



AGENDA OF THE
REGULAR MEETING OF THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
207 BIRCHWOOD AVENUE
WASHINGTON COUNTY, MINNESOTA
AUGUST 9, 2011
7:00 P.M.

CALL TO ORDER – PLEDGE OF ALLEGIANCE

APPROVE AGENDA

COMMUNITY EVENTS AND ANNOUNCEMENTS

OPEN PUBLIC FORUM

CITY BUSINESS – CONSENT CALENDAR

1. Approval of the Minutes of the July 12, 2011 Regular Meeting (see exhibit)
2. Acceptance of Financial Report and Approval of Disbursements (see exhibit)

CITY BUSINESS – REGULAR ORDER

3. 7:15 Conditional Use Permit: 501 Wildwood Avenue (Karen Charpentier & Roger Kropelnicki – PID # 30.030.21.13.0047) Review and Consideration of Planning Commission Recommendation (Powers – see exhibit)
Time Budget: 15 minutes
4. 7:30 Fiscal Year 2012 Budget – Preliminary Discussion (Harper)
 - a. Proposed 2015 Street Improvement Project – Preliminary Discussion (Peterson/Elfering)
Time Budget: 30 minutes
5. 8:00 Washington County Mass Notification System – Review & Consideration of Participation (Powers – see exhibit)
Time Budget: 10 minutes
6. 8:10 Village Hall Painting & Repair of Siding: Approve Additional Expenditure of \$775.00 for Replacement of Boards; Approve Contract with Cornerstone Construction & Management (Mitchell – see exhibit)
Time Budget: 10 minutes
7. 8:20 City Clerk's Report (Powers – see Executive Summary)
 - a. Traffic Visibility – Removal of obstructions from intersections and streets
 - b. Goal Setting for the next yearTime Budget: 20 minutes

8. 8:40 City Engineer's Report (Elfering – see exhibit)
 - a. Emergency Repair of Wildwood Lift Station
 - b. Hydrant Repairs
 - c. List of Services the City is requesting bids from the City of White Bear LakeTime Budget: 15 minutes

9. 8:55 Next Meeting – August 23, 2011 – FY 2012 Budget Workshop
Time Budget: 5 minutes

10. 9:00 ADJOURN



CITY OF BIRCHWOOD VILLAGE
207 Birchwood Avenue
Birchwood Village, MN 55110
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651-426-7747 fax
birchwoodvillage@comcast.net

EXECUTIVE SUMMARY – AUGUST 9, 2011 CITY COUNCIL MEETING

NOTE: This executive summary is provided to give a broader detail on the various agenda items. This summary is to be used as an adjunct to the agenda packet, and should not be considered a substitute for reading the agenda packet.

CONSENT CALENDAR: There are two items on the consent calendar, as follows:

1. Approval of the Minutes of the July 12, 2011 Regular Meeting.
2. Acceptance of the Financial Report & Approval of Disbursements.

CITY BUSINESS – REGULAR ORDER:

3. **CONDITIONAL USE PERMIT – 501 WILDWOOD AVENUE – REVIEW AND CONSIDERATION OF PLANNING COMMISSION RECOMMENDATION:** At the May 10, 2011 Council meeting, staff advised the Council on noise complaints emanating from 501 Wildwood Avenue. Subsequent investigation revealed that a cabinet-making home occupation was being conducted from the site. Given that “cabinet making” is not on the list of allowed home occupations, nor on the list of prohibited home occupations, the Council directed the Planning Commission to review the situation and make a recommendation on how to proceed.

The Planning Commission met on June 7, 2011 and heard testimony from the cabinet maker (Roger Kropelnicki) as well as two neighbors on the nature of the home occupation. After public testimony ended, the Commission discussed this issue at considerable length. Commissioners Pratt and Winter were absent from the meeting.

Commissioner Felt cited the Comprehensive Plan statement that the first goal was to maintain a residential nature of the City, as well as the Land Use Plan component that prohibit commercial high density uses.

Commissioner Hankins cited the text of Section 306.070, paragraph 3E which states “no home occupation shall be noticeable from adjacent properties or right-of-way nor constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of traffic, noise, glare, odor, electrical interference, magnetic interference, radio and television interference, laser beams, vibration, dust, and other nuisance or safety hazards or other factors found relevant by the city staff or city council.”

Commissioner Danks stated that this was a hard one to decide, given that in “idyllic” Birchwood one does not expect to hear this type of noise. On the other hand, Commissioner Danks felt that a middle ground could be established through the conditional use process, and that by the placement of conditions on the use of the property for cabinet-making the City could address the issues raised by the neighbors with some degree of authority. If the conditions were not met, the use of the property for a cabinet-making home occupation would need to cease.

A motion was made by Commissioner Danks to recommend to the City Council that it allow cabinet shops to apply for a conditional use permit. The motion died for lack of a second.

A motion was made by Commissioner Hankins to recommend to the City Council that it consider commercial cabinet-making home occupations to be closer to the list of home occupations prohibited from obtaining a conditional use permit and to consider cabinet-making to be an "objectionable" activity prohibited from obtaining a conditional use permit. The motion was seconded by Commissioner Felt. The motion was adopted 2-1, with Commissioner Danks voting in the negative.

At the June 14, 2011 Council Meeting, the Council voted to overrule the Planning Commission's recommendation and categorize cabinet-making as a home occupation that could be allowed upon issuance of a conditional use permit. The property owner submitted a completed application to the City of White Bear Lake (the entity that the City contracts with for planning services) and Associate Planner Samantha Crosby submitted a staff report for the review and consideration of the Planning Commission. **A copy of Samantha's staff report is included in the agenda packet as an attachment.**

A public hearing was held on Tuesday, August 2, 2011 to elicit testimony on the conditional use permit request. After the public hearing was closed, the Commission considered the request and voted to recommend City Council approval of the conditional use permit with the conditions indicated in Resolution 2011-16, which is including in the agenda packet as an exhibit.

QUESTIONS:

- 1. Should the City Council adopt the recommendation of the Planning Commission?**
- 2. If the Council decides to approve the conditional use permit, should it accept the recommended conditions for use of the property for commercial cabinet-making?**

4. **FISCAL YEAR 2012 BUDGET: PRELIMINARY DISCUSSION:** Council Member Harper submitted the enclosed exhibit that goes over the work of the Budget Committee so far in developing the preliminary 2012 budget, from which the Council will decide on a preliminary levy amount for next year. State law requires cities to certify a preliminary levy amount to their County no later than September 15th.

4a. **PROPOSED 2015 STREET IMPROVEMENT PROJECT: PRELIMINARY DISCUSSION:** Council Member Peterson requested this matter be brought to the public's attention. City Engineer Kristie Elfering noted that sealcoating, crackfilling, and cracksealing are maintenance items that allow for streets to last longer; after a certain point in time the streets will need to be redone. Typically this involves a "mill and overlay" or a reclamation project. A mill and overlay project is where the existing bituminous is milled off of the road and a new bituminous wear course is paved. Elfering noted previously that the underlying roadbed has some areas that may need to be reconstructed. According to Elfering, a project may need to be undertaken by the City in 2015. Elfering submitted a memo on this issue, a copy of which is included in the agenda packet as an exhibit.

This project involves every City street (not East County Line Road) and is a big-ticket expense. Council Member Peterson indicated that, as part of the long-range budgeting process, certain decisions need to be made at this time. The first is whether the City should set aside dollars for the next 3 years to pay the project costs (akin to "layaway") or to bond for the project costs at the time of reconstruction. If the Council opts for the "layaway" plan, the dollar amount representing 1/3 of the project costs need to be accounted for in the 2012 budget.

QUESTIONS: Are there additional items that the City should fund for 2012? Should the City set aside dollars for the next three years to cover the costs of the 205 street improvement project? Or should the City bond for the project costs at the time of reconstruction?

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A public hearing was held on Tuesday, August 2, 2011 to elicit testimony on the conditional use permit request. After the public hearing was closed, the Commission considered the request and voted to recommend City Council approval of the conditional use permit with the conditions indicated in Resolution 2011-17, which is including in the agenda packet as an exhibit.

QUESTIONS:

1. **Should the City Council adopt the recommendation of the Planning Commission?**
2. **If the Council decides to approve the conditional use permit, should it accept the recommended conditions for use of the property for commercial cabinet-making?**
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5. WASHINGTON COUNTY MASS NOTIFICATION SYSTEM: REVIEW OF PROPOSED PARTICIPATION AND CONSIDERATION OF REQUEST TO PARTICIPATE: According to the enclosed letter from Washington County Sheriff William Hutton, his office was approached by cities in the County to spearhead the purchase and implementation of a Mass Notification System, commonly known as "Code Red". Through a joint effort of the Sheriff's Office and the County Public Health Department, the County has entered into a contract with Emergency Communications Network to be part of Code Red. The County is billing the annual cost - \$33,750.00 - on a per capita basis. Birchwood Village's contribution would be \$68.38 each year.

Staff recommends participation in Code Red. White Bear Lake Police Chief Lynn Bankes is supportive of the Code Red system and its application by the White Bear Lake Police Department. A copy of the Joint Powers Agreement is included in the packet as an exhibit.

QUESTION: Should the City participate in the Code Red program at an annual cost of \$68.38?

6. VILLAGE HALL PAINTING & REPAIR OF SIDING: APPROVE ADDITIONAL EXPENDITURE OF \$775.00 FOR REPLACEMENT OF SIDING & APPROVE CONTRACT WITH CORNERSTONE: At the July 2010 Council meeting, the City Council awarded Cornerstone Construction and Management the job of painting the Village Hall structure. Their bid of \$4,800.00 did not include replacement of 90 feet of rotted wood siding. The City was under the impression that the kind of siding on the Village Hall structure was not to be found and directed that existing siding from the rear of the structure be moved to the front to maintain a consistent look for the public. Cornerstone advised staff that the siding can be obtained at a cost of \$3.00 per foot. With labor costs to install the siding, the total additional expenditure comes to \$775.00. This additional expenditure needs to be approved by the City Council. In addition, a decision needs to be made on which fund this additional In addition, Mayor Mitchell has drafted a contract between the City and Cornerstone for this work.

QUESTIONS: Should the City Council approve the additional \$775.00 expenditure (labor and materials) for the 90 feet of new siding to replace the rotted siding? Should the City Council approve the draft contract between the City and Cornerstone Construction & Management? Under which account should the City transfer funds out to cover this additional expense?

7a. CITY CLERK'S REPORT - TRAFFIC VISIBILITY: A driving tour of the city streets indicates several intersections with signage and visibility hindered by vegetation. The City's nuisance ordinance (Section 606) lists as a nuisance "[a]ll trees, hedges, or other obstructions which obscure normal traffic visibility." I directed KEJ Enterprises to trim back the vegetation from several stop signs in the City as an immediate measure. There are quite a few locations (intersections and non-intersections) that may need more than a trim to achieve compliance. In those situations, I intend on notifying the subject property owners of the ordinance and the work proposed to be done before undergoing compliance. This is intended to give these property owners a measure of notice so they are not startled when the work is done.

7b. CITY CLERK'S REPORT - GOAL SETTING: As a part of my annual review, the Personnel Committee is counseling me on work goals for the next 12 months. Since I report to the City Council, I wanted to give the Council an opportunity to voice their thoughts on what goals I should be emphasizing between now and July 2012.

8a. CITY ENGINEER'S REPORT - EMERGENCY REPAIR OF THE WILDWOOD LIFT STATION: On July 26, 2011, as part of White Bear Lake's routine maintenance of the City's lift stations, it was noted that one of the pumps and a check valve needed immediate repair in order to ensure the continued effectiveness of the lift station (and to avoid sewage entering resident homes). After consulting with Council Member Harper and Mayor Mitchell, Clerk Powers authorized General Repair to perform the emergency repairs at an estimated cost of \$7,000.00. City Engineer Elfering prepared a memo on this issue, which goes into further detail on the cause of the failure of the pump/check valve. In addition, the memo addresses resealing the 76 remaining manholes (at an estimated cost of

\$30,000.00) and replacing the second pump at the Wildwood lift station (at an estimated cost of \$7,000.00). The memo is included in the agenda packet as an exhibit.

QUESTIONS: Should the City Council formally approve payment to General Repair –at an estimated cost of \$7,000.00 - for the emergency repairs made on the Wildwood lift station, with funding to be taken out of the Sewer Fund? Should the City, in its 2012 budget, budget for the costs of resealing the 76 remaining manholes and the cost of replacing the second pump at the Wildwood lift station?

8b. CITY ENGINEER'S REPORT – HYDRANT REPAIRS: As part of a routine inspection of the City's hydrants, White Bear Lake Public Works (WBLPW) advised the City that the vast majority of hydrants are in need of repair. The City Council budgeted for this cost and anticipated that WBLPW would perform the repairs. The City was informed by WBLPW Director Mark Burch that his staff will not be able to get to these repairs this year and advised the City to seek out a vendor for this work. City Engineer Elfering reviewed the list of hydrants and repairs needed, she determined that 10 of the 24 hydrants are unable to be turned on, resulting in a public safety hazard. Consequently, Elfering contacted several vendors for quotes, but only received a bid from Hennen Construction Company for \$15,000.00. Elfering then performed due diligence on the bid and found it to be competitive. A memo on this matter is included in the agenda packet as an exhibit.

QUESTIONS: Should the City undertake the emergency repairs on the 10 hydrants identified by the City Engineer as a public safety hazard? Should the City authorize Hennen Construction Company to make these repairs at a cost not to exceed \$15,000.00, with funding to come out of the Water Fund and after a contract has been executed by the mayor and Hennen Construction Company?

8c. CITY ENGINEER'S REPORT – LIST OF SERVICES THE CITY IS REQUESTING BIDS ON FROM THE CITY OF WHITE BEAR LAKE: This issue evolved from an issue in 2010 regarding certified water operator services to the City. At that time, the City entered into an informal, temporary arrangement with Marty Wippler of the White Bear Lake Water Department for Wippler to act as the City's certified water operator. This year, an initial exploration was made to gauge White Bear Lake's interest in serving as an emergency responder for sewer and water emergencies. Currently, residents contact the City Engineer – who then contacts the City of White Bear Lake. White Bear Lake Public Works Director Mark Burch related to me that the City of White Bear Lake prefers not to use an incremental approach to service provisioning to the City. Given that his department is down 3 employees, his direct reports are under a lot of stress with their primary responsibilities serving White Bear Lake residents. Mark requested the City compile a list of services the City proposes that White Bear Lake provide. In the case of utility billing, Mark has been informed that the City is satisfied with the services provided by the City of Little Canada and that asking for a bid to provide that service is only an inquiry. Other services on the list – which is included in the agenda packet as an exhibit – have varying levels of immediacy.

