



**CITY OF BIRCHWOOD VILLAGE**  
**CITY COUNCIL MEETING AGENDA**  
**November 12, 2013**  
**7:00 P.M.**

- I. CALL TO ORDER (Roll Call for attendance)
- II. PLEDGE OF ALLEGIANCE
- III. APPROVE NOVEMBER 12, 2013 AGENDA
- IV. PUBLIC FORUM
  - a. Leaf Pick Up on November 16 -17
- V. CONSENT AGENDA (motion only)
  - a. Approval of Minutes from the October 8, 2013, City Council meetings.
  - b. Treasurer's Report and Disbursements for October 2013.
  - c. Resolution 2013-23 a Resolution to Approve the Rink Attendants for the 2013-2014 skating season.
  - d. Resolution 2013-24; a Resolution to Approve the Contract with Timesavers, Inc. for the Services of Recording Secretary for Birchwood Village for the period of November 1, 2013 to December 31, 2013.
- VI. PUBLIC HEARINGS.
  - a. Resolution 2013-10; a Resolution to Certify Delinquent Utility Accounts to Washington County.
  - b. Ordinance 2013-25; an Ordinance to Amend Section §605.021 Animal Licensing of the Birchwood City Code.
- VII. REPORTS FROM COMMISSIONS & COMMITTEES.
  - a. Roads Committee.
    - i. Discussion of 2014 Seal Coating.
  - b. Finance & Budget Committee.
  - c. Parks Committee.
    - i. Budget Proposal Presentation.
  - d. Personnel Committee.
    - i. Update on hiring City Clerk and Treasurer.
  - e. Doek Association
    - i. Minutes from the October 22, 2013 workshop. *(motion to approve)*
- VIII. GENERAL BUSINESS OF COUNCIL.
  - a. 2014 Water Rates Discussion. *(no action)*
  - b. Discussion on RFP's for City Attorney Services. – Mayor Wingfield and Councilmember LaFoy.
  - c. Discussion on Findings regarding Nuisances. – Councilmember LaFoy.

**Birchwood Village  
Treasurer Report  
11-7-2013  
Council Meeting 11/12/2013**

V.b.

To: City Council  
From: Charlie Yunker, Treasurer

**Financial Report**

*Attached are the CTAS reports:*

The **DISBURSEMENTS REGISTER** is for those claims presented for approval and/or payment this eve. Disbursement Register includes check numbers or EFT identifier. **THE DISBURSEMENT REGISTER is for expenses of period between council meetings (October 4 – November 7, 2013).**

The **Interim Financial Report** shows the year to date totals for each revenue and expense of each Fund. The report is presented by ACCOUNT code. Fund 100 is the operating fund (General Fund) for which property taxes are levied, and also includes other revenues the city receives. In the disbursement section of this report you will find a running total (YTD) and variance (remaining balance) of the full year budgeted amount for each category of expense. **The Interim Financial Report is provided for 2013 through council meeting date December, 2013 to provide balance remaining for budgeted items.**

The **Cash Balance Statement** is the beginning balances (same as: prior year-end). The beginning balances are all cash balances – which reside at 4M Fund /US Bank (checking for operating funds, savings, enterprise fund accounts for various funds & reserves). Special Revenue Project FUND includes budget for special projects for Elm Easement (Assigned Fund #211) & Turf Management projects established in 2012. **Special Revenue Fund #225 added for warming house donations.**

Please call/email with any questions.

Charlie Yunker, Birchwood City Treasurer

As of 11/07/2013

**General Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$308,011.92	\$175,926.87	(\$132,085.05)
Total Acct 310	\$308,011.92	\$175,926.87	(\$132,085.05)
Building Permits	\$7,791.67	\$6,029.99	(\$1,761.68)
Dog Licenses	\$183.33	\$55.00	(\$128.33)
Zoning App Fee	\$0.00	\$618.00	\$618.00
Total Acct 322	\$7,975.00	\$6,702.99	(\$1,272.01)
State Grants and Aids	\$0.00	\$119.00	\$119.00
Local Government Aids	\$218.17	\$0.00	(\$218.17)
Total Acct 334	\$218.17	\$119.00	(\$99.17)
Recycle Grant	\$916.67	\$1,678.00	\$761.33
Cable Comm. Grant	\$6,416.67	\$6,288.30	(\$128.37)
Total Acct 336	\$7,333.33	\$7,966.30	\$632.97
City Hall and Garage Rent	\$458.33	\$443.00	(\$15.33)
Total Acct 341	\$458.33	\$443.00	(\$15.33)
Fines	\$595.83	\$763.26	\$167.43
Total Acct 351	\$595.83	\$763.26	\$167.43
Delinqnt Utilities - Garb/CEC	\$0.00	\$624.24	\$624.24
Miscellaneous	\$91.67	\$0.00	(\$91.67)
Total Acct 361	\$91.67	\$624.24	\$532.57
MISCELLANEOUS REVENUES	\$0.00	\$11.48	\$11.48
Interest Earnings	\$45.83	\$91.40	\$45.57
Contrib. and Donations-Private	\$458.33	\$1,014.00	\$555.67
Refund-Reimbursemnt-Dividend	\$0.00	\$469.08	\$469.08
Total Acct 362	\$504.17	\$1,585.96	\$1,081.79
<b>Total Revenues</b>	<b>\$325,188.42</b>	<b>\$194,131.62</b>	<b>(\$131,056.80)</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
GENERAL GOVERNMENT	\$0.00	\$9,522.16	(\$9,522.16)
Total Acct 410	\$0.00	\$9,522.16	(\$9,522.16)
Publishing	\$1,925.00	\$1,806.08	\$118.92
Total Acct 411	\$1,925.00	\$1,806.08	\$118.92
City Council	\$3,850.00	\$252.70	\$3,597.30
Total Acct 413	\$3,850.00	\$252.70	\$3,597.30
Clerk - Treasurer	\$53,386.67	\$38,003.98	\$15,382.69
Elections	\$458.33	\$822.50	(\$364.17)
Office Operations/Supplies	\$3,231.25	\$1,788.79	\$1,442.46
Postage/Postal Permits	\$595.83	\$851.91	(\$256.08)

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

Total Acct 414	\$57,672.08	\$41,467.18	\$16,204.90
Financial Administration	\$366.67	\$35.00	\$331.67
Assessing	\$4,995.83	\$5,493.67	(\$497.84)
Total Acct 415	\$5,362.50	\$5,528.67	(\$166.17)
Legal Services	\$6,600.00	\$5,412.28	\$1,187.72
Engineer Service	\$9,166.67	\$545.42	\$8,621.25
Total Acct 416	\$15,766.67	\$5,957.70	\$9,808.97
Per Diem	\$1,430.00	\$0.00	\$1,430.00
Total Acct 418	\$1,430.00	\$0.00	\$1,430.00
OTHER GENERAL GOVERNMENT	\$0.00	\$737.50	(\$737.50)
Grants	\$1,672.92	\$919.00	\$753.92
Planning and Zoning	\$0.00	\$184.00	(\$184.00)
City Training and Development	\$2,140.42	\$295.00	\$1,845.42
City Hall-Gov't Buildings	\$6,416.67	\$8,378.49	(\$1,961.82)
City Insurance	\$6,765.00	\$8,112.00	(\$1,347.00)
Cable Eqpmt and Service	\$733.33	\$2,216.25	(\$1,482.92)
Newsletter	\$114.58	\$0.00	\$114.58
Total Acct 419	\$17,842.92	\$20,842.24	(\$2,999.32)
Police	\$83,735.67	\$77,729.13	\$6,006.54
Total Acct 421	\$83,735.67	\$77,729.13	\$6,006.54
Fire	\$18,876.92	\$23,670.13	(\$4,793.21)
Total Acct 422	\$18,876.92	\$23,670.13	(\$4,793.21)
Building Inspection	\$7,700.00	\$7,091.69	\$608.31
Total Acct 424	\$7,700.00	\$7,091.69	\$608.31
Other Protection	\$91.67	\$68.38	\$23.29
Animal Control	\$822.25	\$897.00	(\$74.75)
Total Acct 428	\$913.92	\$965.38	(\$51.46)
Streets and Road Mntnc	\$4,812.50	\$42,175.40	(\$37,362.90)
Crack Seal Project	\$9,166.67	\$8,450.00	\$716.67
Seal Coat project	\$22,916.67	\$37,484.80	(\$14,568.13)
Street Sweeping	\$3,666.67	\$2,555.00	\$1,111.67
Ice and Snow Removal	\$14,666.67	\$13,542.65	\$1,124.02
Tree Removal	\$4,583.33	\$394.26	\$4,189.07
Utility - Drain Structure Care	\$1,100.00	\$2,488.09	(\$1,388.09)
Street Signs	\$0.00	\$1,380.39	(\$1,380.39)
Street Lights	\$14,300.00	\$9,999.30	\$4,300.70
Water Utility	\$0.00	\$212.00	(\$212.00)
Total Acct 431	\$75,212.50	\$118,681.89	(\$43,469.39)
Weed Control - Milfoil	\$1,100.00	\$0.00	\$1,100.00
Total Acct 432	\$1,100.00	\$0.00	\$1,100.00
Recycle	\$0.00	\$3,312.00	(\$3,312.00)
Total Acct 433	\$0.00	\$3,312.00	(\$3,312.00)
Sanitation - Recycling	\$11,000.00	\$6,444.60	\$4,555.40
Total Acct 441	\$11,000.00	\$6,444.60	\$4,555.40
Lawn Care/Mntnc	\$5,500.00	\$6,157.20	(\$657.20)
Total Acct 450	\$5,500.00	\$6,157.20	(\$657.20)
Recreation	\$1,741.67	\$1,550.00	\$191.67

