegotiate the rate of pay annually during the month of August and Mr. Leeves requested to do so in August. Due to the full August Council meeting being canceled, staff request Council consider Mr. Leeves' request at this time.

The City currently pays Mr. Leeves \$20/hr with a minimum payment of three hours for each scheduled meeting. The City was paying Kenny Ronan, Mr. Leeves' predecessor, \$22.50/hr with the same minimum at the time Mr. Ronan left his employ with the City.

Mr. Leeves agreed to a lower rate of pay for his first year of work due to having less work experience than Mr. Ronan. Mr. Leeves has performed very well this past year and has proved to be a reliable and competent asset to the City. Both Mr. Leeves and I feel comfortable with increasing his rate of pay to \$22.50/hr with the same minimums.

Request/Recommendation

Accordingly, staff recommends Council:

- 1) Approve an increase to Mr. Leeves' rate of pay from \$20/hr to \$22.50/hr.

Thanks!

Regards,
Tobin Lay

Enclosed: letter from Mr. Robert Leeves

Tobin,

As advised by the City attorney, Alan Kantrud, I am writing this letter to ask for a raise in my hourly wage for my upcoming contract renewal. I am confident in my abilities for recording and operating the equipment for Council meetings etc. and an increase in hourly wage is an incentive for me to stay on with the City another year. Currently, my hourly wage is at \$20.00 per hour and I feel an increase to anywhere between \$22.50 and \$25.00 would be a reasonable request.

It's been great serving the City and I know it will be another good year for progress!

Please let me know if there is anything or other information you need from me at this time.

Thank You!

Robert Leeves



Statement of Work

Birchwood Village, MN - 2018 Meter Reading, August and November

August 15, 2018

Presented by:
Jameson Allen
Jameson.Allen@SL-serco.com
612-201-7665

Executive Summary

Thank you for requesting our services. Clear procedures, shared timelines, and strong communication are highly valued by SL-serco, and essential to ensuring a successful project. This Statement of Work will define the project's scope and each party's responsibilities as they pertain to the services being provided.

Client Name	Birchwood Village, MN
Client Contact	Tobin Lay
Project Name	2018 Meter Reading, August & November
Begin Date	08/15/2018
End Date	12/31/2018

Work Requirements

SL-serco will dedicate resources for the proposed project upon mutual agreement of terms defined within this Statement of Work.

SL-serco Responsibilities

- Perform quarterly meter read during the months of August and November 2018
- Perform meter repairs as directed by the City

Birchwood Village Responsibilities

- Provide SL-serco with the route files before each read
- Inventory adequate equipment for the meter repairs
- Tracking and payment of invoices within 45-day terms
- Provide feedback as needed throughout the project as well as at the end

Schedule of Rates

SL-serco will bill Birchwood Village quarterly.

Item Description	Rate
Quarterly Read	\$1,000.00 (\$674.50 incr.)
Meter Repairs, to be billed hourly	\$126.00/hour (\$66/hr incr.)

Change Management Process

In providing this Statement of Work, responsibilities have been assumed in regard to the scope and requirements of our proposed services; the above pricing is predicated on those assumptions. We do our best to anticipate all potential project requirements. Should any additions or changes be requested that are beyond the Scope and Requirements outlined above, they must be submitted in writing to Jameson Allen and a new Statement of Work must be drafted and approved by all parties.

Terms and Conditions

The services outlined above will be provided on a contractual basis for the stated price, following mutual agreement and signing of this Statement of Work. SL-serco will require payment of invoices within 30 day terms. Any services required beyond the scope of this Statement of Work must be negotiated through the Change Management Process.

Acceptance and Authorization

SL-serco is honored to provide you this project quote. Terms and prices are valid for 30 days from this Statement's date of issue. Your signature below will signify your acceptance of these terms and prices, and serve to authorize our engagement on this project.

IN WITNESS WHEREOF, the parties hereto each acting with proper authority have executed this Statement of Work.

Full Name	Laurie Allen
Title	CFO
Signature	
Date	8/15/2018