QUESTIONS: Are there any other services the City Council would like bids on from the City of White Bear Lake? Are there any services on the enclosed list that the City does not want bids on?

CITY OF BIRCHWOOD VILLAGE
REGULAR CITY COUNCIL MEETING
July 12, 2011

MINUTES

MEMBERS PRESENT: Mayor Alan Mitchell; Councilmembers Barb Carson, Mark Peterson and Tony Sampair.

MEMBERS ABSENT: Jane Harper

STAFF PRESENT: City Treasurer Cindie Reiter, City Engineer Kristi Elfering, City Attorney Kevin Sandstrom

OTHERS PRESENT: Greg Donovan, RWSCC Rep, John Winters, Pete Capistrant of Allied Asphalt, Brian McGinnis, Jim Simning, Jim Greeley

Mayor Alan Mitchell called the meeting to order @ 7:00pm, and the Pledge of Allegiance was said.

AGENDA APPROVAL:

Mitchell/Peterson unanimous to approve the agenda with the following changes:

- *Remove the following items from the Consent Agenda (Item #1 &3) for further discussion:
Approval of Minutes of June 28, 2011 meeting
Excess Electronic Equipment*
- *Add – Clarification of Park Staff Hours*

Peterson/Sampair approve June 28, 2011 minutes with following changes:

- *Line 33 indicate vote tally to be 3-0 (only three councilmembers present for meeting)*
- *Line 278 change that to "than"*
- *Line 307 change in to "is"*

All Ayes

Excess Electronic Equipment – Agenda Item #3

Greg Donovan, RWSCC Representative, responded to an inquiry on how to evaluate for value, advertise and accept offers for the electronic equipment not being used by the city. He presented a list of items that he is proposing the city get rid of and that he be allowed to work with the City Clerk to value and advertise in various places (websites) or donate. He further commented that the large screen TV monitor that was a LMCIT claim due to cracked screen has value but unsure if city would have a liability and proposed a Waiver of Liability be used for a purchase agreement. He also suggested that he and the clerk present a council update for re-purposed items.

Mitchell/Peterson unanimous to authorize City Clerk Powers and Greg Donovan to dispose of or re-purpose equipment.

Mr. Donovan also provided that Ramsey Washington Suburban Cable received award for #1 rated local cable access programming, he also noted this to the second year in a row to receive this distinction.

The mayor brought to attention that the consent agenda items 2 and 4 had not been approved.

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Sampair/Peterson unanimous to approve Consent Items #2 Disbursements totaling \$71,373.70 & Item #4 hiring seasonal maintenance workers Johnny Dow and Matthew Brunner at \$10/hour.

It was noted that this would be approximately 40 hours or not to exceed budget of \$450.

COMMUNITY EVENTS: The mayor provided a review and appreciation for the 4th of July parade, along with upcoming Bluegrass and Dixieland Music in the Park events and on July 31 an orchestra will be playing (attendance facilitated by Ellen Maas). He also announced the Swim Across the lake was scheduled for July 16.

OPEN FORUM:

John Winters commented he thanked the council for getting along and asked them to consider Brian Lauzon for service of snow plow and street maintenance. He also thanked them for holding Music In the Park events.

Item #5 Crack Filling Project – Inadequacies:

City Engineer Elfering provided review of crack filling issues and noted that she and the contractor Pete Capistrant, of Allied Asphalt met on July 12, 2011 to mark those areas of concern and to be repaired on Sunday July 17, 2011. Mr. Capistrant presented he is disappointed in how this blew up as he presented that there was only 1% crack failure with other issues adding to the issue (driveway installs and water undermining some areas of road surface). He presented he has been out and met with Kristie Elfering and hopes this issue of concern is behind us. He provided that he will be out on the next Sunday after 9:00 a.m. **Mayor Mitchell** noted the same and confirms that Sunday 8/16/2011 repairs be done at a time in keeping with local ordinance. **Councilmember Peterson** provided that this concern be kept in perspective as it seems minimal (minor in #) and feels the contractor is willing to perform repair and that it not reflect badly on his work. He commented that the issue addressed (via city attorney letter) seemed to be the actual walking with the city engineer to identify the repairs.

Item #6 Resolution 2011-14/Ordinance 2011-05 Change Birch Street to Owl Street

Public Hearing opened at 7:23 p.m.

Brian McGinnis, 194 Wildwood Avenue, presented an informal document of support from the upper Birch Street residents noting they approve of the name change.

Public Hearing closed at 7:25 p.m.

Mayor Mitchell presented Chapter 702.010 of the city code that addressed street name changes.

Mitchell/Sampair unanimous to approve Resolution 2011-14 was presented with 3 minor changes.

WHEREAS, the City Council has heard further testimony from the public that the portion of Birch Street connecting with Wildwood Avenue and located north and east of the former right-of-way of the Minneapolis Saint Paul Suburban Railroad be renamed so as to avoid confusion for the motoring public; and

95 WHEREAS, the City Council published notice in the White Bear Press of a public hearing on July 12, 2011, where
96 testimony was received in regards to the proposed street name change; and

97 WHEREAS, in furtherance of the testimony received at the public hearing and the confusion the current street name
98 poses to the public, the City Council desires to change the name of the affected portion of Birch Street to Owl Street.

99

100 **Item #7 Resolution 2011-15 Prohibited Parking on certain portion of Lake Avenue & Park Avenue.**

101

102 **Councilmember Sampair** presented that Resolution 2011-15 was well written and he spoke to concerns
103 expressed by WBL Officer Flick. **Mayor Mitchell** also noted Officers Flick support in addressing parking
104 in this area. City Engineer **Elfering** presented a map showing the areas of concern and noted that a
105 small portion of area indicated along Lake Ave. will need to have a small fence relocated to provide for
106 parking on the grass and not on the street.

107

108 **Jim Simning**, 310 Wildwood Avenue, presented his history with Park Avenue improvements made by
109 himself and presented that the city previously provided no participation in improvement or
110 maintenance. He noted Park Avenue sits over a peat bog that he has filled. He stated that past citations
111 were not enforced as they were not public safety concerns other than to keep away from fire hydrant.
112 He feels we do not need to approve to have signs posted – as have been doing this for years without
113 signs.

114

115 **Jim Greeley** offered thanks to Councilmember Sampair, Officer Flick for bringing this issue forward and
116 Jim Simning for maintenance and care of the area. He provided more history on the issue and provided
117 that former Mayor Lefoy placed fences and old no parking signage. The council action today will just be
118 re-affirming what has been done is wanted. He further expressed concern for loss of grass and noted
119 the area may become muddy when wet along south side of Lake and Park Avenues.

120

121 **Jim Simning** noted the fence had been moved back and that parking along it may cause vehicles to sink
122 as some have had to be towed. He suggested that fill be placed to alleviate this from happening.

123

124 **Sampair/Mitchell motion to pass Resolution 2011-15 along with consideration that off street parking**
125 **be monitored by staff.**

126

127 **Mayor Mitchell** spoke to the need for another line in the resolution to specify “off street or parallel
128 parking only” and that staff to provide appropriate language for posting. He also inquired as to the cost
129 of signs. City Engineer **Elfering** estimated the cost at \$200.

130

131 **Councilmember Carson** referred to former comments of Councilmember Harper concerning a bus
132 accident in the area and that a police report should be gotten. Both **Mitchell** and **Sampair** felt that this
133 was addressed in the comments of Officer Flick. Carson expressed concern over the R-O-W not being
134 cleared, that if done the “No Parking” restriction would not be needed. She also noted that of past
135 emergency issues in this area, reports have not expressed a parking concern.

136

137 **Councilmember Peterson** spoke affirmatively to Flick’s evaluation of no parking in this area. It was
138 noted that prior signs may have been mis-worded for parking restrictions.

139

140 **Mayor Mitchell** noted that the resolution be corrected to show immediately.

141

142 **Motion Passed: 3 Ayes/1 Nay (Carson)**

143

144 **Item #8 PARKS & NATURAL RESOURCE COMMITTEE By-Laws Consideration and Approval**

145

146 **Mayor Mitchell** provided that the Park Committee reviewed the by-laws draft and has recommended
147 they be approved as written. Mitchell offered that there be a change in language in reference to the
148 number of committee member to show it should read "**up to** nine members". Further discussion
149 occurred on how the number of appointees is arrived at. Mitchell noted it was the council that appoints
150 the members.

151

152 Other items of corrections noted;
153 Section II. Correct term beaches,
154 Section Q strike parenthetical,
155 Section P remove use of term "draft" (twice),
156 Section S correct term proposed,

157

158 **Councilmember Carson** inquired about section O, "Quorum Not Necessary" how can a meeting be held
159 if no quorum is in attendance. **Mayor Mitchell** explained the intent is to allow less that a quorum to
160 meet but no action can be taken.

161

162 ***Mitchell/Sampair unanimous to approve by-laws with change presented.***

163

164 **Mitchell** thanked the parks and natural resource Committee for their work on the by-laws.

165

166 **Item # 9 Out-of-State Travel Policy**

167

168 **Mayor Mitchell** presented that per one of the city's audit findings the city needs to have an Out of State
169 Travel policy. Therefore, the current city Travel Policy was updated to extend to out-of-state travel. It
170 was also presented that by state statute the policy is to be reviewed annually.

171

172 ***Mitchell/Sampair unanimous to approve the Out-Of-State Travel Policy.***

173

174 **July 26, 2011 Meeting - Cancelled**

175

176 ***Mitchell/Peterson unanimously to cancel July 26, 2011 meeting.***

177

178 **Future City Business**

179

180 **Kropelnicki Conditional Use Permit Public Hearing** held by Planning Commission (August 2, 2011) will
181 be on council agenda for August 9, 2011.

182

183 **2012 Budget** items to be presented by Councilmember Harper at August meeting.

184 Councilmember Peterson commented that he would not have street budget items ready for Harper by
185 the July 20, 2011 date requested but he and City Engineer Elfering will be meeting on July 28 and would
186 provide budget information following the meeting. It was noted that the first budget meeting would be
187 held on July 28, 2011 and August 4, 2011 if needed.

188

189 **WBL Conservation District vacancy of Birchwood representative.** It was noted that WBLCD rep Joe
190 Allaben was leaving Birchwood but that may have changed. Mayor Mitchell to follow up with Mr.
191 Allaben and provide information at next council meeting.

192
193 **Emergency response for sewer and water by White Bear Lake Public Works.** City Engineer Elfering
194 offered to gather contact information and present as an agenda item at the next regular council
195 meeting.

196
197 **ADJOURN: unanimous to adjourn at 7:53 pm.**

198
199 _____
200 Mayor Allan Mitchell

ATTEST:

Cindie J Reiter, MCMC
City Treasurer

201
202
203

Birchwood Village
8-9-11
Treasurer's Report

To: City Council
From: Cindie J Reiter, Treasurer

Financial Report

Attached are the CTAS reports:

The **DISBURSEMENTS REGISTER** is for those claims presented for payment this eve. Disbursement Register includes check numbers or EFT identifier.

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 for which property taxes are levied.

In the disbursement section you will find a running total (YTD) and variance (remaining balance) of the budgeted amount for each category of expense.

The **Cash Balance Statement** is the beginning balances (same as: year-end results for 2010). The beginning balances are all cash balances – which reside at US Bank (checking for operating funds & savings) and at Piper Jaffray (money market accounts for various fund reserves & savings)

Current Items of Interest-

- Catchbasin Expenses – reside in Fund 403, Capital Projects Catchbasin. This will help to identify expenses of the catchbasin project which will be presented to RC Watershed District for allowable grant expenses as is a cost-share grant. The negative balance will accrue until any reimbursement is received. YTD expense \$31,553 expected grant from RCWD approx. 13K
- Debt Service – bond Payment due and paid August 1, 2011 \$28,508 (EFT)
- Prior mowing expense moved from Park Mntnc to Lawn Care/Mowing approx. \$1325
- LMCIT - City Insurance premium will be \$7,867 w/o WC audit adjustment for 2010 which will include cost of contracted services for vendors w/o workers comp coverage. WC audit done on 7/18/2011 by Berkley Risk.
- Dock Permit Fee – refunds to date total \$1,000.
- Lift Station sinkhole – expense unknown at this time.
- AUDIT ITEM – recall by year end &/or early next year there are certain designations to be made for the various city fund balances.

Please call/email with any questions.

Cindie J Reiter, 
Birchwood City Treasurer

Special Assessment – Pay 2011 Resolution of over calculation of interest for Pay 2011 is to refund all PAID debt service special assessment for Pay 2011. This refund will be sent to property owners after the county provides report of those properties paid for 2011. The report should be available in the first quarter 2012 – refunds to be issued shortly after.