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

Total Acct 451	\$1,741.67	\$1,550.00	\$191.67
Parks	\$12,833.33	\$10,565.84	\$2,267.49
Total Acct 452	\$12,833.33	\$10,565.84	\$2,267.49
CONSERVATION - NATURAL RESOURC	\$1,908.50	\$2,081.97	(\$173.47)
Total Acct 461	\$1,908.50	\$2,081.97	(\$173.47)
Unallocated Expenditures	\$7,379.17	\$133.37	\$7,245.80
Total Acct 492	\$7,379.17	\$133.37	\$7,245.80
<b>Total Disbursements</b>	<b>\$331,750.83</b>	<b>\$343,759.93</b>	<b>(\$12,009.10)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$525,009.93</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$375,381.62</b>	

**City of Birchwood Village Interim Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Tree Canopy Care**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Tree Removal	\$0.00	\$9,292.70	(\$9,292.70)
Total Acct 431	\$0.00	\$9,292.70	(\$9,292.70)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$9,292.70</b>	<b>(\$9,292.70)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$8,350.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>(\$942.70)</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Special Rev Projects**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	\$0.00	\$3,900.00	\$3,900.00
Total Acct 322	\$0.00	\$3,900.00	\$3,900.00
Interest Earnings	\$0.00	\$0.29	\$0.29
Total Acct 362	\$0.00	\$0.29	\$0.29
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$3,900.29</b>	<b>\$3,900.29</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$225.00	(\$225.00)
Total Acct 416	\$0.00	\$225.00	(\$225.00)
Parks	\$5,408.33	\$21,114.08	(\$15,705.75)
Total Acct 452	\$5,408.33	\$21,114.08	(\$15,705.75)
Unallocated Expenditures	\$0.00	\$200.00	(\$200.00)
Total Acct 492	\$0.00	\$200.00	(\$200.00)
<b>Total Disbursements</b>	<b>\$5,408.33</b>	<b>\$21,539.08</b>	<b>(\$16,130.75)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$13,756.91</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>(\$3,881.88)</b>	

**City of Birchwood Village** **Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Spec Project-Elm Easement**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Parks	\$3,666.67	\$325.00	\$3,341.67
Total Acct 452	\$3,666.67	\$325.00	\$3,341.67
<b>Total Disbursements</b>	<b>\$3,666.67</b>	<b>\$325.00</b>	<b>\$3,341.67</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>(\$325.00)</b>	

**City of Birchwood Village Budget Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

<b>Spec Rev - Warm House</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Contrib. and Donations-Private	\$0.00	\$13,896.10	\$13,896.10
Total Acct 362	\$0.00	\$13,896.10	\$13,896.10
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$13,896.10</b>	<b>\$13,896.10</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$13,896.10</b>	

**City of Birchwood Villagegerim Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

<b>Sewer 2004 Bonds</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$4,249.54	\$4,249.54
Total Acct 361	\$0.00	\$4,249.54	\$4,249.54
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$4,249.54</b>	<b>\$4,249.54</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Bond Payment	\$0.00	\$28,506.13	(\$28,506.13)
Total Acct 471	\$0.00	\$28,506.13	(\$28,506.13)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$28,521.13</b>	<b>(\$28,521.13)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>(\$24,271.59)</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

<b>Birchwood In Re-hab Bond</b>	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$615.34	\$615.34
Total Acct 361	\$0.00	\$615.34	\$615.34
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$615.34</b>	<b>\$615.34</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$183.00	(\$183.00)
Total Acct 415	\$0.00	\$183.00	(\$183.00)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$183.00</b>	<b>(\$183.00)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$432.34</b>	

**City of Birchwood Village Interim Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Sewer Re-hab 2008 Debt**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$10,632.50	\$10,632.50
Total Acct 361	\$0.00	\$10,632.50	\$10,632.50
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$10,632.50</b>	<b>\$10,632.50</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Assessing	\$0.00	\$243.00	(\$243.00)
Total Acct 415	\$0.00	\$243.00	(\$243.00)
Bond Payment	\$0.00	\$3,138.61	(\$3,138.61)
Total Acct 471	\$0.00	\$3,138.61	(\$3,138.61)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$3,381.61</b>	<b>(\$3,381.61)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$7,250.89</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Cap Project - PW**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Streets and Road Mntnc	\$0.00	\$45,583.33	(\$45,583.33)
Street Signs	\$1,375.00	\$0.00	\$1,375.00
Total Acct 431	\$1,375.00	\$45,583.33	(\$44,208.33)
<b>Total Disbursements</b>	<b>\$1,375.00</b>	<b>\$45,583.33</b>	<b>(\$44,208.33)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$44,571.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>(\$1,012.33)</b>	

**City of Birchwood Village Interim Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

<b>Capital Projects</b>			
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$58,587.99</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$58,587.99</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Cap Proj - Catchbasin**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$0.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$0.00</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Water Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$47,860.51	\$47,860.51
Penalty - Late Water/Sewer	\$0.00	\$665.44	\$665.44
State and Misc fees	\$0.00	\$1,830.81	\$1,830.81
Total Acct 341	\$0.00	\$50,356.76	\$50,356.76
DELQ - Water-Sewer fees	\$0.00	\$1,045.71	\$1,045.71
Total Acct 361	\$0.00	\$1,045.71	\$1,045.71
Interest Earnings	\$0.00	\$2.43	\$2.43
Refund-Reimbursemt-Dividend	\$0.00	\$483.90	\$483.90
Total Acct 362	\$0.00	\$486.33	\$486.33
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$51,888.80</b>	<b>\$51,888.80</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$350.00	(\$350.00)
Total Acct 414	\$0.00	\$350.00	(\$350.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Utility Locates	\$0.00	\$213.35	(\$213.35)
Total Acct 428	\$0.00	\$213.35	(\$213.35)
Water Utility	\$0.00	\$65,877.66	(\$65,877.66)
Wtr/Swr Emergency	\$0.00	\$3,920.00	(\$3,920.00)
Total Acct 431	\$0.00	\$69,797.66	(\$69,797.66)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$70,376.01</b>	<b>(\$70,376.01)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$31,968.02</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$13,480.81</b>	

**City of Birchwood Village Financial Report by Account Number (YTD)**

**11/07/2013**

As of 11/07/2013

**Sewer Enterprise Fund**

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Penalty - Late Water/Sewer	\$0.00	\$939.67	\$939.67
Sewer Fee	\$0.00	\$71,000.99	\$71,000.99
Total Acct 341	\$0.00	\$71,940.66	\$71,940.66
DELQ - Water-Sewer fees	\$0.00	\$1,646.12	\$1,646.12
Total Acct 361	\$0.00	\$1,646.12	\$1,646.12
Interest Earnings	\$0.00	\$10.19	\$10.19
Total Acct 362	\$0.00	\$10.19	\$10.19
<b>Total Revenues</b>	<b>\$0.00</b>	<b>\$73,596.97</b>	<b>\$73,596.97</b>
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Postage/Postal Permits	\$0.00	\$300.00	(\$300.00)
Total Acct 414	\$0.00	\$300.00	(\$300.00)
Assessing	\$0.00	\$15.00	(\$15.00)
Total Acct 415	\$0.00	\$15.00	(\$15.00)
Engineer Service	\$0.00	\$1,217.20	(\$1,217.20)
Total Acct 416	\$0.00	\$1,217.20	(\$1,217.20)
Utility Locates	\$0.00	\$162.55	(\$162.55)
Total Acct 428	\$0.00	\$162.55	(\$162.55)
Utility - Drain Structure Care	\$0.00	\$90.00	(\$90.00)
Wtr/Swr Emergency	\$0.00	\$4,173.00	(\$4,173.00)
Sewer Utility	\$0.00	\$62,981.98	(\$62,981.98)
Total Acct 431	\$0.00	\$67,244.98	(\$67,244.98)
<b>Total Disbursements</b>	<b>\$0.00</b>	<b>\$68,939.73</b>	<b>(\$68,939.73)</b>
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
<b>Beginning Cash Balance</b>		<b>\$115,000.00</b>	
<b>Cash Balance as of 11/07/2013</b>		<b>\$119,657.24</b>	