As of 08/04/2011
Fiscal Year:2011

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursements</u>	<u>Ending Balance</u>
General Fund	\$513,678.05	\$183,343.39	\$212,685.38	\$484,336.06
Special Rev Projects	\$7,550.65	\$8,435.31	\$1,000.00	\$14,985.96
Sewer 2004 Bonds	\$0.00	\$6,769.57	\$2,511.47	\$4,258.10
Birchwood In Re-hab Bond	\$0.00	\$494.10	\$0.00	\$494.10
Sewer Re-hab 2008 Debt	\$0.00	\$15,666.74	\$32,502.31	(\$16,835.57)
Cap Project - PW	\$41,571.00	\$0.00	\$0.00	\$41,571.00
Capital Projects	\$65,527.99	\$579.00	\$0.00	\$66,106.99
Cap Proj - Catchbasin	\$0.00	\$0.00	\$31,553.00	(\$31,553.00)
Water Enterprise Fund	\$45,623.45	\$30,086.90	\$51,177.77	\$24,532.58
Sewer Enterprise Fund	\$173,186.41	\$47,953.44	\$39,499.72	\$181,640.13
Total	\$847,137.55	\$293,328.45	\$370,929.65	\$769,536.35

As of 12/31/2011

General Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
General Property Taxes	\$0.00	\$165,201.43	\$165,201.43
Total Acct 310	\$0.00	\$165,201.43	\$165,201.43
Building Permits	\$0.00	\$4,301.77	\$4,301.77
Dog Licenses	\$0.00	\$25.00	\$25.00
Zoning App Fee	\$0.00	\$206.00	\$206.00
Total Acct 322	\$0.00	\$4,532.77	\$4,532.77
Recycle Grant	\$0.00	\$1,678.00	\$1,678.00
Cable Comm. Grant	\$0.00	\$7,119.06	\$7,119.06
Total Acct 336	\$0.00	\$8,797.06	\$8,797.06
City Hall Rent	\$0.00	\$325.00	\$325.00
Total Acct 341	\$0.00	\$325.00	\$325.00
Fines	\$0.00	\$418.63	\$418.63
Total Acct 351	\$0.00	\$418.63	\$418.63
Miscellaneous	\$0.00	\$1,082.84	\$1,082.84
Total Acct 361	\$0.00	\$1,082.84	\$1,082.84
Interest Earnings	\$0.00	\$594.05	\$594.05
Contrib. & Donations-Private	\$0.00	\$600.00	\$600.00
Refunds and Reimbursements	\$0.00	\$1,791.61	\$1,791.61
Total Acct 362	\$0.00	\$2,985.66	\$2,985.66
Total Revenues	\$0.00	\$183,343.39	\$183,343.39

Other Financing Sources:

Sale of Investments	\$0.00
Transfers from other Funds	\$0.00

Disbursements:

Publishing	\$2,000.00	\$1,138.05	\$861.95
Total Acct 411	\$2,000.00	\$1,138.05	\$861.95
City Council	\$2,800.00	\$0.00	\$2,800.00
Total Acct 413	\$2,800.00	\$0.00	\$2,800.00
Clerk - Treasurer	\$52,855.00	\$37,231.85	\$15,623.15
Elections	\$470.00	\$470.00	\$0.00
Office Operations/Supplies	\$4,500.00	\$4,538.44	(\$38.44)
Postage/Postal Permits	\$0.00	\$504.50	(\$504.50)
Total Acct 414	\$57,825.00	\$42,744.79	\$15,080.21
Financial Administration	\$16,000.00	\$15,307.90	\$692.10
Assessing	\$5,200.00	\$5,917.85	(\$717.85)
Total Acct 415	\$21,200.00	\$21,225.75	(\$25.75)
Legal Services	\$8,000.00	\$5,227.73	\$2,772.27
Engineer Service	\$6,000.00	\$4,851.45	\$1,148.55
Total Acct 416	\$14,000.00	\$10,079.18	\$3,920.82

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

08/04/2011

Per Diem	\$495.00	\$0.00	\$495.00
Total Acct 418	\$495.00	\$0.00	\$495.00
Grants	\$0.00	\$200.00	(\$200.00)
City Training & Development	\$7,590.00	\$1,946.89	\$5,643.11
City Hall-Gov't Buildings	\$17,300.00	\$4,652.36	\$12,647.64
City Insurance	\$7,600.00	\$1,166.00	\$6,434.00
Cable Eqpm't and Service	\$0.00	\$661.50	(\$661.50)
Newsletter	\$1,000.00	\$100.00	\$900.00
Total Acct 419	\$33,490.00	\$8,726.75	\$24,763.25
Police	\$88,500.00	\$53,301.10	\$35,198.90
Total Acct 421	\$88,500.00	\$53,301.10	\$35,198.90
Fire	\$20,100.00	\$19,087.54	\$1,012.46
Total Acct 422	\$20,100.00	\$19,087.54	\$1,012.46
Building Inspection	\$0.00	\$3,027.32	(\$3,027.32)
Total Acct 424	\$0.00	\$3,027.32	(\$3,027.32)
Animal Control	\$0.00	\$857.00	(\$857.00)
Total Acct 428	\$0.00	\$857.00	(\$857.00)
PUBLIC WORKS	\$3,000.00	\$0.00	\$3,000.00
Total Acct 430	\$3,000.00	\$0.00	\$3,000.00
Hwys, Streets & Road Mntnc	\$21,500.00	\$7,254.22	\$14,245.78
Ice and Snow Removal	\$0.00	\$10,093.73	(\$10,093.73)
Tree Care/Inspection	\$1,500.00	\$0.00	\$1,500.00
Tree Removal	\$4,000.00	\$1,854.38	\$2,145.62
Drainage - Structure Care	\$2,000.00	\$2,114.25	(\$114.25)
Street Signs	\$1,000.00	\$202.00	\$798.00
Street Lights	\$13,800.00	\$8,558.86	\$5,241.14
Water Utility	\$0.00	\$269.90	(\$269.90)
Sewer Utility	\$0.00	\$269.90	(\$269.90)
Total Acct 431	\$43,800.00	\$30,617.24	\$13,182.76
Sanitation - Recycling	\$12,000.00	\$6,363.98	\$5,636.02
Total Acct 441	\$12,000.00	\$6,363.98	\$5,636.02
Lawn Care/Mntnc	\$7,000.00	\$2,055.00	\$4,945.00
Total Acct 450	\$7,000.00	\$2,055.00	\$4,945.00
Recreation	\$1,500.00	\$1,196.42	\$303.58
Total Acct 451	\$1,500.00	\$1,196.42	\$303.58
Parks	\$13,000.00	\$10,583.54	\$2,416.46
Total Acct 452	\$13,000.00	\$10,583.54	\$2,416.46
CONSERVATION - NATURAL RESOURC	\$1,609.00	\$1,609.16	(\$0.16)
Total Acct 461	\$1,609.00	\$1,609.16	(\$0.16)
Unallocated Expenditures	\$681.00	\$72.56	\$608.44
Total Acct 492	\$681.00	\$72.56	\$608.44
Total Disbursements	\$323,000.00	\$212,685.38	\$110,314.62

Other Financing Uses:

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

08/04/2011

Purchase of Investments	\$0.00
Transfers to other Funds	\$0.00
Beginning Cash Balance	\$513,678.05
Cash Balance as of 12/31/2011	\$484,336.06

As of 12/31/2011

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock Permit Fee	\$0.00	\$8,435.00	\$8,435.00
Total Acct 322	\$0.00	\$8,435.00	\$8,435.00
Interest Earnings	\$0.00	\$0.31	\$0.31
Total Acct 362	\$0.00	\$0.31	\$0.31
Total Revenues	\$0.00	\$8,435.31	\$8,435.31
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Recreation	\$0.00	\$1,000.00	(\$1,000.00)
Total Acct 451	\$0.00	\$1,000.00	(\$1,000.00)
Total Disbursements	\$0.00	\$1,000.00	(\$1,000.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$7,550.65	
Cash Balance as of 12/31/2011		\$14,985.96	

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

08/04/2011

As of 12/31/2011

Sewer 2004 Bonds

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$6,769.57	\$6,769.57
Total Acct 361	\$0.00	\$6,769.57	\$6,769.57
Total Revenues	\$0.00	\$6,769.57	\$6,769.57
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$2,511.47	(\$2,511.47)
Total Acct 471	\$0.00	\$2,511.47	(\$2,511.47)
Total Disbursements	\$0.00	\$2,511.47	(\$2,511.47)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		\$4,258.10	

As of 12/31/2011

Birchwood In Re-hab Bond

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$494.10	\$494.10
Total Acct 361	\$0.00	\$494.10	\$494.10
Total Revenues	\$0.00	\$494.10	\$494.10
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		\$494.10	

As of 12/31/2011

Sewer Re-hab 2008 Debt	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Re-hab A&B	\$0.00	\$15,666.74	\$15,666.74
Total Acct 361	\$0.00	\$15,666.74	\$15,666.74
Total Revenues	\$0.00	\$15,666.74	\$15,666.74
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Bond Payment	\$0.00	\$32,502.31	(\$32,502.31)
Total Acct 471	\$0.00	\$32,502.31	(\$32,502.31)
Total Disbursements	\$0.00	\$32,502.31	(\$32,502.31)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		(\$16,835.57)	

As of 12/31/2011

Cap Project - PW	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$41,571.00	
Cash Balance as of 12/31/2011		\$41,571.00	

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

08/04/2011

As of 12/31/2011

Capital Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Interest Earnings	\$0.00	\$579.00	\$579.00
Total Acct 362	\$0.00	\$579.00	\$579.00
Total Revenues	\$0.00	\$579.00	\$579.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Total Disbursements	\$0.00	\$0.00	\$0.00
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$65,527.99	
Cash Balance as of 12/31/2011		\$66,106.99	

As of 12/31/2011

Cap Proj - Catchbasin			
	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	\$0.00	\$0.00	\$0.00
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$3,745.00	(\$3,745.00)
Total Acct 416	\$0.00	\$3,745.00	(\$3,745.00)
Drainage - Structure Care	\$0.00	\$27,808.00	(\$27,808.00)
Total Acct 431	\$0.00	\$27,808.00	(\$27,808.00)
Total Disbursements	\$0.00	\$31,553.00	(\$31,553.00)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$0.00	
Cash Balance as of 12/31/2011		(\$31,553.00)	

As of 12/31/2011

Water Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Water Fee	\$0.00	\$25,543.40	\$25,543.40
Penalty - Late Water/Sewer	\$0.00	\$827.22	\$827.22
State & Misc fees	\$0.00	\$1,312.03	\$1,312.03
Total Acct 341	\$0.00	\$27,682.65	\$27,682.65
DELQ - Water-Sewer fees	\$0.00	\$2,025.09	\$2,025.09
Total Acct 361	\$0.00	\$2,025.09	\$2,025.09
Interest Earnings	\$0.00	\$379.16	\$379.16
Total Acct 362	\$0.00	\$379.16	\$379.16
Total Revenues	\$0.00	\$30,086.90	\$30,086.90
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Engineer Service	\$0.00	\$472.00	(\$472.00)
Total Acct 416	\$0.00	\$472.00	(\$472.00)
Other Protection	\$0.00	\$155.38	(\$155.38)
Total Acct 428	\$0.00	\$155.38	(\$155.38)
Water Utility	\$0.00	\$28,442.37	(\$28,442.37)
Wtr/Swr Emergency	\$0.00	\$22,108.02	(\$22,108.02)
Total Acct 431	\$0.00	\$50,550.39	(\$50,550.39)
Total Disbursements	\$0.00	\$51,177.77	(\$51,177.77)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$45,623.45	
Cash Balance as of 12/31/2011		\$24,532.58	

As of 12/31/2011

Sewer Enterprise Fund

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Sewer Fee	\$0.00	\$45,782.97	\$45,782.97
Total Acct 341	\$0.00	\$45,782.97	\$45,782.97
Sewer Re-hab A&B	\$0.00	\$15.00	\$15.00
DELQ - Water-Sewer fees	\$0.00	\$1,642.51	\$1,642.51
Total Acct 361	\$0.00	\$1,657.51	\$1,657.51
Interest Earnings	\$0.00	\$512.96	\$512.96
Total Acct 362	\$0.00	\$512.96	\$512.96
Total Revenues	\$0.00	\$47,953.44	\$47,953.44
Other Financing Sources:			
Sale of Investments		\$0.00	
Transfers from other Funds		\$0.00	
Disbursements:			
Other Protection	\$0.00	\$155.37	(\$155.37)
Total Acct 428	\$0.00	\$155.37	(\$155.37)
Wtr/Swr Emergency	\$0.00	\$1,705.69	(\$1,705.69)
Sewer Utility	\$0.00	\$37,638.66	(\$37,638.66)
Total Acct 431	\$0.00	\$39,344.35	(\$39,344.35)
Total Disbursements	\$0.00	\$39,499.72	(\$39,499.72)
Other Financing Uses:			
Purchase of Investments		\$0.00	
Transfers to other Funds		\$0.00	
Beginning Cash Balance		\$173,186.41	
Cash Balance as of 12/31/2011		\$181,640.13	

Fund Name: All Funds
 Date Range: 07/13/2011 to 08/04/2011

<u>Date</u>	<u>Remitter</u>	<u>Description</u>	<u>Receipt #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
07/13/2011	Kropelnicki, Roger	Zoning - CUP app fee	519	\$206.00	100-32280	\$206.00
07/13/2011	Korich ,Roger	Bldg Permit #WB052793	520	\$190.40	100-32210	\$190.40
07/13/2011	Residents - via LC	Utility Billing JE LC 21	521	\$2,966.29	601-34105 601-34115 601-34120 605-34110	\$952.90 \$10.47 \$57.98 \$1,944.94
07/13/2011	Residents - via LC	Utility Billing LC JE 4	522	\$4,683.57	601-34105 601-34115 601-34120 605-34110	\$1,366.72 \$27.66 \$75.36 \$3,213.83
07/13/2011	Residents - via LC	Utility Billing LC JE 14	523	\$3,655.22	601-34105 601-34120 605-34110	\$1,074.59 \$69.74 \$2,510.89
07/13/2011	Resdients - via LC	Utility Billing - LC JE 19	524	\$2,357.60	601-34105 601-34115 601-34120 605-34110	\$675.28 \$5.85 \$46.64 \$1,629.83
07/20/2011	Resdients - via LC	Utility Billing LC JE 30	525	\$623.87	601-34105 601-34115 601-34120 605-34110	\$193.40 \$1.68 \$11.13 \$417.66
08/03/2011	Standard Heating	Bldg Permit WB#052947	526	\$31.66	100-32210	\$31.66
08/03/2011	Anderson, Tim	Bldg Permit #WB052867	527	\$169.38	100-32210	\$169.38
Total For Period				\$14,883.99		
Total Year To Date				\$293,328.45		

City of Birchwood Village

Disbursements Register

08/04/2011

Fund Name: All Funds
Date Range: 07/13/2011 to 08/04/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
07/13/2011	Tim Brown	Music in Park 7/10/2011	26704	\$100.00	100-45100-300	\$100.00
07/13/2011	Ronnan, Kenny	Videographer - Service June 2011 (7)	26707	\$98.00	100-41950-305	\$98.00
07/13/2011	PERA	Staff Retirement PE 6/15/11	PERA61511	\$264.35	100-41400-120 100-41400-121	\$141.97 \$122.38
07/15/2011	Payroll Period Ending 06/30/2011		26705	\$1,024.17	100-41400-100	\$1,024.17
07/15/2011	Payroll Period Ending 06/30/2011		26706	\$273.75	100-41400-100	\$273.75
07/20/2011	MN Dept of Labor and Industry	Mn Bldg Permit Surcharge June 2011	26708	\$71.96	100-42401-430	\$71.96
07/20/2011	Eckberg, Lammers, Briggs, Wolff	Legal Service - June 2011	26709	\$1,803.59	100-41600-300	\$1,803.59
07/20/2011	TSE, INC	City Hall Cleaning 6/21/11	26710	\$20.45	100-41940-305	\$20.45
07/20/2011	Xcel Energy	Street Lites - Electric June 2011	26711	\$1,205.69	100-43160-380	\$1,205.69
07/20/2011	Qwest	Phone/Fax lines July 2011	26712	\$104.58	100-41940-321	\$104.58
07/20/2011	Metropolitan Council Env. Service	Wastewater Service August 2011	26713	\$3,676.74	605-43190-380	\$3,676.74
07/20/2011	PERA	Staff Retirement PE 6/30/11	PERA63011	\$255.12	100-41400-120 100-41400-121	\$141.64 \$113.48
07/21/2011	Nusbaum, Phil	Music In Park 7/24/2011	26718	\$75.00	100-45100-300	\$75.00
07/21/2011	Howard, Steve	Music In Park 7/24/2011	26719	\$75.00	100-45100-300	\$75.00
07/28/2011	KEwood Symphony Orchestra	Music In Park 7/31/2011	26722	\$100.00	100-45100-300	\$100.00
07/29/2011	Payroll Period Ending 07/15/2011		26720	\$1,024.17	100-41400-100	\$1,024.17
07/29/2011	Payroll Period Ending 07/15/2011		26721	\$352.64	100-41400-100	\$352.64
08/01/2011	Rowles, Clint	Music In Park - One In A Row band Aug 7, 2011	26723	\$150.00	100-45100-300	\$150.00
08/01/2011	U S Bank	Debt Service - 2008 Series Bond pymt	EFT080111	\$28,508.00	305-47100-600 305-47100-610	\$26,000.00 \$2,508.00
08/04/2011	TSE, INC	City Hall Cleaning 7/5/11	26724	\$20.45	100-41940-305	\$20.45
08/04/2011	KEJ Enterprises	Mowing ST Row/Sign Rplc/Park tree remvl	26725	\$697.00	100-43100-305 100-43135-305	\$247.50 \$247.50

City of Birchwood Village

Disbursements Register

08/04/2011

<u>Date</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check #</u>	<u>Total</u>	<u>Account #</u>	<u>Amount</u>
					100-43155-305	\$202.00
08/04/2011	KEJ Enterprises	Mowing service w/easments	26726	\$730.00	100-45010-305	\$730.00
08/04/2011	City of White Bear Lake Bldg Inspec	Bldg Inspections - June 2011	26727	\$662.00	100-42401-305	\$662.00
08/04/2011	City of White Bear Lake Public Work	Lift Stn Mntnc /Water Testing/Hydrant test	26728	\$1,754.68	601-43180-305	\$339.88
					605-43185-305	\$598.80
					605-43190-305	\$816.00
08/04/2011	Xcel Energy	Lift Stn - Electric July 2011	26729	\$674.88	605-43190-380	\$674.88
08/04/2011	Schwaab, Inc.	City Seal Embosser	26730	\$58.65	100-41420-200	\$58.65
08/04/2011	S&T Office Supplies	Envelopes (less fax cart. refund)	26731	\$91.17	100-41420-200	\$91.17
08/04/2011	On-Site Sanitation Inc	Rental Unit - Tennis Court/TS Park June 2011	26732	\$174.08	100-45200-305	\$87.13
					100-45200-305	\$86.95
08/04/2011	Press Publications	Public Hearing CUP/ Ord 2011-05	26733	\$176.88	100-41130-351	\$99.05
					100-41130-351	\$77.83
08/04/2011	Elfering & Associates	Eng Srvc j- July 2011	26734	\$1,239.00	100-41650-300	\$1,239.00
08/04/2011	Gopher State One Call	Locates July 2011 (15 email-1 voice)	26735	\$21.75	601-42800-305	\$10.87
					605-42800-305	\$10.88
08/04/2011	Norton, Therese	REFUND - Boat Wait List Fee	26736	\$200.00	210-45100-810	\$200.00
08/04/2011	City of White Bear Lake	Animal Control Service 2011	26737	\$857.00	100-42810-305	\$857.00
08/04/2011	City of White Bear Lake Fire	Fire Srvc -Aug 2011	26738	\$1,673.16	100-42200-305	\$1,673.16
08/04/2011	City of White Bear Lake Police	Law Enforcement - Aug 2011	26739	\$7,375.42	100-42100-305	\$7,375.42
08/04/2011	IRS - US Treasury	FEDTaxes - July 2011	FED072011	\$900.18	100-41400-110	\$404.58
					100-41400-160	\$54.03
					100-41400-162	\$231.03
					100-41400-164	\$54.03
					100-41400-166	\$156.51
08/04/2011	MN Department of Revenue	State W/H July 2011	MN07152011	\$203.59	100-41400-115	\$203.59
08/04/2011	PERA	Staff Retirement PE 7/15/11	PERA071511	\$257.94	100-41400-120	\$138.52
					100-41400-121	\$119.42

Total For Period **\$56,951.04**

Total Year To Date **\$370,929.65**

RESOLUTION NO. 2011-16

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT FOR
A HOME OCCUPATION PERMIT FOR 501 WILDWOOD AVENUE
WITHIN THE CITY OF BIRCHWOOD VILLAGE, MINNESOTA**

WHEREAS, a proposal (11-6-SB) has been submitted by Roger Kropelnicki to the City Council requesting a conditional use permit from the City of Birchwood Village at the following site:

ADDRESS: 501 Wildwood Avenue

LEGAL DESCRIPTION: Lot 1, Lakewood Park Third Addn, Washington County, MN (PID #: 3003021130047)

THE APPLICANT SEEKS THE FOLLOWING PERMITS: A Conditional Use Permit for a home occupation in order to operate a cabinet and other furniture making business in the detached garage, per Section 306.070.

WHEREAS, the Planning Commission has held a public hearing as required by the City Zoning Code on August 2, 2011;

WHEREAS, the City Council has considered the advice and recommendations of the Planning Commission regarding the effect of the proposed conditional use permit upon the health, safety, and welfare of the community and its Comprehensive Plan, as well as any concerns related to compatibility of uses, traffic, property values, light, air, danger of fire, and risk to public safety in the surrounding areas; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Birchwood Village after reviewing the proposal, that the City Council accepts and adopts the following findings of the Planning Commission:

1. The proposal is consistent with the city's Comprehensive Plan.
2. The proposal is consistent with existing and future land uses in the area.
3. The proposal conforms to the Zoning Code requirements.
4. The proposal will not depreciate values in the area.
5. The proposal will not overburden the existing public services nor the capacity of the City to service the area.
6. Traffic generation will be within the capabilities of the streets serving the site.
7. That the special conditions attached in the form of a conditional use permit are hereby approved.

FURTHER, BE IT RESOLVED, that the City Council of the City of Birchwood Village hereby approves the requested conditional use permit subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit.
2. Hours of operation for all wood-working activities are limited to Monday through Saturday 8:00 am to 5:00 pm. With at least two days advanced notice, Mr. Kropelnicki shall accommodate the request of his neighbors not to work on a given day. It is the intent that this provision be applied sparingly to accommodate special events and occasions on neighboring properties, therefore, this provision need not be accommodated more than four week days and two weekend days per month.
3. No employees, other than Mr. Kropelnicki himself, shall be employed in the home occupation.
4. No customers shall visit the property. Additional traffic is restricted to deliveries by standard single rear axle delivery trucks such as Fed Ex, UPS or the US Postal Service, limited to no more than 3 delivery/pick-up trips per day.
5. All doors and windows must be closed when the stereo is on, or when a hammer or any power tool is being utilized.
6. The applicant shall unplug the air compressor when not in use so it doesn't start up at night.
7. The property and all uses thereon shall comply with the State Statutes on noise for residential uses, both day and night. Applicant is responsible for any cost which may be associated with a noise meter reading, if the reading is found to exceed the noise limits. See attached exhibit A, including illustrative sound graph.
8. The property shall comply will all provisions of Municipal Code Section 306.070, Subd. 4. If violations to this CUP, that code section, or the state statue on noise do occur, they shall be documented by the City and after the third violation, the City may re-consider the conditional use permit.
9. Any trash receptacles shall be stored to the side of the garage and shall be screened from view by a privacy fence tall enough to screen the receptacles from being viewed from off the property but no taller than 6 feet in height. If a dumpster is utilized, the dumpster shall not exceed 3-yards in size and shall be emptied often enough so that it is never over-flowing.
10. All work shall be conducted within the garage. No painting, sanding, assembly or construction work of any kind shall occur on the driveway or outside of the garage.
11. No exterior storage of equipment or materials associated with the home occupation is allowed.
12. All sawdust, paint chips, or other debris shall be properly disposed of. The garage shall not be

EXHIBIT "A"
Minnesota Noise Pollution Control Rules - MN Rules Chapter 7030
And
Graphic Portrayal of db levels for Common Indoor and Outdoor Activities

7030.0010 INCORPORATION BY REFERENCE.

For the purpose of chapter 7030, American National Standards Institute, Specification for Sound Level Meters, S1.4-1983 is incorporated by reference. This publication is available from the American National Standards Institute, 1430 Broadway, New York, N.Y. 10018 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

The Federal Highway Administration publication, Sound Procedures for Measuring Highway Noise: Final Report, FHWA-DP-45-1R (August 1981) is incorporated by reference. This publication is available from the United States Department of Transportation, Federal Highway Administration, 1000 North Globe Road, Arlington, Virginia 22201 and can be found at: the offices of the Minnesota Pollution Control Agency, 1935 West County Road B-2, Roseville, Minnesota 55113; the Government Documents Section, Room 409, Wilson Library, University of Minnesota, 309 19th Avenue South, Minneapolis, Minnesota 55454; and the State of Minnesota Law Library, 25 Rev. Dr. Martin Luther King Jr. Blvd., Saint Paul, Minnesota 55155. This document is not subject to frequent change.

7030.0020 DEFINITIONS.

Subpart 1. Application.

The terms used in this chapter have the meanings given them in this part.

Subp. 2. A-weighted.

"A-weighted" means a specific weighting of the sound pressure level for the purpose of determining the human response to sound. The specific weighting characteristics and tolerances are those given in American National Standards Institute S1.4-1983, section 5.1.

Subp. 3. Daytime.

"Daytime" means those hours from 7:00 a.m. to 10:00 p.m.

Subp. 4. dB(A).

"dB(A)" means a unit of sound level expressed in decibels (dB) and A-weighted.

Subp. 5. Decibel.

"Decibel" means a unit of sound pressure level, abbreviated as dB.

Subp. 6. Impulsive noise.

"Impulsive noise" means either a single sound pressure peak (with either a rise time less than 200 milliseconds or total duration less than 200 milliseconds) or multiple sound pressure peaks (with either rise times less than 200 milliseconds or total duration less than 200 milliseconds) spaced at least by 200 millisecond pauses.

Subp. 7. L₁₀.

"L₁₀" means the sound level, expressed in dB(A), which is exceeded ten percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 8. L₅₀.

"L₅₀" means the sound level, expressed in dB(A), which is exceeded 50 percent of the time for a one hour survey, as measured by test procedures approved by the commissioner.

Subp. 9. Municipality.

"Municipality" means a county; a city; a town; a regional planning and development commission established under Minnesota Statutes, chapter 473; the metropolitan council; or other governmental subdivision of the state responsible by law for controlling or restricting land use within its jurisdiction.

Subp. 10. Nighttime.

"Nighttime" means those hours from 10:00 p.m. to 7:00 a.m.

Subp. 11. Person.

"Person" means any human being, any municipality or other governmental or political subdivision or other public department or agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agency, legal entity, other than a court of law, or any legal representative of any of the foregoing, but does not include the agency.

Subp. 12. Sound pressure level.

"Sound pressure level", in decibels, means 20 times the logarithm to the base 10 of the ratio of the pressure to the reference pressure. The reference pressure shall be 20 micronewtons per square meter.

7030.0030 NOISE CONTROL REQUIREMENT.

No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.

7030.0040 NOISE STANDARDS.

Subpart 1. Scope.

These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are

consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part 7030.0050. However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources.

Subp. 2. Noise standards.

Noise Area Classification	Daytime		Nighttime	
	L ₅₀	L ₁₀	L ₅₀	L ₁₀
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

7030.0050 NOISE AREA CLASSIFICATION.

Subpart 1. Applicability.

The noise area classification is based on the land use activity at the location of the receiver and determines the noise standards applicable to that land use activity unless an exception is applied under subpart 3.

Subp. 2. Noise area classifications.

The noise area classifications and the activities included in each classification are listed below:

Noise Area Classification	Land Use Activities
1	Household Units (includes farm houses) Group quarters Residential hotels Mobile home parks or courts Transient lodging Other residential Motion picture production Medical and other health services Correctional institutions Educational services Religious activities Cultural activities and nature exhibitions Entertainment assembly Camping and picnicking areas (designated) Resorts and group camps Other cultural, entertainment, and recreational activities.
2	Railroad terminals (passenger) Railroad terminals (passenger and freight) Rapid rail transit and street railway passenger terminals Bus passenger terminals (intercity)

Bus passenger terminals (local)
 Bus passenger terminals (intercity and local)
 Other motor vehicle transportation
 Airport and flying field terminals (passenger)
 Airport and flying field terminals (passenger and freight)
 Marine terminals (passenger)
 Marine terminals (passenger and freight)
 Automobile parking
 Telegraph message centers
 Transportation services and arrangements
 Wholesale trade
 Retail trade -- building materials, hardware, and farm equipment
 Retail trade -- general merchandise
 Retail trade -- food
 Retail trade -- automotive, marine craft, aircraft, and accessories
 Retail trade -- apparel and accessories
 Retail trade -- furniture, home furnishings, and equipment
 Retail trade -- eating and drinking
 Other retail trade
 Finance, insurance, and real estate services
 Personal services
 Business services
 Repair services
 Legal services
 Other professional services
 Contract construction services
 Governmental services (except correctional institutions)
 Miscellaneous services (except religious activities)
 Public assembly (except entertainment assembly and race tracks)
 Amusements (except fairgrounds and amusement parks)
 Recreational activities (except designated camping and picnicking areas)
 Parks.
 3 Food and kindred products -- manufacturing
 Textile mill products -- manufacturing
 Apparel and other finished products made from fabrics, leather, and similar materials -- manufacturing
 Lumber and wood products (except furniture) -- manufacturing
 Furniture and fixtures -- manufacturing
 Paper and allied products -- manufacturing
 Printing, publishing, and allied industries
 Chemicals and allied products -- manufacturing
 Petroleum refining and related industries
 Rubber and miscellaneous plastic products -- manufacturing
 Stone, clay, and glass products -- manufacturing
 Primary metal industries
 Fabricated metal products -- manufacturing

- Professional, scientific, and controlling instruments; photographic and optical goods; watches and clocks -- manufacturing
- Miscellaneous manufacturing (except motion picture production)
- Railroad, rapid transit, and street railway transportation (except passenger terminals)
- Motor vehicle transportation (except passenger terminals)
- Aircraft transportation (except passenger terminals)
- Marine craft transportation (except passenger and freight terminals)
- Highway and street right-of-way
- Communication (except telegraph message centers)
- Utilities
- Other transportation, communication, and utilities (except transportation services and arrangements)
- Race tracks
- Fairgrounds and amusement parks
- Agricultural
- Agricultural and related activities
- Forestry activities and related services (including commercial forest land, timber production, and other related activities)
- Fishing activities and related services
- Mining activities and related services
- Other resource production and extraction
- All other activities not otherwise listed.
- 4 Undeveloped and unused land area (excluding noncommercial forest development)
- Noncommercial forest development
- Water areas
- Vacant floor area
- Under construction
- Other undeveloped land and water areas.