Fund Name: All Funds  
 Date Range: 10/04/2013 to 11/07/2013

Date	Remitter	Description	Receipt #	Total	Account #	Amount
10/28/2013	Various	Permits/Donations/City Hall Rental	1108	\$630.66	100-32210	\$366.66
					100-34101	\$100.00
					100-36230	\$164.00
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 8/28/13	1099	\$149.03	601-34110	\$51.73
					601-34160	\$0.03
					601-34170	\$4.50
					605-34160	\$0.07
					605-34190	\$92.70
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 10/18/2013	1100	\$2,127.13	100-36200	\$11.48
					601-34110	\$870.19
					601-34160	\$18.24
					601-34170	\$30.93
					605-34160	\$50.26
					605-34190	\$1,146.03
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 9/10/2013	1101	\$2,352.33	601-34110	\$1,086.56
					601-34170	\$41.09
					605-34190	\$1,224.68
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 9/24/2013	1102	\$14,457.91	601-34110	\$6,291.28
					601-34160	\$28.79
					601-34170	\$209.97
					605-34160	\$47.76
					605-34190	\$7,880.11
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 10/03/2013	1103	\$7,361.58	601-34110	\$3,076.55
					601-34160	\$12.14
					601-34170	\$106.52
					605-34160	\$25.46
					605-34190	\$4,140.91
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 10/08/2013	1104	\$8,524.29	601-34110	\$3,536.09
					601-34160	\$38.80
					601-34170	\$114.40
					605-34160	\$72.87
					605-34190	\$4,762.13
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 10/11/2013	1105	\$1,778.35	601-34110	\$1,082.33
					601-34170	\$17.67
					605-34190	\$678.35
10/31/2013	Residents - via St Anthony Village	Utility Billing - SAV 10/25/2013	1106	\$1,739.26	601-34110	\$596.12
					601-34160	\$37.65
					601-34170	\$26.91
					605-34160	\$57.99
					605-34190	\$1,020.59
10/31/2013	Dellwood Country Club & MN Superior	Warming House & Saunders Permit	1107	\$2,671.75	100-32210	\$171.75
					225-36230	\$2,500.00
11/01/2013	Residents - via St Anthony Village	Utility Billing - SAV 11/1/2013	1109	\$1,980.65	601-34110	\$614.48
					601-34160	\$82.60

**City of Birchwood Village**

**Receipts Register**

**11/07/2013**

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
					601-34170	\$24.65
					605-34160	\$123.72
					605-34190	\$1,135.20
<b>Total For Period</b>				<b>\$43,772.94</b>		
<b>Total Year To Date</b>				<b>\$352,911.16</b>		

Fund Name: All Funds  
Date Range: 10/04/2013 to 11/07/2013

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
10/10/2013	Lund, John	Reimbursement - Warming House Supplies Window	28000	\$180.47	210-45200-520	(\$185.90)
					210-45200-520	\$366.37
11/07/2013	Mills Fleet Farm #534812	Mats for Warming House	28001	\$839.86	210-45200-520	\$839.86
11/07/2013	Xcel Energy	Gas/Electric at City Hall Sep 2013	28002	\$121.65	100-41940-380	\$121.65
11/07/2013	Xcel Energy	Electric at 180 Birchwood Ave Sep 2013	28003	\$1,304.20	100-41940-380	\$1,304.20
11/07/2013	TSE, INC	City Hall Cleaning 10/10/13	28004	\$19.00	100-41940-305	\$19.00
11/07/2013	TSE, INC	City Hall Cleaning 09/26/13	28005	\$19.00	100-41940-305	\$19.00
11/07/2013	SL - serco	Meter Repair - 10/07/2013	28006	\$45.00	601-43180-305	\$22.50
					605-43190-305	\$22.50
11/07/2013	On-Site Sanitation Inc	Rental Unit - TS & Tennis Court Oct 2013	28007	\$152.16	100-45200-305	\$152.16
11/07/2013	Yardworks	Mowing & Trimming Sep 2013	28008	\$1,231.44	100-45010-305	\$1,231.44
11/07/2013	MN Mayors Assn	Annual Membership Dues	28009	\$30.00	100-41920-433	\$30.00
11/07/2013	Ronnan, Kenny	Oct 13 (2 hrs) Service 2013	28010	\$45.00	100-41950-305	\$45.00
11/07/2013	Menards - Maplewood	Warming House Suuplies	28011	\$120.88	210-45200-520	\$120.88
11/07/2013	MN Dept of Labor and Industry	Mn Bldg Permit Surcharge 3rd Qtr 2013	28012	\$59.00	100-42401-430	\$59.00
11/07/2013	Eckberg, Lammers, Briggs, Wolff	Legal Service - Sep 2013	28013	\$1,014.00	100-41600-300	\$1,014.00
11/07/2013	Qwest/CenturyLink	Phone/Fax lines Oct 2013	28014	\$113.59	100-41940-321	\$113.59
11/07/2013	Thatcher Engineering, Inc	General Office	28015	\$879.70	605-41650-300	\$879.70
11/07/2013	S&T Office Supplies	Office Supplies	28016	\$26.61	100-41420-200	\$26.61
11/07/2013	City of Roseville	IT Services Oct 2013	28017	\$368.75	100-41900-300	\$368.75
11/07/2013	City of White Bear Lake Bldg Inspec	Bldg Inspections - Aug & Sep 2013	28018	\$1,821.00	100-42401-305	\$1,821.00
11/07/2013	City of White Bear Lake Public Work	Billing for September 2013 Pubic Works	28019	\$2,146.17	605-43185-305	\$1,073.08
					605-43190-305	\$1,073.09

**City of Birchwood Village**

**Disbursements Register**

**11/07/2013**

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
11/07/2013	City of White Bear Lake	Water purchase 06/28/13 - 09/30/13	28020	\$12,930.54	601-43180-215	\$12,930.54
11/07/2013	City of White Bear Lake Fire	Fire Srvc Sept 2013	28021	\$7,612.33	100-42200-305	\$7,612.33
11/07/2013	City of White Bear Lake Police	Police Srvc Oct 2013	28022	\$1,605.83	100-42100-305	\$1,605.83
11/07/2013	Valley-Rich Co., Inc.	9 Oakridge Dr	28023	\$212.00	100-43180-400	\$212.00
11/07/2013	S&T Office Supplies	Office Supplies	28024	\$53.59	100-41420-200	\$53.59
11/07/2013	Gopher State One Call	Locates (18) - Oct 2013	28025	\$24.65	601-42805-305	\$24.65
11/07/2013	Simmons, Mary Sue	Contractor Wage October 2013	28026	\$647.50	100-41400-305	\$647.50
11/07/2013	Tennis Sanitation, LLC	Recycling Sep & Oct 2013	28027	\$1,656.00	100-43300-305	\$1,656.00
11/07/2013	Press Publications	Public Hearing on Delinquent Utility Accounts	28028	\$32.74	100-41130-351	\$32.74
11/07/2013	Press Publications	Job Postings for Clerk & Treasurer	28029	\$254.35	100-41130-351	\$254.35
11/07/2013	City of Roseville	IT Services Nov 2013	28030	\$368.75	100-41900-300	\$368.75
11/07/2013	League of MN Cities	Work Comp - Audit 2012/2013	28031	\$189.00	100-41945-150	\$189.00
11/07/2013	TA Schifsky & Sons, INC	Patching Crew (1.5) Hours (2) Tons Mix	28032	\$3,776.50	100-43100-305	\$3,776.50
11/07/2013	Manship Plumbing & Heating Inc	Monthly Locates (19), Shut-Offs (2) & Water Standby	28033	\$1,540.00	601-43180-305	\$1,540.00
11/07/2013	League of MN Cities	Membership Dues	28034	\$942.00	100-41000-433	\$942.00
11/07/2013	City of St. Anthony Village	Interim Clerk & Treasurer and Assessment	28035	\$8,500.00	100-41000-300	\$8,500.00
11/07/2013	Xcel Energy	Electric For Lift Stations Sep 13	AUTO 10/16	\$493.39	100-43160-380	\$493.39
11/07/2013	Xcel Energy	Electric For Lift Stations Oct 13	AUTO 11/18	\$430.88	100-43160-380	\$430.88
<b>Total For Period</b>				<b>\$51,807.53</b>		
<b>Total Year To Date</b>				<b>\$591,901.52</b>		