Subp. 3. Exceptions.

The noise area classification for a land use may be changed in the following ways if the applicable conditions are met.

- A. The daytime standards for noise area classification 1 shall be applied to noise area classification 1 during the nighttime if the land use activity does not include overnight lodging.
- B. The standards for a building in a noise area classification 2 shall be applied to a building in a noise area classification 1 if the following conditions are met:
 - (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
 - (2) the building has year-round climate control; and
 - (3) the building has no areas or accommodations that are intended for outdoor activities.
- C. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 1 if the following conditions are met:
 - (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 40 dB(A);
 - (2) the building has year-round climate control; and

- (3) the building has no areas or accommodations that are intended for outdoor activities.
- D. The standards for a building in a noise area classification 3 shall be applied to a building in a noise area classification 2 if the following conditions are met:
 - (1) the building is constructed in such a way that the exterior to interior sound level attenuation is at least 30 dB(A);
 - (2) the building has year-round climate control; and
 - (3) the building has no areas or accommodations that are intended for outdoor activities.

7030.0060 MEASUREMENT METHODOLOGY.

Subpart 1. Measurement location.

Measurement of sound must be made at or within the applicable NAC at the point of human activity which is nearest to the noise source. All measurements shall be made outdoors.

Subp. 2. Equipment specifications.

All sound level measuring devices must meet Type O, I, II, or S specifications under American National Standards Institute S1.4-1983.

Subp. 3. Calibration.

All sound level measuring devices must, at a minimum, be externally field calibrated before and after monitoring using a calibration device of known frequency and sound pressure level.

Subp. 4. Measurement procedures.

The following procedures must be used to obtain representative sound level measurements:

- A. Measurements must be made at least three feet off the ground or surface and away from natural or artificial structures which would prevent an accurate measurement.
- B. Measurements must be made using the A-weighting and fast response characteristics of the sound measuring device as specified in American National Standards Institute S1.4-1983.
- C. Measurements must not be made in sustained winds or in precipitation which results in a difference of less than ten decibels between the background noise level and the noise source being measured.
- D. Measurements must be made using a microphone which is protected from ambient conditions which would prevent an accurate measurement.

Subp. 5. Data documentation.

A summary sheet for all sound level measurements shall be completed and signed by the person making the measurements. At a minimum, the summary sheet shall include:

- A. date;
- B. time;
- C. location;
- D. noise source;

- E. wind speed and direction;
- F. temperature;
- G. humidity;
- H. make, model, and serial number of measuring equipment;
- I. field calibration results;
- J. monitored levels; and
- K. site sketch indicating noise source, measurement location, directions, distances, and obstructions.

7030.0070 SOUND ATTENUATION MEASUREMENT METHODOLOGY.

Subpart 1. Purpose.

Sound level measurements made for assessing sound attenuation as specified in part 7030.0050, subpart 3, item B, C, or D, shall be made according to the requirements of this part.

Subp. 2. Equipment.

The equipment shall meet the requirements specified in part 7030.0060, subpart 2.

Subp. 3. Calibration.

The equipment must meet the calibration requirements specified in part 7030.0060, subpart 3.

Subp. 4. Measurement procedure.

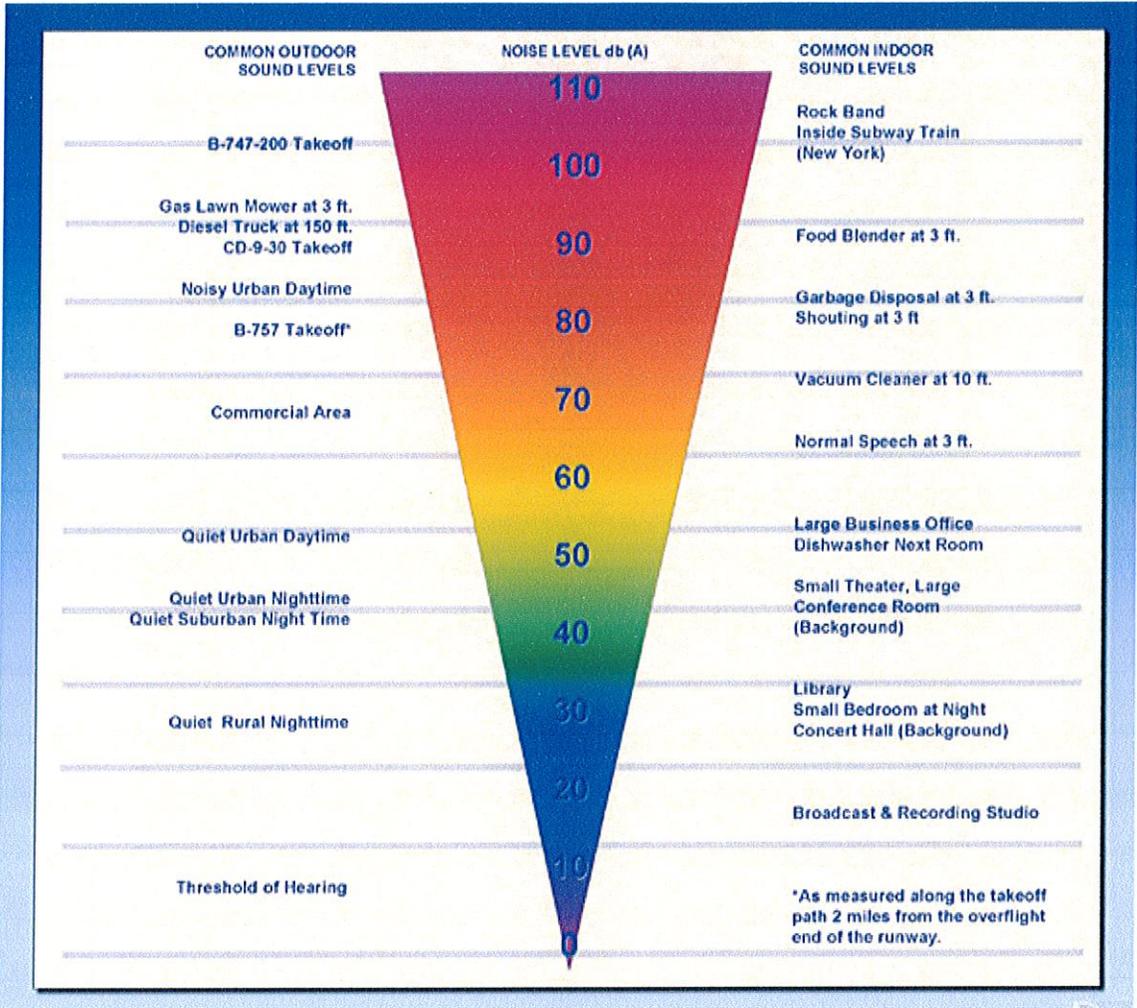
The measurement procedure described in FHWA-DP-45-1R, section 8 must be used for determination of the sound attenuation.

Subp. 5. Equivalent methods.

Methods equivalent to those described in subpart 4 may be used provided they are approved by the commissioner of the Minnesota Pollution Control Agency. The commissioner shall approve an alternative method if the commissioner finds that the method will produce representative data and results which are as reliable as the methods specified in subpart 4.

7030.0080 VARIANCE.

If, upon written application of the responsible person, the agency finds that by reason of exceptional circumstances strict conformity with any provisions of any noise rule would cause undue hardship, would be unreasonable, impractical, or not feasible under the circumstances, the agency may permit a variance upon the conditions and within the time limitations as it may prescribe for the prevention, control, or abatement of noise pollution in harmony with the intent of the state and any applicable federal laws.



**CITY OF BIRCHWOOD VILLAGE
MEMORANDUM**

TO: Birchwood Village Planning Commission

FROM: Samantha Crosby, Staff Planner

DATE: July 27, 2011 for the August 2, 2011 Planning Commission Meeting

CASE NO.: 11-6-SB

APPLICANT: Roger Kropelnicki

LOCATION: 501 Wildwood Road

BACKGROUND

At the May 10, 2011, City Council meeting the issue of the home occupation was discussed and the Council decided to refer the matter to the Planning Commission for a recommendation. At the June 7 Planning Commission meeting, on a 2 to 1 vote, the Commission recommended that the use is closer to a prohibited home occupation than an allowed home occupation and therefore should not be allowed to apply for a conditional use permit. At the June 14 City Council meeting, the City Council rejected the Commission's recommendation and decided that the use was not a prohibited home occupation and therefore the operator was eligible to apply for a conditional use permit.

REQUEST

The applicant is requesting a conditional use permit for a home occupation in order to operate a small cabinet - and other furniture - making business out of the detached garage. See attached narrative.

SITE CHARACTERISTICS

The subject site is located on the southeast corner of Wildwood Avenue and Grotto Street. The lot is 10,750-square feet in size. The lot contains a 1-story single-family residence, a 2-car detached garage and a small shed.

ANALYSIS

The home occupation section of the code states:

"No home occupation shall be noticeable from adjacent properties or right-of-way, nor constitute a fire hazard to neighboring residences, adversely affect neighboring property values, or constitute a nuisance or otherwise be detrimental to the neighbors because of traffic, noise, glare, odor, electrical interference, magnetic interference,

radio and television interference, laser beams, vibration, dust and other nuisance or safety hazards or other factors found relevant by the City Staff of City Council.”

Although there have been grievances filed in the past, it is possible that the home occupation could function in such a way as to not cause disruption to the surrounding properties. Consequently, staff's analysis has focused on mitigating possible negative impacts to the immediate neighborhood. The City's Fire Inspector visited the site and found no cause for safety concern. His only recommendation was the installation of a portable fire extinguisher within the garage. The days and hours of operation have been limited and parameters for when the garage door must be shut have been set. Insulation of the garage is not being required at this time. If noise violations occur, the applicant will have the option to insulate the garage in an attempt to mitigate the noise audible from off-site. If violations occur the City Council reserves the right to reconsider, and possibly revoke, the conditional use permit.

SUMMARY

The City's discretion in approving or denying a conditional use permit is limited to whether or not the changes meet the standards outlined in the Zoning Ordinance. If it meets these standards, the City must approve the conditional use permit. These standards are specifically listed in Section 306.070, Subd.4, compliance with which is included as a condition of approval.

If the following conditions of approval are adhered to, staff considers the request to be reasonable, and does not foresee any detrimental impact to the health, safety or welfare of the residents of the City.

RECOMMENDATION

Staff recommends approval of the Conditional Use Permit for a home occupation, subject to the following conditions:

1. All application materials, maps, drawings and descriptive information submitted with this application shall become part of this permit.
2. Hours of operation are limited to Monday through Saturday 8:00 am to 5:00 pm. With at least two days advanced notice, Mr. Kropelnicki shall accommodate the request of his neighbors not to work on a given day. It is the intent that this provision be applied sparingly to accommodate special events and occasions on neighboring properties, therefore, this provision need not be accommodated more than four week days and two weekend days per month.
3. No employees, other than Mr. Kropelnicki himself, shall be employed in the home occupation.
4. No customers shall visit the property. Additional traffic is restricted to deliveries by standard single rear axel delivery trucks such as Fed Ex, UPS or the US Postal Service, limited to no more than 3 delivery/pick-up trips per day.

5. The garage door must be closed when the stereo is on, or when a hammer or any power tool is being utilized.
6. The applicant shall unplug the air compressor when not in use so it doesn't start up at night.
7. The property and all uses thereon shall comply with the State Statues on noise for residential uses, both day and night. Applicant is responsible for any cost which may be associated with a noise meter reading, if the reading is found to exceed the noise limits.
8. The property shall comply will all provisions of Municipal Code Section 306.070, Subd. 4. If violations to this CUP, that code section, or the state statue on noise do occur, they shall be documented by the City and after the third violation, the City may re-consider the conditional use permit.
9. Any trash receptacles shall be stored to the side of the garage and shall be screened from view by a privacy fence tall enough to screen the receptacles from being viewed from off the property but no taller than 6 feet in height. If a dumpster is utilized, the dumpster shall not exceed 3-yards in size and shall be emptied often enough so that it is never over-flowing.
10. All work shall be conducted within the garage. No painting, sanding, assembly or construction work of any kind shall occur on the driveway or outside of the garage.
11. No exterior storage of equipment or materials associated with the home occupation is allowed.
12. All sawdust, paint chips, or other debris shall be properly disposed off. The garage shall not be hosed-out to wash particulate matter into the yard or towards the city street.