As of 11/07/2013  
Fiscal Year:2013

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$525,009.93	\$194,131.62	\$343,759.93	\$375,381.62
Tree Canopy Care	\$8,350.00	\$0.00	\$9,292.70	(\$942.70)
Special Rev Projects	\$13,756.91	\$3,900.29	\$21,539.08	(\$3,881.88)
Spec Project-Elm Easement	\$0.00	\$0.00	\$325.00	(\$325.00)
Spec Rev - Warm House	\$0.00	\$13,896.10	\$0.00	\$13,896.10
Sewer 2004 Bonds	\$0.00	\$4,249.54	\$28,521.13	(\$24,271.59)
Birchwood In Re-hab Bond	\$0.00	\$615.34	\$183.00	\$432.34
Sewer Re-hab 2008 Debt	\$0.00	\$10,632.50	\$3,381.61	\$7,250.89
Cap Project - PW	\$44,571.00	\$0.00	\$45,583.33	(\$1,012.33)
Capital Projects	\$58,587.99	\$0.00	\$0.00	\$58,587.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$0.00	\$0.00
Water Enterprise Fund	\$31,968.02	\$51,888.80	\$70,376.01	\$13,480.81
Sewer Enterprise Fund	\$115,000.00	\$73,596.97	\$68,939.73	\$119,657.24
<b>Total</b>	<b>\$797,243.85</b>	<b>\$352,911.16</b>	<b>\$591,901.52</b>	<b>\$558,253.49</b>





V.c.

REQUEST FOR COUNCIL CONSIDERATION

Meeting Date: November 12, 2013

---

**Resolution 2013-23;** a Resolution to Approve the Rink Attendants for the 2013-2014 Skating Season

---

**REVIEW:**

Attached is a resolution approving the rink attendants for the 2013-2014 skating season.

CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA

RESOLUTION 2013-023

APPROVING OF THE RINK ATTENDANTS FOR THE 2013-2014 SKATING SEASON

WHEREAS, the City of Birchwood Village has received applications from:

John Dow  
Maya Comfort  
Sam Statt  
Allison Winter; and

WHEREAS, these individuals have applied to be rink attendants for the 2013-2014 skating season; and

WHEREAS, the City will pay these individuals at a rate of \$8.00 per hour.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA, approve the rink attendants for the 2013-2014 Skating season.

Adopted this 12<sup>th</sup> day of November, 2013.

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Mary Wingfield, Mayor

Attest: \_\_\_\_\_  
Barbara J. Suci, Interim City Clerk



V.d.

REQUEST FOR COUNCIL CONSIDERATION

Meeting Date: November 12, 2013

---

**Resolution 2013-24;** a Resolution to Approval the Contract with Timesavers, Inc. for the duties of Recording Secretary for Birchwood Village for the period of November 1, 2013 to December 31, 2013.

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**REVIEW:**

Attached is a resolution approving the contract with Timesavers, Inc. for recording secretary duties. The term of the contract is from November 1, 2013 to December 31, 2013.

CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA

RESOLUTION 2013-024

APPROVING THE CONTRACT WITH TIMESAVERS, INC. FOR THE DUTIES OF  
RECORDING SECRETARY FOR BIRCHWOOD VILLAGE FOR THE PERIOD OF  
NOVEMBER 1, 2013 TO DECEMBER 31, 2014

WHEREAS, the City of Birchwood Village received a contract from Timesavers, Inc. for recording secretary duties; and

WHEREAS, this contract will be effective beginning November 1, 2013 and continue through December 31, 2013; and

WHEREAS, the City of Birchwood Village agrees to pay the fees as specified in the contract.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA, approves the contract with Timesavers, Inc. for the duties of Recording Secretary for Birchwood Village for the period of November 1, 2013 to December 31, 2014.

Adopted this 12<sup>th</sup> day of November, 2013.

---

Mary Wingfield, Mayor

Attest: \_\_\_\_\_  
Barbara J. Suciu, Interim City Clerk

## RECORDING SECRETARY SERVICE AGREEMENT

THIS AGREEMENT is made between TIMESAVER OFF SITE SECRETARIAL, INC. (“TOSS”) and the CITY OF BIRCHWOOD VILLAGE, (“BIRCHWOOD”).

BIRCHWOOD wishes to retain the services of TOSS to act as recording secretary for all regular City Council meetings during the term of this Agreement, and such special meetings as BIRCHWOOD shall request of TOSS from time to time.

IT IS THEREFORE AGREED AS FOLLOWS:

1. Recording Secretary. TOSS shall provide a competent, experienced and professional recording secretary to transcribe and submit minutes of all BIRCHWOOD City Council meetings and, as requested of TOSS by BIRCHWOOD from time to time, special meetings of its Subcommittees. Minutes of each meeting shall be prepared and submitted via e-mail within five (5) weekdays after each meeting to such officer as the Interim City Clerk may designate from time to time.
2. Equipment. BIRCHWOOD shall provide for each meeting at the meeting site all tape recording equipment required to record the minutes of the meeting (if desired). TOSS shall provide all equipment and materials necessary to transcribe and prepare the minutes.
3. TOSS Charges. TOSS shall be paid for its services as recording secretary for each meeting (the highest rate will prevail), as follows:
  - a. Base Rate of One Hundred Twenty-Nine and 00/100 dollars (\$129.00) for any meeting up to one (1) hour (billable time) plus Thirty-One and 95/100 dollars (\$31.95) for each thirty (30) minutes following the first one (1) hours; **or**
  - b. Twenty-eight and 00/100 dollars (\$28.00) per hour for length of meeting, and fifteen (15) minutes prior to Call to Order and fifteen (15) minutes following Adjournment with a one and one-half (1.5) hour minimum; and Twelve and 20/100 dollars (\$12.20) for each page of minutes prepared from shorthand or machine notes of the recording secretary as draft minutes for submission to and the review and comment of BIRCHWOOD for their preparation of final minutes.
  - c. BIRCHWOOD shall receive a Twenty and 00/100 dollar (\$20.00) per meeting discount for minutes transcribed via webstream.
4. Billing. When TOSS submits the minutes of each meeting, TOSS shall bill BIRCHWOOD on TOSS' standard invoice form, which itemizes length of meeting and the number of pages of draft minutes prepared by TOSS of each meeting. BIRCHWOOD agrees that it will submit each TOSS invoice with the next bill list or other applicable expense authorization list to be considered by the BIRCHWOOD City Council or the authorizing official of the Council.
5. Term. This Agreement shall become effective on November 1, 2013, and shall continue in force until December 31, 2013. Either party may cancel this Service Agreement with or without cause upon thirty (30) days written notice; otherwise the contract shall remain in force.

6. Delegation. TOSS may, from time to time, appoint one or more persons and delegate its duties as recording secretary hereunder to its employees or contractors.
7. BIRCHWOOD agrees that during the term of this Agreement and any extension to it, and for a period of six (6) months thereafter, it will not employ, hire, subcontract with, or otherwise engage as a recording secretary a person or an entity formed by a person who has acted as a recording secretary of TOSS.
8. At the end of the term of this Agreement or any extension of it, the parties may make a new Agreement or extend or modify the terms of this Agreement in writing.
9. Independent Contractor. The parties of this Agreement agree that TOSS is an independent contractor. TOSS is not an employee of the City and is not entitled to the benefits provided by the City to its employees, including but not limited to, health, worker's compensation and employment insurance, and pension or employee benefit plans.
10. Indemnification. TOSS shall indemnify the City against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contribution imposed or required under employment insurance, social security and income tax laws, with respect to TOSS' employees engaged in performance of the agreement.
11. Compliance with Applicable Regulations. TOSS shall, pursuant to performance, comply with all applicable rules, regulations, statutes or ordinances of any other unit or agency of government, including but not limited to those relating to non-discrimination in hiring or labor practices.
12. Worker's Compensation. TOSS shall obtain and maintain for the duration of this Contract, statutory Worker's Compensation Insurance and Employer's Liability Insurance as required under the laws of the State of Minnesota.

Dated: \_\_\_\_\_, 2013

CITY OF BIRCHWOOD VILLAGE

By \_\_\_\_\_  
 Mary Wingfield  
 Its \_\_\_\_\_  
 Mayor

By \_\_\_\_\_  
 Barb Suciu  
 Its \_\_\_\_\_  
 Interim City Clerk

Dated: November 5, 2013

TIMESAVER OFF SITE SECRETARIAL, INC.

By: \_\_\_\_\_  
 Carla Wirth  
 Its: \_\_\_\_\_  
 President & CEO



VI.a.

REQUEST FOR COUNCIL CONSIDERATION

Meeting Date: November 12, 2013

---

**Resolution 2013-25;** a Resolution to Certify Delinquent Utility Accounts to Washington County.

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**REVIEW:**

The City of Birchwood Village has completed the process for certifying delinquent utility accounts. This public hearing is the final step before certifying the remaining accounts to Washington County. With this final step, staff will certified these accounts to the county.

CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA

RESOLUTION 2013-025

RESOLUTION CERTIFYING UNPAID UTILITY CHARGES FOR COLLECTION

WHEREAS, the City of Birchwood Village has identified residents who are delinquent in payment of their utility bills; and

WHEREAS, the City has given notice to these residents that the City Council would conduct a public hearing on November 12, 2013, at which residents who are considered delinquent would have an opportunity to be heard; and

WHEREAS, the City has provided ample opportunity for residents to pay their utility bill.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA

1. The City of Birchwood Village hereby make the delinquent utility payments on the following accounts a charge against the resident identified and hereby certifies these unpaid charges to the county auditor with taxes against the property served for collection as other taxes are collected.

8167-00	\$ 499.52	8239-00	\$ 1,061.51	8261-00	\$ 733.74
8172-00	\$ 1,198.48	8242-00	\$ 822.03	8290-00	\$ 1,258.54
8182-00	\$ 406.80	8252-00	\$ 343.03	8434-00	\$ 296.33
8214-00	\$ 184.57	8257-00	\$ 331.33	8475-00	\$ 952.23

2. The resident may pay the amount due at any time. If payment is made before December 1, 2013, the delinquency will not be certified to the County.
3. The City Clerk shall forthwith transmit a certified copy of this list to the County Auditor to be extended on the property tax lists of the county for in the same manner as other taxes are collected.

Adopted this 12<sup>th</sup> day of November, 2013.

---

Mary Wingfield, Mayor

Attest: \_\_\_\_\_  
Barbara J. Suci, Interim City Clerk



VI.b.

REQUEST FOR COUNCIL CONSIDERATION

Meeting Date: November 12, 2013

---

**Ordinance 2013-10**; an Ordinance to Amend section §605.021 Animal Licensing of the Birchwood City Code.

---

**REVIEW:**

Attached is an ordinance amendment to amend section 605.0521 Animal licensing from 24 months to 36 months for rabies vaccinations.

CITY OF BIRCHWOOD VILLAGE  
STATE OF MINNESOTA

ORDINANCE 2013-10

AN ORDINANCE TO AMEND SECTION §605.021 ANIMAL LICENSING OF THE  
BIRCHWOOD CITY CODE

The City Council of the City of Birchwood Village ordains as follows:

**Section One.** Amendment to the City of Birchwood Village City Code Sections §605.021. of the City Code of the City of Birchwood Village is hereby amended as follows. The deleted language is represented by ~~strike through~~ text. The additional language is represented by double underlined text.

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 24 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.

Effective Date. This Ordinance amendment shall be in full force and effect upon its publication as provided by law.

Passed in regular session of the City Council on the 12<sup>th</sup> day of November, 2013.

CITY OF BIRCHWOOD VILLAGE

By: \_\_\_\_\_  
Mary Wingfield, Mayor

ATTEST:

By: \_\_\_\_\_  
Barbara J. Suci, Interim City Clerk

Parks Committee Budget-2013/Proposed 2014

Category/ Item	General Fund 2013 Budget	Parks Project Fund 2013 Budget	General Fund YTD - thru 10/31/13	Parks Project Fund YTD - thru 10/31/13	General Fund Proposed Budget 2014	Parks Project Fund Proposed Budget 2014	
<b>Wages and Salaries (incl. taxes, Medicare and SS)</b>							
winter student	7,500		3,262	-	7,500		
summer student	600		461	-	600		
hockey rink manager							
<b>Total</b>	<b>8,100</b>	-	<b>3,723</b>	-	<b>8,100</b>	-	
<b>Operating Supplies</b>							
landscape supplies-plants for Nording Park		200		223		240	
<b>Total</b>	-	<b>200</b>	-	<b>223</b>	-	<b>240</b>	
<b>Repair and Maintenance</b>							
Hockey Rink Equipment: replacement of hoses and scraper	655	-	1,899				
Hockey rink repairs: paint for ice rink floor and stain for boards		1,100			2,500		2014 Paint Floor
Hockey rink repairs: replacement boards for ice rink					500		
Paint and repairs for picnic tables and benches		120		45	100		
Playground and playground equipment(Tighe-Schmitz and Bloomquist)			32		900		2014 Replace Swings
tennis court -(repair and weed control)		1,000					
baseball field - drag and weed control - twice for season	120	-					
Contingency repair and maintenance	-	-			700		
Easements - Dellwood, Kay, Elm, Ash, and Birch -weed control on sand beaches	675	4,000	158				
Elm Easement project		3,000		1,200			

**Parks Committee Budget-2013//Proposed 2014**

<b>Category/ Item</b>	<b>General Fund 2013 Budget</b>	<b>Parks Project Fund 2013 Budget</b>	<b>General Fund YTD - thru 10/31/13</b>	<b>Parks Project Fund YTD - thru 10/31/13</b>	<b>General Fund Proposed Budget 2014</b>	<b>Parks Project Fund Proposed Budget 2014</b>
Basketball nets						
Soccer nets						
hockey net replacement	150				300	
volleyball court						
flag						
<b>Total</b>	<b>1,600</b>	<b>9,220</b>	<b>2,089</b>	<b>1,245</b>	<b>5,000</b>	<b>-</b>
<b>Special Parks Projects-2014</b>						
Signage at Tige/ Schmitz						1,000
Hockey rink grounds area renovation						2,500
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,500</b>
<b>Contracted Services</b>						
port a potty	1,800		1,215		2,000	
<b>Total</b>	<b>1,800</b>	<b>-</b>	<b>1,215</b>	<b>-</b>	<b>2,000</b>	<b>-</b>
<b>Building &amp; Structures</b>						
Warming house rental	1,600		764		-	
Warming house hook up						
<b>Total</b>	<b>1,600</b>	<b>-</b>	<b>764</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Utility Services</b>						
XCEL	900		622		900	
<b>Total</b>	<b>900</b>	<b>-</b>	<b>622</b>	<b>-</b>	<b>900</b>	<b>-</b>
<b>Grand Total</b>	<b>14,000</b>	<b>9,420</b>	<b>8,413</b>	<b>1,468</b>	<b>16,000</b>	<b>3,740</b>
Rollover 2013 tennis court -(repair and weed control)						1,000
<b>Total with Rollover</b>	<b>14,000</b>	<b>9,420</b>	<b>8,413</b>	<b>1,468</b>	<b>16,000</b>	<b>4,740</b>



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## Recommendations

**DATE:** November 12, 2013

**TO:** City of Birchwood Village City Council

**FROM:** Shelly Rueckert & Charlie Yunker

**RE: Recommendations for the City of Birchwood Village**

---

Below is a listing of all implemented enhancements and recommendations for future enhancement by the City of St. Anthony consultant staff:

### Implemented

- **City Staff** Given the recent departure of the Interim City Clerk, St. Anthony staff immediately began the process of hiring a replacement City Clerk and City Treasurer to fulfill those responsibilities.
- **Office Organization** Staff reviewed files throughout the office and vault. Staff subsequently organized necessary records and purged records no longer required to maintain according to the records retention schedule.
- **Minutes** Implemented using Time Savers on a trial- basis to produce monthly City Council Meeting Minutes to Time Savers. We are hopeful that this new vendor will be more efficient, less expensive and provide an overall higher level of service to Birchwood.
- **City Council Agenda** St. Anthony staff has implemented a slightly revised agenda format, and compiled an annual schedule of required topics to ensure an efficient use of Council's time and avoid inadvertent oversight of necessary items.
- **Treasurer Report** St. Anthony staff has revised the monthly treasurer report to offer a more succinct report of transactions for Council review each month. This has significantly reduced the staff time needed to compile the monthly agenda packet.
- **Roseville IT** St. Anthony staff assisted Roseville IT staff as needed for the implementation of Birchwood services. Further work is in process for phone service – will be completed by Roseville IT and St. Anthony staff will coordinate as needed.