Prior to the resuming work, the applicant shall:

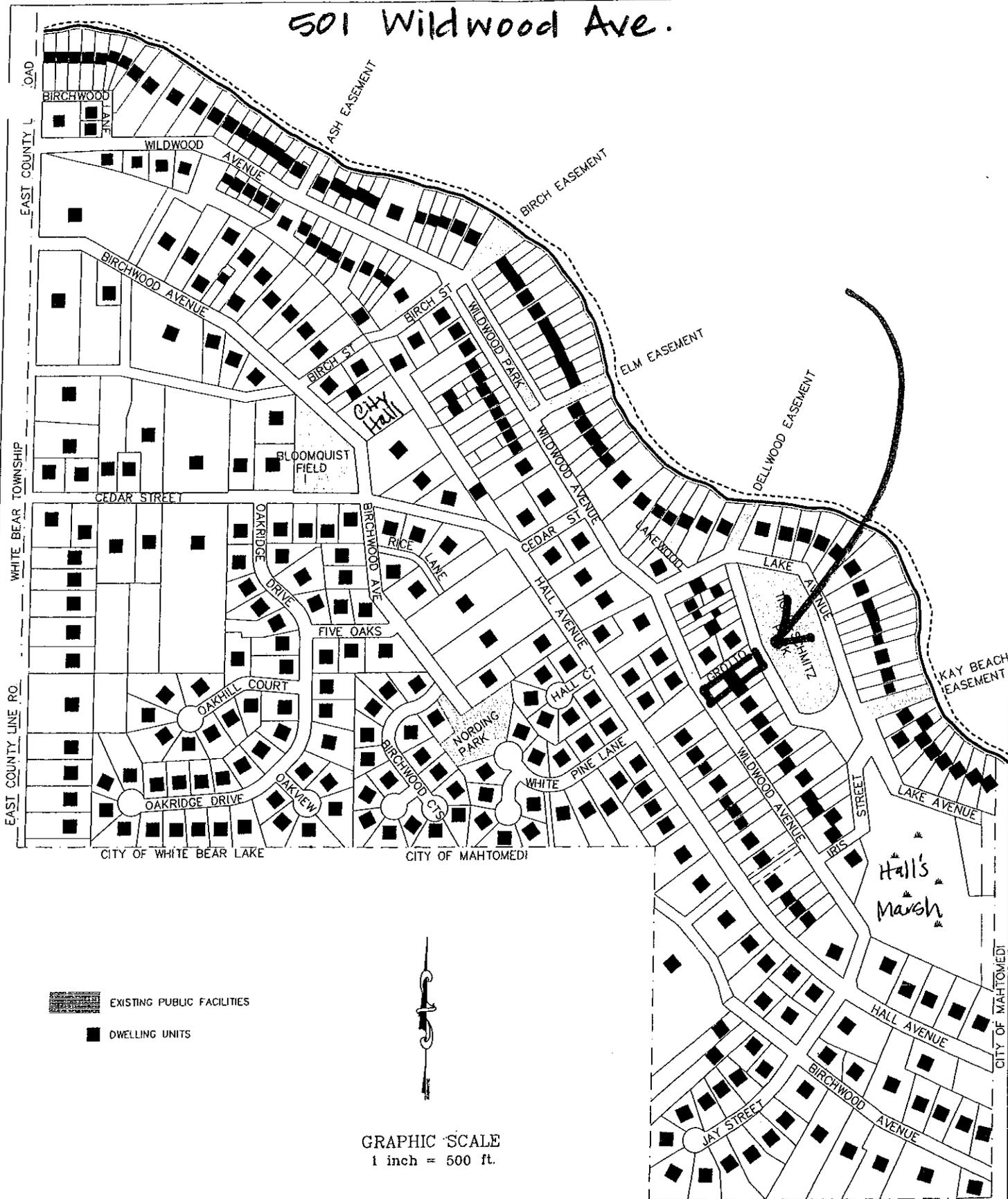
13. Have the homeowner sign the CUP application form.
14. Sign the resolution and provide a copy to both the City Clerk and the Staff Planner.
15. Install a portable fire extinguisher mounted by the service door. The extinguisher shall be rated 3A-40BC.

ATTACHMENTS

1. Location Map
2. Draft Resolution of Approval
3. Applicant's Narrative
4. Floor Plan
5. Aerial Photo/Site Plan
6. Krinke Letter dated July 23, 2011

LOCATION MAP

501 Wildwood Ave.



July 6 2011

To the Planning Commission;

On July 5 2011, I applied for a Conditional Use Permit to conduct a part time cabinet shop at my residence at 501 Wildwood Avenue, Birchwood, MN. In the past I have been building cabinets in the garage (which also continues to be used as car parking and storage for my wife's crafts) on a part time basis. I continue to work fulltime at Logistics/Con Agra in Lakeville, MN from Wednesday through Saturday, 5:00 am to 5:00 p.m. Since the June 14th Birchwood Council meeting I have not worked any hours in the garage and will not work until this matter is resolved. Following the May Birchwood Council meeting I have recorded my hours and attached are copies of May and June hours spent on the cabinet business.

I am requesting to continue to work part time Monday through Saturday 8:00 am. – 5:00 p.m.

I do not want to be restricted to only working on Mondays and Tuesdays due to the fact that occasionally Con Agra will shut down for several days and my schedule changes leaving me with other days off.

The type of work I will be conducting will be constructing cabinets on a small scale basis. I am doing small jobs because I am limited to space. I conduct business with my customers at their homes and not at my residence. I have no delivery trucks other than UPS or Speedy Delivery that drop off hardware. I use my half ton pickup truck to pick up wood. I had a dumpster and it has been removed. However, if I do decide to obtain another dumpster it will be positioned along the east side of the garage and it will have a fence around it. The equipment that I have been using in the garage is the same tools that can be purchased at Home Depot and used by any homeowner doing home projects. I have no industrial grade tools. When using a louder power tool (for example a router or planer) I have been closing the garage door to lessen the noise. (The garage door is insulated) When I am not using any power tools I would like to be able to have the garage door open.

Thank you for your consideration in this matter.

Roger Kropelnicki

A handwritten signature in black ink, appearing to read 'Roger Kropelnicki', written over a horizontal line.

Roger Kropelnicki
Cabinet work schedule

June 2011

Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
			1 10:00 - 4:00	2 Noon - 5:00	3	4 9:00 - 1:00
5	6 10:00 - Noon 4-6	7 9-6	8 10-1 4-6	9 9:30 - 11:30	10 1:00 - 4:30	11 5:30 pm - 7:30 pm
12	13 11:00 - 3:00	14	15	16	17	18
19	20	Council Mtg.	22	23	24	25
26	27	28	29	30		

Note: Roger on sick leave May 31 - June 12 allowing him extra time from regular fulltime job to work in garage

FLOORPLAN

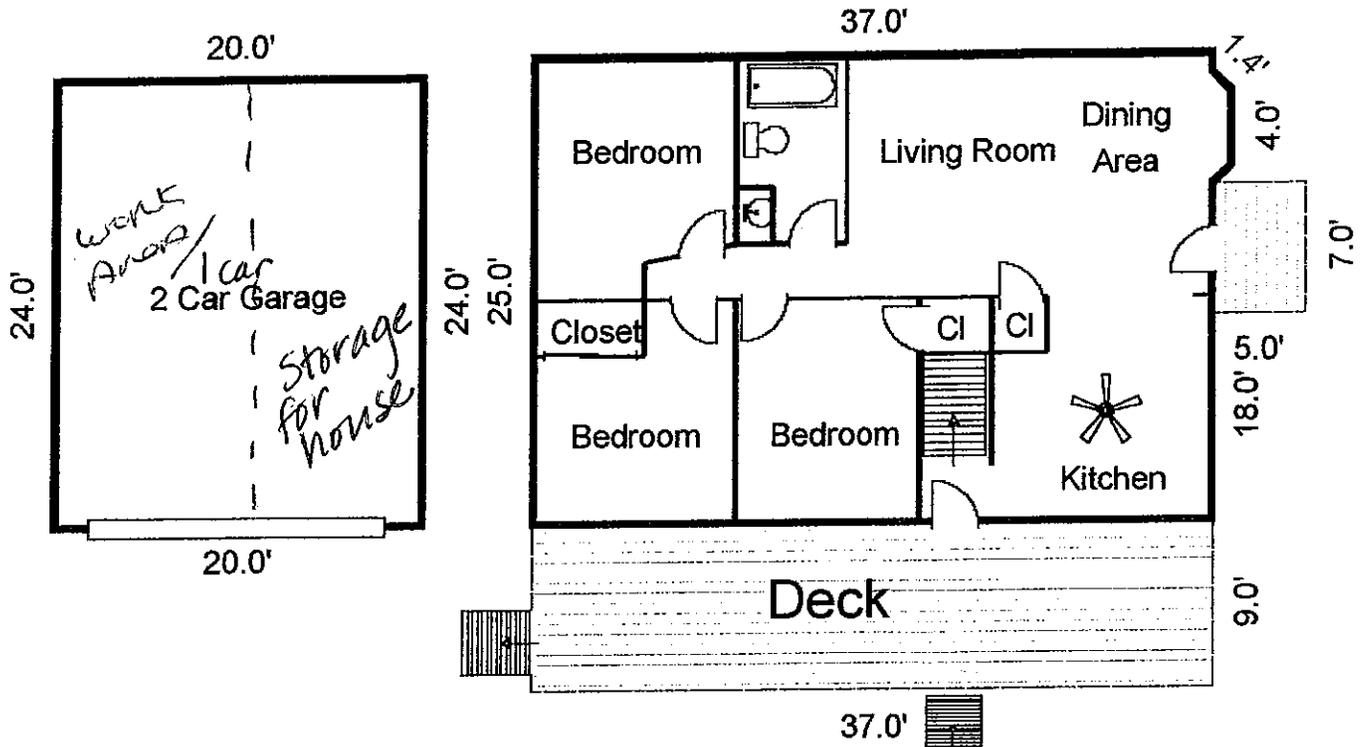
Owner/Client: Michael & Karen Charper
 Property Address: 501 Wildwood Avenue
 City: Birchwood Village

File No.: 9900041

Case No.:

State: MN

Zip: 55110



Sketch by Apex IV Windows™

AREA CALCULATIONS SUMMARY			
Area	Name of Area	Size	Totals
GLA1	First Floor	930.00	930.00
P/P	Deck	333.00	
	Porch	35.00	368.00
GAR	Garage	480.00	480.00

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
	1.0 x	4.0	4.00
	0.5 x	1.0 x 1.0	0.50
	0.5 x	1.0 x 1.0	0.50
	25.0 x	37.0	925.00

276

100 PARK THIRD

906

100

108.6

57.25

WILDWOOD

AVENUE

50

(0072)



SCOTT R. MARTIN
ATTORNEY AT LAW, P.A.

4856 BANNING AVENUE
WHITE BEAR LAKE, MN 55110
TELEPHONE: (651) 426-7525
FAX: (651) 429-0817

June 14, 2011

VIA EMAIL ONLY

Dale Powers
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Re: Roger Kropelnicki

Dear Mr. Powers:

I represent Mr. Kropelnicki with respect to complaints regarding his wood working activities at his home. Having reviewed the city ordinances I do not believe that Mr. Kropelnicki is actually in violation in any way.

Mr. Kropelnicki however wants to show his good faith in dealing with his neighbors and although not necessary would like to obtain a conditional use permit for his activities which would include some agreements to mitigate the noise, eliminate the dumpster and reduce the hours he is working in his shop.

Mr. Kropelnicki will be at the meeting tonight so I am hopeful that some agreements can be reached.

Sincerely,

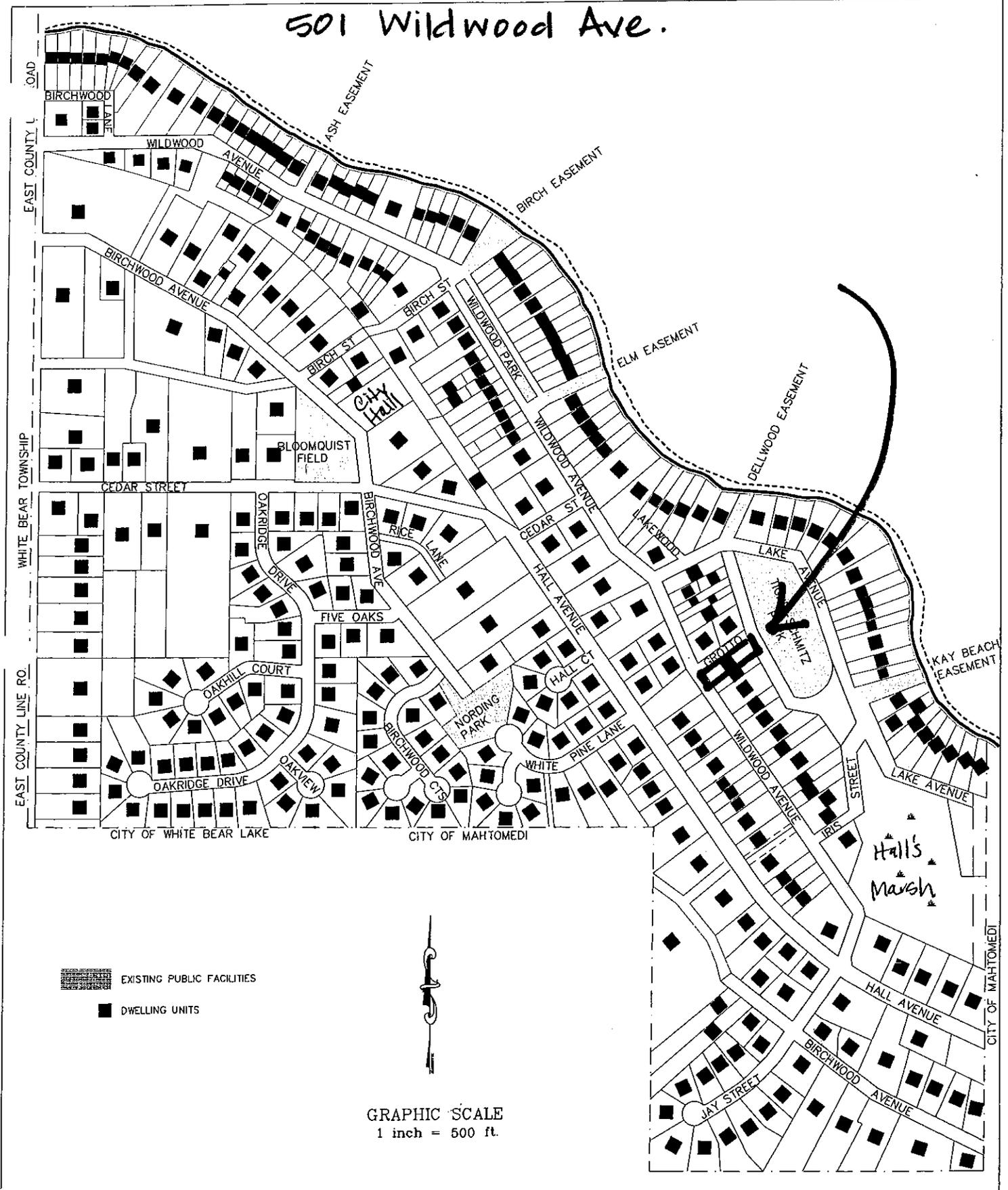


Scott R. Martin

cc: Roger Kropelnicki

LOCATION MAP

501 Wildwood Ave.

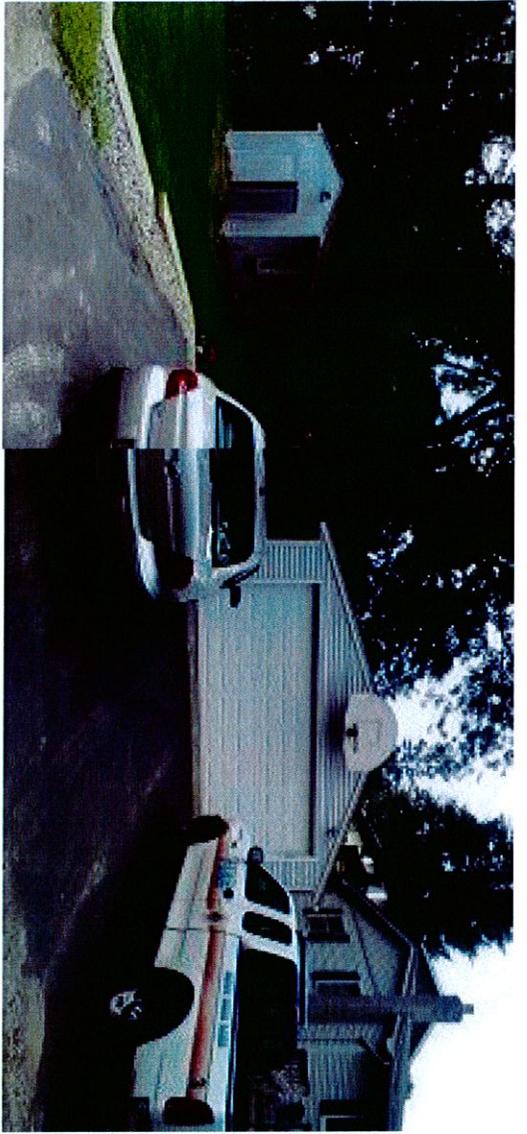


-  EXISTING PUBLIC FACILITIES
-  DWELLING UNITS



GRAPHIC SCALE
1 inch = 500 ft.