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## Recommendations

- **City Council Work Sessions** The Birchwood Council and consultant staff participated in a City Council Work Session on September 24<sup>th</sup>, and we encourage the Council and appropriate future staff persons to continue those sessions on a regular basis.
- **Office Assistant** We recommend that the City Clerk and City Treasurer be supported by an Office Assistant working approximately 6-8 hours per week. This position would also be classified as a Part-Time employee. Scope of duties would include:
  - City Hall rental scheduling
  - Monitoring of office supplies
  - Maintenance of office equipment
  - Maintain property inventory
  - Monitoring of city building keys
  - Other duties as deemed appropriate

This structure would result in a combined 23 hours of staff time at City Hall each week, maintaining the open office hours residents, staff and contracted service providers are accustomed to.

In addition, we recommend that an employee or key volunteer be designated as a Volunteer Coordinator. This individual would attend City Council meetings and work sessions and communicate City Council direction to volunteer staff persons.

- **Claim Forms** The CTAS software utilized by Birchwood requires the generation of a Claim Form for each invoice/expense paid. This generates a considerable amount of unnecessary paperwork. Our recommendation is to eliminate the printing of these forms and simply archiving them electronically for any future reference needed.
- **Funds Review** Staff recommends a review of all active funds for purpose and actual use. This will clarify the understanding of the city's budget and financial status.
- **Capital Improvements** Develop a funding mechanism for long-term capital improvements. This will help stabilize the tax levy for the residents in the long term and provides resources for future needs.

Based on the profile of the new Birchwood staff, further recommendations may be forthcoming as St. Anthony staff transitions duties to the new Birchwood staff.



**CITY OF BIRCHWOOD VILLAGE**  
**Workshop with Dock Association**  
**October 22, 2013**  
**7:00 P.M.**

VII.e.i.

**Attendees**

Bill Hullsiek  
Randy LaFoy  
Greg Donovan  
Mary Wingfield  
Dyanne Ross-Hanson  
Lynn Hanson  
Mary Sue Simmons  
Randy Felt  
Mike Evangelist  
Jim Greeley  
Dick Galena

**Discussion Items**

- Review of the Budget for 2014
- Priority of Dock Replacement
  1. Dellwood - \$10K
  2. Birch - \$10K
  3. Elm - \$5K
  4. Kay - \$6K
- Public vs. Private operation
- What City can do?

**Recommendations**

- Dock association continues to operate dock – no changes
- City Waives \$500 dock fee for 2014
- Possibly reduce the annual boat slip fee from \$200 to \$100
- Add \$35 charge to water bill (optional) to help increase participation. (Include printed flyer, to be provided by Association, explaining benefits of membership)



# Water/Sewer Discussion

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**DATE:** November 12, 2013

**TO:** City of Birchwood Village City Council

**FROM:** Shelly Rueckert

**RE: Water/Sewer Discussion**

---

Attached are 3 possible rate scenarios for water (Exhibit A's) and sewer (Exhibit B's).

The variances between the scenarios are noted in the comments field. The purpose of presenting the three scenarios is to facilitate discussion as to policy on minimum fees versus consumption and to consider ways to develop capital funding through rates.

2014 rates need to be established by January 15, 2014 in order to meet the February 1, 2014 billing period. Therefore, there will be ample time to refine the preferred rate scenario.

The follow-up discussion to tonight's meeting will go into greater detail. Please submit to staff any questions or revisions you would like to see prior to the next meeting.

**Water Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est Actual 2013	PROPOSED BUDGET 2014
<b>Revenue</b>					
Water charges collected	51,074	58,096	67,781	61,334	64,558
(1) Water connection fee/state fee		2,350	2,097	2,264	2,280
Interest on Investment	73	24	14	10	10
Capital replacement charge					
Total Operating Revenue	51,147	60,470	69,892	63,608	66,848
					No Rate Change average consumption
<b>Operating Expenses</b>					
WBL water purchased	30,785	31,089	40,054	36,800	40,026
PW maintenance	3,192	6,757	14,291	13,917	6,900
Quarterly Billing & Meter reading	4,676	4,066	6,333	4,568	4,705
Eng/Legal/Assessing fees	0	1,475	2,406	265	265
Meters purchased	2,098	705	-	719	750
(2) Repairs and Maintenance	9,851	23,408	7,678	7,817	8,150
State surcharge	2,252	2,220	2,254	2,264	2,280
Utility locates	315	238	250	247	275
Misc admin (postage, office supplies etc.)	78	62	378	390	415
Transfer to Capital Fund		244			
Total Operating Expenses	53,247	70,264	73,644	66,987	63,766
<b>Net Income/(Loss)</b>	(2,100)	(9,794)	(3,752)	(3,379)	3,082
<b>Gross margin on water sales</b>	20,289	27,007	27,727	24,534	24,532
<b>Gross margin %</b>	39.72%	46.49%	40.91%	40.00%	38.00%

(1) Connection fees included with reveunes in 2010

(2) Main break repairs

**Water Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est Actual 2013	PROPOSED BUDGET 2015
<b>Revenue</b>					
Water charges collected	51,074	58,096	67,781	61,334	62,665
(1) Water connection fee/state fee		2,350	2,097	2,264	2,280
Interest on Investment	73	24	14	10	10
Capital replacement charge					
Total Operating Revenue	51,147	60,470	69,892	63,608	64,955
<b>Operating Expenses</b>					
WBL water purchased	30,785	31,089	40,054	36,800	36,347
PW maintenance	3,192	6,757	14,291	13,917	6,900
Quarterly Billing & Meter reading	4,676	4,066	6,333	4,568	4,846
Eng/Legal/Assessing fees	0	1,475	2,406	265	265
Meters purchased	2,098	705	-	719	750
(2) Repairs and Maintenance	9,851	23,408	7,678	7,817	8,150
State surcharge	2,252	2,220	2,254	2,264	2,280
Utility locates	315	238	250	247	275
Misc admin (postage, office supplies etc.)	78	62	378	390	415
Transfer to Capital Fund		244	-		
Total Operating Expenses	53,247	70,264	73,644	66,987	60,228
<b>Net Income/(Loss)</b>	(2,100)	(9,794)	(3,752)	(3,379)	4,727
<b>Gross margin on water sales</b>	20,289	27,007	27,727	24,534	26,318
<b>Gross margin %</b>	39.72%	46.49%	40.91%	40.00%	42.00%

Tier one goes from 2.00 to 2.10 rest unchanged

- (1) Connection fees included with reveunes in 2010
- (2) Main break repairs

**Water Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est Actual 2013	PROPOSED BUDGET 2014
<b>Revenue</b>					
Water charges collected	51,074	58,096	67,781	61,334	68,036
(1) Water connection fee/state fee		2,350	2,097	2,264	2,280
Interest on Investment	73	24	14	10	10
Capital replacement charge					
Total Operating Revenue	51,147	60,470	69,892	63,608	70,326
<b>Operating Expenses</b>					
WBL water purchased	30,785	31,089	40,054	36,800	36,347
Contracted maintenance	3,192	6,757	14,291	13,917	6,900
Quarterly Billing & Meter reading	4,676	4,066	6,333	4,568	4,846
Eng/Legal/Assessing fees	0	1,475	2,406	265	265
Meters purchased	2,098	705	-	719	750
(2) Emergency Repairs and Maintenance	9,851	23,408	7,678	7,817	8,150
State surcharge	2,252	2,220	2,254	2,264	2,280
Utility locates	315	238	250	247	275
Misc admin (postage, office supplies etc.)	78	62	378	390	415
Transfer to Capital Fund		244	-		
Total Operating Expenses	53,247	70,264	73,644	66,987	60,228
<b>Net Income/(Loss)</b>	(2,100)	(9,794)	(3,752)	(3,379)	10,098
<b>Gross margin on water sales</b>	20,289	27,007	27,727	24,534	31,689
<b>Gross margin %</b>	39.72%	46.49%	40.91%	40.00%	46.58%

Tier one goes from 2.00 to 2.10 balance up 15%

- (1) Connection fees included with reveunes in 2010
- (2) Main break repairs

**Sewer Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est Actual 2013	PROPOSED BUDGET		PROJECTED Increase	PROJECTED % Increase	Comments
					2014	2014			
<b>Revenue</b>									
Sewer charges collected	84,696	86,900	82,394	89,130	95,542	6,412	7.19%	Rate increased from \$3.75 to \$4.00, (6.66% yields 6.33%) and initiate sewer only fee of \$50 per quarter	
Investment Income	73	24	14	7	10	3	42.86%		
Capital replacement charge	0	0	0	0	15,160	15,160	100.00%	\$10.00 an account per quarter	
<b>Total Operating Revenue</b>	<b>84,769</b>	<b>86,924</b>	<b>82,408</b>	<b>89,137</b>	<b>110,712</b>	<b>21,575</b>	<b>24.20%</b>		
<b>Expenses</b>									
MCES charges	46,902	43,757	40,106	44,100	44,900	800	1.81%	2014 Early Est. received from Kyle Colvin @ MCES (MCES Budget up 3%)	
WBL Maintenance hourly charge	10,500	10,608	9,946	18,096	20,580	2,484	13.73%	Based on current average monthly cost plus three percent	
Other Contractors (Jetting/Infratech)	673	440	4,265	2,380	2,650	270	11.34%	infratec /pipe services	
Electricity/gas	13,215	8,542	15,331	13,599	13,740	141	1.04%	Three year average 5,765, 2014 Budget is 2013 est actual plus 6%	
Maintenance / Emergency Repairs	3,500	3,616	6,627	3,444	3,600	156	4.53%	2013 plus 10% (WBL current run rate and General repair service event @6500)	
Billing/Serco	7,862	25	1,614	250	1,500	1,250	500.00%	2008 costs for rehab project. Do we have eng costs in 2013	
Engineer fees	200	213	150	217	250	33	15.21%		
Locates	400	594	489	542	550	8	1.48%		
Inspections/Assessment fees	75	63	397	475	500	25	5.26%		
Misc admin (postage, office supplies etc.)	0	0	26,718	0	0	0	0.00%		
Capital - Manhole covers/repair	0	0	0	0	0	0	100.00%		
Transfer to Capital Fund	0	0	0	0	15,000	15,000	100.00%		
<b>Total Operating Expenses</b>	<b>83,267</b>	<b>74,345</b>	<b>110,604</b>	<b>88,947</b>	<b>109,465</b>	<b>20,517</b>	<b>23.07%</b>		
<b>Net Operating Income</b>	<b>1,502</b>	<b>12,579</b>	<b>-28,196</b>	<b>190</b>	<b>1,248</b>	<b>1,058</b>			
1st quarter Consumption	629,225	570,900	538,400	507,800	482,410				
Percentage drop		9.27%	5.69%	5.68%	5.00%				

**Sewer Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est Actual 2013	PROPOSED BUDGET 2014	PROJECTED Increase	PROJECTED % Increase	Comments
<b>Revenue</b>								
Sewer charges collected	84,696	86,900	82,394	89,130	117,152	28,022	31.44%	Base fee \$36 qtr, \$3.12 per 100 cubic feet / sewer only customers \$64
Investment Income	73	24	14	7	10	3	42.86%	
<b>Total Operating Revenue</b>	<b>84,769</b>	<b>86,924</b>	<b>82,408</b>	<b>89,137</b>	<b>117,162</b>	<b>28,025</b>	<b>31.44%</b>	
<b>Expenses</b>								
MCES charges	46,902	43,757	40,106	44,100	44,900	800	1.81%	2014 Early Est. received from Kyle Colvin @ MCES (MCES Budget up 3%)
WBL Maintenance Contract	10,500	10,608	9,946	18,410	20,580	2,170	11.79%	Based on current average monthly cost plus three percent
Other Contractors (Jetting/Infratech)	613	440	4,265	2,380	2,650	270	11.34%	infratec /pipe services
Electricity/gas	5,000	6,487	4,961	5,844	6,195	351	6.00%	Three year average 5,765, 2014 Budget is 2013 est actual plus 6%
Maintenance / Emergency Repairs	13,215	8,542	8,386	12,240	13,500	1,260	10.29%	2013 plus 10% (WBL current run rate and General repair service event @6500)
Billing/Serco	3,500	3,616	6,627	3,444	3,600	156	4.53%	
Engineer fees	7,862	25	1,614	250	1,500	1,250	500.00%	2008 costs for rehab project. Do we have eng costs in 2013
Locates	200	213	150	217	250	33	15.21%	
Inspections/Assessment fees	400	594	489	542	550	8	1.48%	
Misc admin (postage, office supplies etc.)	75	63	397	475	500	25	5.26%	
Capital -Manhole sealing/repairs			33,663	0	0	0	0.00%	
Transfer to Capital Fund			0	0	15,000	15,000	100%	
<b>Total Operating Expenses</b>	<b>88,267</b>	<b>74,345</b>	<b>110,604</b>	<b>87,902</b>	<b>109,225</b>	<b>21,323</b>	<b>24.26%</b>	
<b>Net Operating Income</b>	<b>-3,498</b>	<b>12,579</b>	<b>-28,196</b>	<b>1,235</b>	<b>7,938</b>	<b>6,703</b>	<b>542.73%</b>	
1st quarter Consumption	629,225	570,900	538,400	507,800	482,410			
Percentage drop		9.27%	5.69%	5.68%	5.00%			

**Sewer Fund - 2014 Proposed Budget**

	Actual 2010	Actual 2011	Actual 2012	Est/Actual 2013	PROPOSED BUDGET 2014	PROJECTED increase	PROJECTED % Increase	Comments
<b>Revenue</b>								
Sewer charges collected	84,696	86,900	82,394	89,130	101,402	12,272	13.77%	Base fee \$25 qtr, \$3.12 per 100 cubic feet / sewer only customers \$54
Investment Income	73	24	14	7	10	3	42.86%	
<b>Total Operating Revenue</b>	<b>84,769</b>	<b>86,924</b>	<b>82,408</b>	<b>89,137</b>	<b>101,412</b>	<b>12,275</b>	<b>13.77%</b>	
<b>Expenses</b>								
MCES charges	46,902	43,757	40,106	44,100	44,900	800	1.81%	2014 Early Est. received from Kyle Colvin @ MCES (MCES Budget up 3%)
WBL Maintenance Contract	10,500	10,608	9,946	18,410	20,580	2,170	11.79%	Based on current average monthly cost plus three percent
Other Contractors (Jetting/Infratech)	613	440	4,265	2,380	2,650	270	11.34%	infratec / pipe services
Electricity/gas	5,000	6,487	4,961	5,844	6,195	351	6.00%	Three year average 5,765, 2014 Budget is 2013 est actual plus 6%
Maintenance / Emergency Repairs	13,215	8,542	8,386	12,240	13,500	1,260	10.29%	2013 plus 10% (WBL current run rate and General repair service event @6500)
Billing/Serco	3,500	3,616	6,627	3,444	3,600	156	4.53%	
Engineer fees	7,862	25	1,614	250	1,500	1,250	500.00%	2008 costs for rehab project. Do we have eng costs in 2013
Locates	200	213	150	217	250	33	15.21%	
Inspections/Assessment fees	400	594	489	542	550	8	1.48%	
Misc admin (postage, office supplies etc.)	75	63	397	475	500	25	5.26%	
Capital -Manhole sealing/repairs			33,663	0	0	0	0.00%	
Transfer to Capital Fund			0	0	0	0	0.00%	
<b>Total Operating Expenses</b>	<b>88,267</b>	<b>74,345</b>	<b>110,504</b>	<b>87,902</b>	<b>94,225</b>	<b>6,323</b>	<b>7.19%</b>	
<b>Net Operating Income</b>	<b>-3,498</b>	<b>12,579</b>	<b>-28,196</b>	<b>1,235</b>	<b>7,188</b>	<b>5,953</b>		
1st quarter Consumption	629,225	570,900	538,400	507,800	482,410			
Percentage drop		9.27%	5.69%	5.68%	5.00%			



<http://www.house.leg.state.mn.us/hrd/pubs/nuislaws.pdf> Minnesota's Public and Private Nuisance Laws

## Hopkins City Code

e) The owner shall not allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition. If the city is required to abate such nuisance conditions under section 605.02 of the City Code, or collect, gather up or haul solid waste more than three (3) times during a period of twelve (12) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license (k) Any person(s) who has had an interest in two (2) or more license s revoked pursuant to this article or canceled pursuant to section 407.14 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license for a period of five (5) years.

### 07.13. Disorderly Behavior at Licensed Rental Dwelling Units.

Subd. 1. Responsibility. It shall be the licensee's responsibility to ensure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, rental dwelling unit shall include common areas in the building where the rental dwelling unit is located.