Douglas M. Krinke

429 Wildwood Avenue
St. Paul, MN 55110

(651) 645-2577

July 23, 2011

Planning Commission
City of Birchwood Village
207 Birchwood Avenue
Birchwood, MN 55110

Dear Planning Commission Members:

This letter is in response to the application by Roger Kropelnicki for a conditional use permit to operate a cabinet making business at 501 Wildwood Avenue. My wife and I live directly across Grotto Street and less than 100 feet from Mr. Kropelnicki's garage and place of business.

While we believe a cabinet making shop is hardly "invisible" as required by Birchwood code and would prefer that it did not operate in our residential neighborhood, we are willing to see if changes required by a conditional use permit will alleviate the noise which this business has been generating over the past two years.

Specifically (and at a minimum), we would expect the following "conditions" to be placed on this permit.

1. Close all doors and windows when any power tools are in operation. No exceptions.
2. Restrict hours of operations. Perhaps 8:00 am to 5:00 pm, Monday through Saturday (or better yet Friday). This gives Mr. Kropelnicki 54 hours per week (or 45) to work.
3. Close the doors and windows when the stereo system is in use (or use earphones).
4. Unplug the air compressor when not in use so it doesn't start up at night.
5. The above conditions should apply to all noise making activities in the garage, regardless of whether Mr. Kropelnecki is building cabinets for his business or using his equipment for other purposes. We don't want Mr. Kropelnicki to claim he can ignore the conditions placed on him because he is using his equipment for a non-business purpose.

In order to operate comfortably year round, we assume Mr. Kropelnecki will need to insulate the walls and install better doors and windows. This should also help reduce the sound of his activities.

The conditions we are asking for are only what one might expect of a considerate neighbor. We will be attending the Planning Commission meeting on August 2nd if you have questions.

Sincerely,

Doug Krinke

Bea Krinke

XFINITY Connect

birchwoodvillage@comcast.net

± Font Size ±

FW: Conditional use permit for 501 Wildwood Ave

From : john wyland <wylandj@hotmail.com>

Thu, Jul 28, 2011 01:48 PM

Subject : FW: Conditional use permit for 501 Wildwood Ave**To :** birchwoodvillage@comcast.net

- > From: wylandj@hotmail.com
- > Date: Tue, 26 Jul 2011 10:33:24 -0500
- > Subject: Conditional use permit for 501 Wildwood Ave
- >
- >
- > Dear Planning Commission Members:
- >
- > This letter is written in response to Roger Kropelnicki's application for a conditional use permit for a commercial cabinet making shop at 501 Wildwood Ave.
- > I live right across the Grotto street easement, less than 100 feet from the proposed business. This business has been operating for over 2 years now, disrupting
- > the peace and quiet of our neighborhood.
- >
- > According to local Birchwood ordinance "at home occupations" should be "invisible". In keeping with the spirit of the ordinance I believe this business should
- > not be allowed in our neighborhood, I don't see much difference between a "cabinet making shop" and a "machine shop" which is a prohibited home occupation.
- >
- > I realize you have heard all these complaints before but I believe Mr Kropelnicki has been extremely inconsiderate, of his neighbors, in the way he has operated his
- > business in the past. If the commission was to grant a conditional use permit for this business, I would expect to see several changes in its operation.
- >
- > 1. Screen dumpster and storage area on NE side of garage.
- >
- > 2. Close doors when operating power tools and stereo.
- >
- > 3. Insulate (for noise abatement) air compressor and turn off when not in use.
- >
- > 4. Hours of operation should also be limited to some sort of normal business hours, possibly Monday through Friday from 8 am to 4 or 5 pm.
- >
- > Furthermore, if this business is allowed to operate in Birchwood, who monitors the business for compliance to the "conditions" of the permit? How long the permit is valid?

> What is the review process for renewal? Also, since Mr Kropelnicki's garage may now become a legal commercial cabinet making shop, will he be allowed to continue with
> his own personal projects after business hours and on weekends?

>

> Thank you for time and consideration in this matter, please feel free to call upon me if you have any questions.

>

> Sincerely,

>

> John L Wyland

> 427 Wildwood Ave, Birchwood, MN 55110

> Phone # 651-271-6297

>

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Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: July 28, 2011

RE: Capital Improvements Plan

The City does have a Capital Improvements Plan (CIP) that outlines projects that the City is proposing to undertake beyond regularly scheduled maintenance. The plan has not recently been updated and so as part of the budget process we have worked with Council members to provide an update. A memo is included in your packet regarding the Wildwood Lift Station maintenance that was recently required and proposes three sanitary sewer projects to be included within this plan. Beyond those mentioned in the memo for the sanitary sewer distribution system, it is also currently scheduled to replace the Birchwood Lane pumps in 2012.

The watermain system does have some maintenance that needs to be completed as well. It is proposed this year to address the deficiencies in the hydrants that will not turn on as noted by White Bear Lake Public Works staff. The CIP has been updated to reflect addressing an additional 14 hydrants that have less serious issues ranging from leaky gaskets to difficulty turning.

The street network has the largest cost associated with the improvements. The streets within the City are approaching the need for some type of rehabilitation beyond crack filling and seal coating. The streets were last overlaid as part of a three year improvement program from 1997 to 1999. Due to the age of the streets we would expect that this type of rehabilitation would not quite last twenty years. In addition, Cedar Street and Hall Avenue have been shown on the CIP as a full reconstruction. It was discussed with the previous council that another type of improvement could be undertaken that would reduce the estimated cost in half.

The Birchwood City Code currently states that 100% of the cost of reconstruction of a residential street shall be assessed to the abutting property based on front footage. This assessment policy has been reviewed several times, but as the City begins to prepare for the upcoming cost of the street projects it may want to confirm that policy.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the August 9th, 2011 Council meeting.



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

Dale Powers
207 Birchwood Av
Birchwood, MN 55110

Dear Mr. Powers:

The Washington County Sheriff's Office understands that you we are not the primary law enforcement provider. I have met with Chief Bankes of the White Bear Lake Police Department regarding the purchase of a mass notification system by the Sheriff's Office; explaining its use and the availability of the system to her agency for the City of Birchwood. She is supportive of the system and its application by the White Bear Lake Police Department. Below is additional information on the system, you will see the Sheriff's Office is hoping for participation by all Washington County cities and townships. We are very excited about this system and feel it is a great tool for the citizens of Washington County and public safety. I would be happy to speak with you should you have additional questions regarding the system or its application. We look forward to the City of Birchwood's involvement.

The Washington County Sheriff's Office was approached by a number of our city partners asking us to spearhead the purchase and implementation of a Mass Notification System. These systems allow public entities the ability to quickly communicate to the public through phone and web based messages.

We are happy to announce that the Washington County Sheriff's Office in cooperation with Washington County Public Health has entered into contract with Emergency Communications Network for a Mass Notification System known as Code Red. The Code Red System will allow Public Safety and other government agencies the ability to send mass messages to a specific area or jurisdiction that can be selected by the user. Messages sent by the Code Red System can be received by a home phone, cell phone as a message or text or by an email. Messages are sent by using the Code Red web based program that utilizes the Code Red infrastructure. The system has the ability to send a very high number of calls in a short period of time. In one recent situation in Dakota County, the Code Red system was activated to assist in the search for a missing vulnerable adult. Because the of Code Red message a local citizen located the missing person and was able to notify authorities.

What does the Code Red System offer the citizens of Washington County? The intention of purchasing the Code Red System is to provide emergency notification to the citizens in a timely fashion utilizing the latest mass notification technology. In 2012 there will be 150,000 minutes available for emergency notifications as proposed in the financial model (see below). Code Red can be used for non emergency applications, however, those notifications would be paid for by the entity that sends the message. The goal is to ensure there are adequate amount of minutes in the case of an emergency. Code Red does allow free text messaging capabilities within the System, making it available to use as a staff notification resource for participants.

The cost of the the Code Red System for Washington County is \$33,750.00 per year. The Sheriff's Office and Public Health have both dedicated money to pay for the Code Red System for the rest of 2011. In 2012, the County is paying \$15,000 or nearly half of the cost, however, we are asking for help from the cities/townships to assist in paying for the remainder. The fee structure that has been presented to the city administrators during a recent meeting is to have each city/township pay \$.07860 x the population of the city/township. This fee structure appears to be the most equitable solution for raising the necessary funds to provide this valuable tool to the citizens of Washington County. As an example, the City of Pine Springs would pay \$32.06 a year while the City of Woodbury would pay \$4,870.13 a year.

We are hoping all of the cities and townships will be interested partnering with us in the Code Red System. Please let me know if your city/township is interested in using and helping fund the program in 2012. I have attached a spreadsheet with the cost by city/township for your review. We have developed a policy for the use of the system in addition to a joint powers agreement. Those documents have been included for your review as well. In an effort to ensure that the Code Red system is available for use by all as soon as possible, I am asking that you notify the Sheriff's Office if you will be or not be participating by August 1st 2011. Those that are going to participate in the system will need to have a copy of the Joint Powers Agreement signed and returned to the Sheriff's Office no later than August 18th 2011. Please contact Commander Anschutz at 651-430-7846 with any questions about the system.

Sincerely,



William M. Hutton
Sheriff

Enclosed: Mass Telephone Notification System Policy
Cost by population worksheet
Joint Powers Agreement



Office of the Sheriff

Commitment to Excellence



William M. Hutton
Sheriff

Daniel Starry
Chief Deputy

City or Township	2010 US Census Population	Code Red Cost per year Formula (Population x .07860)
Afton	2,886	\$226.83
Bayport	3,471	\$272.82
Baytown Township	1,723	\$135.42
Birchwood Village	870	\$68.38
Cottage Grove	34,589	\$2,718.69
Dellwood	1,063	\$83.55
Denmark Township	1,737	\$136.52
Forest Lake	18,375	\$1,444.27
Grant	4,096	\$321.94
Grey Cloud Island Twp	289	\$22.71
Hugo	13,332	\$1,047.89
Lake Elmo	8,069	\$634.22
Lake St Croix Beach	1,051	\$82.60
Lakeland	1,796	\$141.16
Lakeland Shores	311	\$24.44
Landfall	686	\$53.92
Mahtomedi	7,676	\$603.33
Marine St Croix	689	\$54.15
May Township	2,776	\$218.19
Newport	3,435	\$270.00
Oak Park Heights	4,339	\$341.04
Oakdale	27,378	\$2,151.91
Pine Springs	408	\$32.06
Scandia	3,936	\$309.36
St. Marys Point	368	\$28.92
St. Paul Park	5,279	\$414.92
Stillwater	18,225	\$1,432.49
Stillwater Twp	2,366	\$185.97
West Lakeland Twp	4,046	\$318.01
White Bear Lake	403	\$31.67
Willernie	507	\$39.85
Woodbury	61,961	\$4,870.13
Total	238,136	\$18,717.36

1. Policy Overview

The Washington County Sheriff's Office 911 PSAP(Public Safety Answering Point) has implemented a Mass Telephone Notification System (MTNS) that allows the PSAP and authorized users to contact citizens and staff regarding an imminent danger or emergency that may affect public health, safety, or welfare.

The Washington County Sheriff's Office PSAP operates the MTNS on behalf of all participating departments in Washington County and is responsible for assuring the system is used in accordance with the guidance set forth in this document.

1.1 System Overview

The Mass Telephone Notification System (or MTNS, or System) is a rapid communication service available for Mass Emergency Notifications. MTNS employs internet mapping capability for geographic targeting of calls, coupled with high speed telephone calling system capable of delivering customized pre-recorded emergency messages directly to homes, mobile phone devices and business, whether answered by an individual or answering machine at the rate of up to 60,000 calls per hour. It also has the capability to notify subscribers through text message, email, Facebook, SMS and Twitter. MTNS subscribers control their emergency broadcasts from anywhere in the world via a secure internet portal.

1.2 Definitions

1.2.2 Notification Scenario

A Notification Scenario is a situation where property or human life is in jeopardy or where notification would assist a public safety agency in the accomplishment of a critical task.

1.2.3 Scenario Types

In order to provide for standardized conditions of use, the WCSO shall define authorized message types that will be transmitted using the MTNS system as:

- a. Emergency Notifications: Notifications that are sent by a participating agency that are related to public safety or public health.

- b. **General Notifications:** Notifications that are sent by an agency for the purpose of public notification. General Notifications are those that do not meet the criteria of a Emergency Notification.

1.2.4 Authorized System User

Authorized System User means:

- (1) The Washington County Administrator, the Sheriff, and/or the county Emergency Management Manager. A city administrator, police chief and/or fire chief of a jurisdiction in Washington County. The department head of a jurisdiction non-public safety department within Washington County. It shall be the responsibility of the county/city administrator to identify any other appropriate users.
- (2) An individual designated in writing by an Authorizing System User described above. The Authorized System User has the authority to request a Trained User to activate a notification scenario.

1.2.5 Other Participating Entities

Government organizations not defined in section 1.2.4 and private organizations which by the nature of their business activities have the potential need to contact citizens and staff regarding an imminent danger or emergency that may affect public health, safety, or welfare may be authorized by the Washington County Sheriff to utilize the MTNS. Such participation is conditioned upon a properly executed written agreement with the Washington County Sheriff's Office establishing terms, conditions and costs for system use. Their use of the system will be approved through the public safety entity within the jurisdiction.