Subd.2. Disorderly Behavior. For the purposes of this section, disorderly behavior may include but is not limited to the following:

a) Drug-related illegal activity in the rental dwelling unit. "Drug-related illegal activity" means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell, or distribute a controlled substance (as defined in the Controlled Substance Act [21 U.S.C. 802] ) or possession of drug paraphernalia (MS 152.092). A tenant shall be deemed to be in possession of a controlled substance if any amount is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was theirs and the tenant had no knowledge of the controlled substance.

b) Acts of violence or threats of violence including but not limited to discharge of firearms, prostitution, intimidation, or any other act that otherwise jeopardizes the health, safety or welfare of the licensee, his agents or tenants.

c) Violation of Minnesota Statute, Section 609.72 (Disorderly Conduct)

d) Violation of Minnesota Statutes 609.74 and 609.745 (Public Nuisance)

e) Violation of Minnesota Statutes 609.66, Subd.1a, 609.67 or 624.713 (Unlawful use or possession of a firearm or weapon)

f) Violation of Minnesota Statute 609.50 (Obstructing Legal Process)

g) Violation of Hopkins Code 2005.01, Subd. 1 or Subd. 2, (Firearms).

h) Violation of Hopkins Code 2005.59, Subd. 8 or Subd. 12 (Nuisances)

i) Violation of Hopkins Code 2005.61 (Noise) Exceptions: 1. An "emergency call," within the definition of Minnesota Statutes section 609.78, subd. 3, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "Family or household

members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B 01, Subd.2 (b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B 01, Subd. 2 (a). 2. An “emergency call,” within the definition of Minnesota Statutes section 609.78, subd. 3, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant’s household, or guest taking action to seek emergency assistance that is protected by Minnesota State Statute 504B.205, Residential tenant’s right to seek police and emergency assistance.

Subd. 3. First Instance. Upon determination by the building official that a rental dwelling unit was the location of disorderly behavior, the building official shall notify by first class mail the licensee and tenant of the violation and direct the licensee to take steps to prevent further violations.

Subd. 4. Second Instance. If a second instance of disorderly behavior occurs at a rental dwelling unit within twelve (12) months of the time a notice was sent for previous disorderly behavior at the same unit, the building official shall notify by first class mail the licensee and the tenant of the violation and direct the licensee to submit, within ten (10) days of the date of the notice, a written report of all actions taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.

Subd. 5. Third Instance. If a third instance of disorderly behavior occurs at a rental dwelling unit within twelve (12) months after the first of two previous notices of disorderly behavior at the same unit, the rental dwelling unit license may be revoked, suspended or not renewed by the City Council upon the recommendation of the building official. The building official shall make his/her decision to recommend revocation, suspension or non-renewal of the license and submit his/her recommendation to the City Council within fifteen (15) days of the third instance of disorderly behavior.

Subd. 6. For purposes of this Section, second and third instances of disorderly behavior shall be those which:

- a) Occur at the same rental dwelling unit; or
- b) Involve tenants at the same rental dwelling unit; or
- c) Involve guests or invitees at the same rental dwelling unit; or
- d) Involve guests or invitees of the same tenant; or
- e) Involve the same tenant.

Subd. 7. Postponing License Action. No adverse license action shall be imposed where the instance of disorderly behavior occurred during pending eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time if the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.

Subd. 8. Determining Disorderly Behavior of a License. A determination that the rental dwelling unit has been the location of disorderly behavior shall be made by a preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be

brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section. Subd. 9. Enforcement. Enforcement actions provided in this section shall not be exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling unit(s) as is authorized by this ordinance or state law.

407.14. Revoking, Suspending, Denying or Not Renewing a License.

Subd. 1. The City Council may revoke, suspend, deny or decline to renew any license issued under this Section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the discretion of the Council. The basis for such revocation, suspension, denial or non-renewal includes, but is not limited to, any of the following circumstances:

a) The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.

b) The applicant or one acting in his/her behalf made oral or written misstatements accompanying the application.

c) The applicant has failed to comply with any condition set forth in any other permits granted by the City of Hopkins.

d) The activities of the owner/agent create or have created a danger to the public health, safety or welfare.

e) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.

f) Failure to pay any application, penalty or reinstatement fee required by this Section and City Council resolution.

g) Failure to correct violations of Hopkins City Code section 405 (Property Maintenance Code) in the time period specified in the notice of violation and correction.

h) Following the third instance of disorderly behavior specified in section 407.13 that is not subject to the exception set forth in subdivision 2(i), Section 407.13, or the circumstances set forth in subdivision 7, Section 407.13.

j) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license

Subd. 2. Notification. The building official shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or non-renewal and the date upon which the City Council shall review the request to revoke, suspend, deny, or not renew the license. The notice required by this section shall be served upon the owner or the owner's agent at least twenty (20) days before the City Council hearing. Service shall be deemed sufficient if the notice is sent to the owner or the owner's agent by first class mail at the address provided in the license application. It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place. Subd. 3. Hearing. The owner or the owner's agent and the building official shall be given an opportunity to be heard. The owner may be represented by counsel. Both sides may be permitted to examine the other side's witness(es). The Council shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted. The Council shall record the hearing and keep a record of documentary evidence submitted.

Subd. 4. Decision. The City Council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny, or non-renew a license based on the findings. The City Council shall issue a written decision regarding the recommendation of the building official within 30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the building official. The decision shall specify the rental dwelling unit or units to which it applies, the duration of the revocation, suspension, denial or non-renewal, and the conditions that must be met before the license may be reissued or reinstated.

d. Thereafter, and until a license is reissued or reinstated, no rental dwelling units that have had their rental license revoked, suspended, denied, or non-renewed may be re-let or occupied. Revocation, suspension, denial, or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.

Subd. 5. License Process after Revocation, Suspension, Denial or Renewal Declination. After the City Council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling unit(s) until the building official determines that the applicant/licensee has remedied the conditions identified by the City Council as the basis for its action. An application to obtain a license for a rental dwelling unit after the City Council has revoked, suspended, denied or declined to renew a license for the same rental dwelling unit(s) must be accompanied by all fees required by this section.

407.15. Effect of Revocation, Suspension, Denial, or Non-Renewal. If a license is revoked, suspended, denied or not renewed by the City Council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling unit(s), until such time as a valid rental license is obtained for the rental dwelling unit(s). Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in Section 407.05.

407.16. Posted to Prevent Occupancy. Whenever any rental dwelling unit has been denied an initial license, had its license revoked, suspended, denied or not renewed it shall be posted by the building official to prevent further occupancy. No person, other than the building official shall remove or alter any posting. The building official will post the date the rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling unit until the building official permits it.

407.17. Penalties. A person who violates the provisions of Section 407 may be charged with a misdemeanor or be subject to the issuance of an administrative citation as provided in Section 355 or both. Each day that a violation continues shall be deemed a separate offense. The building official may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy, and may act to cause the rental dwelling unit to be vacated or remain vacant until the Code violations are corrected.

407.18 No Retaliation: Per Minnesota State Statute Section 504B.205, Subd. 2, Emergency calls permitted. (a) A landlord may not: (1) bar or limit a residential tenant's right to call for police or

emergency assistance in response to domestic abuse or any other conduct; or (2) impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct. (b) A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

407.19. No Warranty by City. By enacting and undertaking to enforce this Ordinance, the City, City Council, its agents, and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. (This section was added through Ord. No. 95-764) (Amended by Ord. 2002-890)

## BLOOMINGTON

### Tenant register

Written lease with disorderly behavior & nuisance conditions addendum

City will provide sample addendum

Determination based on preponderance of evidence & criminal charges are not necessary

1<sup>st</sup> - direct owner to take steps to prevent future

2<sup>nd</sup> - within 24 months of 1<sup>st</sup>, direct owner to submit written plan within 10 days

3<sup>rd</sup> - within 24 months of 2<sup>nd</sup>, license maybe revoked, suspended or not renewed Civil fines may issued City may postpone adverse license action if eviction pending

Rental Property Performance 3 Strikes The rental license for a dwelling unit may be suspended by the City Council for violations of City Ordinances related to tenant conduct and property nuisance violations.

A documented loud party or other disturbance at the rental property represents one strike.

Property maintenance nuisance violations represent ½ strike.

Strike counts remain with property for period of 12-months from date of first strike.

After two strikes, a problem solving conference is conducted between owner/agent, tenants, and Mankato Police.

The goal of this conference is to develop plan of action to ensure problems cease. The property is also placed on a zero tolerance list.

If third strike occurs, rental license is sent to Council for suspension (60-90 days) or revocation.

## MANKATO - LOUD PARTIES

### LOUD PARTIES

Q. What is the definition of a loud party?

A. When the police receive a complaint and when they arrive they can hear music or noise from their vehicle.

Q. What happens when an officer responds to a loud party complaint?

A. If the officer determines the party is loud, the officer will identify the host(s) and give them a verbal warning for "public nuisance". Arrests for other violations such as underage drinking, obstructing an officer, disorderly conduct, etc. are likely to be made if circumstances warrant it.

Q. Will my landlord find out if I receive a verbal warning for a loud party?

A. Yes. If you receive a second warning you and your landlord will be asked to attend a mediation conference at the Law Enforcement Center, 710 South Front Street. A landlord may lose his or her rental license if three loud party warnings are given in a year.

Additional Information: [http://www.ci.mankato.mn.us/Renters\\_FAQ/Page.aspx](http://www.ci.mankato.mn.us/Renters_FAQ/Page.aspx)