1.2.6 Trained User

Trained User means an individual who has satisfactorily completed the training curriculum prescribed by the Sheriff's Office for accessing and activating the Notification Scenario and been designated by an Authorized System User as someone who has permission to activate a Notification Scenario. In its sole discretion, the Washington County Sheriff may limit the number and identity of Trained Users that have direct access to the System.

1.2.7 WCSO MTNS System Administrator

The Washington County Sheriff's Office will designate an employee of the PSAP as the System Administrator. The WCSO System Administrator is responsible for the overall administration of the System which includes maintaining lists of Authorized System Users and Trained System Users and acts as the primary contact for all users for System related changes or issues.

1.3 Participating Entity Requirements

1.3.1 Point of Contact

A participating entity, whether public or private that is authorized to activate the WCSO MTNS System, shall provide the MTNS System Administrator with a Point of Contact who administers the System for that entity.

1.3.2 System Maintenance and Integrity

The Point of Contact named in section 1.3.1 shall:

- Maintain an up-to-date roster of all Authorized Users and Trained Users and send a copy of the roster to the MTNS System Administrator and notify the same of any changes in Users.
- Ensure that Trained Users are available during their normal work hours and receive annual refresher training on the MTNS system or as needed.
- Request training, or training materials as needed.
- Ensure that access to the MTNS system is limited to Trained Users.
- Protect and limit the use of the assigned user name and password which grants access to the system website. In the event a Trained User is no longer authorized to access and activate the system, the password shall be changed immediately.
- Take any and all steps necessary to protect the information within the MTNS database from misuse or release to unauthorized parties.
- Notify the MTNS System Administrator of any system security breaches or suspected tampering.

1.4 Testing Procedures

1.4.1 Frequency

The MTNS System Administrator will coordinate with Authorized System Users to conduct quarterly testing of the system.

1.4.2 System Discrepancies

Any problems or discrepancies within the system identified during testing shall be reported to the MTNS System Administrator immediately for action.

1.5 Activation Procedures

1.5.1 Voice Messages

Authorized System Users will submit a request to the WCSO PSAP to initiate a voice notification consisting of an outbound telephone notification by voice message. The WCSO PSAP Shift Supervisor or designee will then activate the MTNS system for such requests for outbound telephone notifications. Private sector users will coordinate activation through their public safety partner.

1.5.2 Pager, Text, and Email Notifications

Pager, text, and email notifications through the MTNS can be sent by Trained Users of any Participating Entity at no additional cost to the user agency.

1.6 Allocation of Minutes

The Washington County Sheriff's Office MTNS system designates 150,000 minutes per year of connected call time for usage by the Sheriff's Office and authorized users.

1.6.1 Designation of Time

- All Emergency Notifications, as defined in section 1.2.3 will be activated by WCSO at no additional cost to the member agency, except that Emergency Message Notifications sent at the request of a non-public safety government

entity as defined in section 1.2.5 shall be billed to the requesting agency at the current approved rate.

- General Notifications, as defined in section 1.2.3, sent at the request of the member agency will be billed to the requesting agency at the current approved rate.
- General Notification billing rates may be adjusted by the Sheriff. These rates will be established in the current Code Red agreement.
- The WCSO System Administrator is responsible for coordinating the use of 500 system minutes for testing and training.
- Funds resulting from General Notifications and monthly recurring fees from other participating entities will be maintained by the WCSO and applied to the purchase of additional voice call minutes once the allotted 150,000 prepaid minute bank is exhausted.
- In the event that not all of the 150,000 prepaid minutes are used during a contract period, the funds collected from a participating agency for General Notifications will be carried forward to the following year. The WCSO will retain those funds and apply them towards any future General Notifications sent by that agency or for the purchase of "roll over minutes" as defined in the Code Red Contract.

1.7 Official Use Only

The WCSO MTNS system will be used for official use only. It is the responsibility of Authorized Users to assure that all notifications they request are compliant with the message definitions described in section 1.2 of this policy.

The PSAP shall be informed of all activations in order to respond to follow up calls and questions from the public or agency staff.

1.9 Message Types

The MTNS system shall be used for incidents where rapid and accurate notification is essential for public safety.

1.9.1 Emergency Notifications

Emergency voice notifications shall be limited to:

- Incidents requiring the public to evacuate.

- Incidents requiring the public to shelter in place.
- Incidents involving missing children.
- Incidents involving missing vulnerable adults.
- Incidents involving any other imminent threat to public health or safety where protective actions by the public are necessary.
- Notification of Member Agency or other participating entity critical staff when Emergency Notification methods are not functioning or are otherwise unavailable for use.

The WCSO system may be used for incidents where authorized entities deem the situation suitable for activation.

1.9.2 General Notifications

General Notifications shall be limited to:

- Missing person notifications not including those described in section 1.9.1
- Dissemination of Crime Prevention information with no imminent threat to public safety.
- Special Notifications.
- Member agency requested tests/drills.

**JOINT POWERS AGREEMENT BETWEEN THE WASHINGTON COUNTY SHERIFF'S
OFFICE AND THE CITY OF BIRCHWOOD VILLAGE**

THIS AGREEMENT is made by and between political subdivisions organized and existing under the Constitution and laws of the State of Minnesota. Washington County a political subdivision by and through its Sheriff's Office (hereinafter "Provider") and the City of Birchwood Village Minnesota, a municipal corporation, (hereinafter referred to as the "City") are the parties to this agreement.

WHEREAS, both political subdivisions through their law enforcement agencies manage threats to public health and safety.

WHEREAS, Minnesota Statutes Section 471.59 provides that two or more governmental units may by Agreement jointly exercise any power common to the contracting parties.

WHEREAS, The Provider has entered into a contract with Emergency Communications Network for the purpose of providing a Mass Emergency Notification System also known as Code Red.

WHEREAS, The provider has agreed to purchase 150,000 minutes from Emergency Communications Network for the purpose of sending Mass Emergency Notifications to home, business or cell phones.

WHEREAS, the Provider has agreed to purchase the Mass Emergency Communication system to assist agencies within Washington County provide necessary emergency and non emergency mass notifications.

WHEREAS, The City is in need of having the ability to communicate with the public in a timely fashion during both emergency and non emergency situations.

WHEREAS, At the request of the City, the Provider is willing to provide a Mass Emergency Notification System.

NOW THEREFORE, Pursuant to the authority contained in Minnesota Statute Section 471.59. commonly known as the Joint Powers Act which authorizes two or more governmental units to jointly exercise any power common to them and /or Minnesota Statutes Sections 626.76 and in consideration of the mutual covenant herein contain and the benefits that each party hereto shall derive hereby the Provider and City agree to the following terms and conditions.

PURPOSE

The purpose of this joint powers agreement is set forth in the recitals contained in the above whereas clauses which are incorporated by references if fully set forth herein.

CITY'S RESPONSIBILITIES

1. When needed, the City's representative shall be able to utilize the Mass Emergency Notification Communication System by notifying the Washington County Sheriff's Office 911 PSAP for Emergency Notifications. Emergency Notifications are those that are related to public safety as defined in the Code Red Policy. The 150,000 minutes purchased by the provider will be used for all Emergency Notifications at no additional cost to the City.
2. The City agrees to pay the Provider \$68.38 for the purpose of purchasing its proportionate share of 150,000 Emergency Notification minutes per year.
3. The City will conform to any Policy developed by Provider related to the use and maintenance of Code Red.
4. The City's representative shall be responsible for determining the content of any Emergency Notification message in addition to the geographic area the message is to be sent.
5. The Washington County 911 PSAP Center personnel will assist in preparing Emergency Notifications as defined in the Code Red Policy and will be responsible for initiating the call procedures through Code Red at the direction of the City's authorized representative.
6. The City's representative will be responsible for sending any General Notifications, as defined in the Code Red Policy, through a web based server. General Notification minutes used will be paid by the City to the Provider at an additional contracted rate of .25 per minute. Those funds will be retained by the provider for the sole purpose of purchasing minutes on the Code Red System.
7. For every additional year this agreement is extended the Provider will invoice the City at a rate of \$68.38 per year for emergency notification minutes.

8. City will be responsible for the payment of additional year(s) extension upon receipt of the invoice from the Provider.

PROVIDER'S RESPONSIBILITIES

1. Provider agrees to enter into a contract with Emergency Communications Network for the purchase of 150,000 minutes of the Code Red Mass Notification System in 2012.
2. Provider will develop a policy related to the use and maintenance of the Code Red System.
3. Provider will assign a 911 PSAP employee as the Code Red System administrator.
4. Provider agrees to train the 911 PSAP personnel in the operation of the Code Red System.
5. Provider agrees to train the City representative in the use of the Code Red System.
6. The Provider will test the Code Red System to ensure the system is operating properly.
7. The Provider will monitor the number of minutes used by all agencies to ensure there is sufficient number of minutes available in the event of an emergency.

TERM OF AGREEMENT

The initial Term of this Agreement shall be from January 01, 2012 and ends December 31, 2012, the date of the signature of the parties notwithstanding, unless earlier terminated in accordance with the termination clause. After the initial Term, this Agreement will automatically renew for two additional one year periods with the final termination date of December 31st 2014, unless the automatic extension is cancelled by the City in accordance with the termination clause.

PAYMENT

The City shall pay the Provider within 30 days of being invoiced for the City's annual portion of the Code Red System or for any General Message minute usage.

INDEPENDENT CONTRACTOR

It will be agreed that nothing within the contract is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties or as constituting the City as the agent, representative, or employee of the Provider for any purpose or in any manner whatsoever.

ASSIGNMENT

The City shall not assign any services contemplated under this agreement.

RECORD DISCLOSURES/MONITORING

Pursuant to Minn. Statute 16C.05 SUBD. 5, the books, records, documents and accounting procedures and practices of the contractor relevant to the contract are subject to examination by the County and either the legislative auditor or the state auditor, as appropriate. The contractor agrees to maintain and make available these records for a period of six years from the date of termination of this agreement.

INDEMNIFICATION

- a. The City agrees it will defend, indemnify and hold harmless the Provider, its officers and employees against any and all liability, loss, costs, damages, and expenses which the Provider, its officers, or employees may hereafter sustain, incur, or be required to pay arising out of the negligent or willful acts or omissions of the City in the performance of this agreement.
- b. The liability of the parties under this agreement shall be governed by Minnesota Statutes section 471.59 subdivision 1a. Each party to this agreement shall be liable for its own acts or omissions and shall not be liable for the acts or omissions of any other party to this agreement.

INSURANCE REQUIREMENTS

The City agrees that in order to protect itself, as well as the Provider, under the indemnity provisions set forth above, it will at all times during the term of this Agreement, keep in force the following insurance protection in the limits specified:

1. Maintain membership and participation in the Minnesota League of Cities Trust or Commercial General liability Insurance with contractual liability coverage in the amount of the City's and Provider's tort liability limits set forth in Minnesota Statute Section 466.04 and as amended from time to time.
2. Automobile coverage in the amount of the City's and Provider's tort liability limits set forth in Minnesota Statute Section 466.04 and as amended from time to time.
3. Worker's Compensation in statutory amount.

Prior to the effective date of this Agreement, the City will furnish the Provider, with certificates of insurance as proof of insurance. This provision shall be set as a condition subsequent; failure to abide by this provision shall be deemed a substantial breach of contract.

Any policy obtained and maintained under this clause shall provide that it shall not be cancelled, materially changed, or not renewed without thirty days notice thereof to the Provider.

DATA PRACTICES

All data collected, created, received, maintained, or disseminated for any purposes by the activities of the contractor, because of this agreement, is governed by the Minnesota Government Data Practices Act, Minnesota Statutes Chapter 13, as amended, the Minnesota Rules implementing such Act now in force or as adopted, as well as federal regulations on data privacy.

TERMINATION

- a. Provider may cancel this Agreement with or without cause at any time upon giving a 30 days written notice to the City Administrator or designee. The City may cancel this Agreement with or without cause at anytime upon giving a 30 days notice to the Washington County Sheriff or designee. No monies paid will be refunded to the City upon termination of this contract.
- b. During the initial or subsequent term if the City does not want to exercise the automatic one year renewal, it must provide written notice of such to Provider at least 90 days prior to December 31st of the current year.
- c. If Provider does not renew its contract with Emergency Communication Network for 150,000 minutes of the Code Red Mass Notification System for years 2013 and or 2014, the Provider will notify the City 30 days prior to December 31st 2012 or December 31st 2013 respectively.

WASHINGTON COUNTY

BIRCHWOOD VILLAGE

BY: _____
County Board Chair

DATE: _____

BY: _____ DATE: _____

BY: _____
County Administrator

DATE: _____

BY: _____
Sheriff

DATE: _____

Approved to as form:



Asst County Attorney

CORNERSTONE CONSTRUCTION & MANAGEMENT

1185 N. Concord, South St. Paul, MN 55075
Office: 651-453-1194, Fax: 651-453-1195
WWW.CCMCORNERSTONE.COM

Proposal Submitted to: City of Birchwood, c/o city clerk 207 Birchwood Ave Birchwood, Mn	Date: 6-11-10 Job Name: stain/paint city hall
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Bid to include the following:

- Permits
- Power-wash and scrape as necessary
- Paint or stain with (2) coats of either Hirshfield or Sherwin Williams:
- All siding and trim on building to include around windows
- All soffits -
- Front exterior door
- Replace all rotten boards \$4,810.00
- Patch holes
- Caulk - *valkuma* 90 LF of siding R/R

We hereby propose to furnish labor and material -- complete in accordance with the above specifications, for the sum of: \$4,810.00

Four thousand eight hundred ten dollars and 00/100 (2) payment to be made as follows:
1/3 deposit at the beginning of the project and balance upon completion.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alterations or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Performance shall be excused in the event of flood, fire, storm, war or other natural or man-made occurrence materially alters our cost of completing the job. Payment shall be due for work done up to the date of any such occurrence. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and or necessary insurance.

Authorized Personnel Signature _____ Date 6-11-2010
Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal

The above prices, specifications and conditions are satisfactory and are hereby accepted. I (we) authorize Cornerstone Construction and Management to do the work as specified. Payment will be made as outlined above.

Pre-Lien Notice as Required by Law

Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company has not paid for the contributions.

Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from the contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or materials for this improvement and who gave you timely notice.

Accepted by: _____ Signature: **X** Date: _____

CONTRACT WITH CITY OF BIRCHWOOD VILLAGE
FOR PAINTING CITY HALL

This Contract made this ____ day of _____, 2011 by and between the City of Birchwood Village, a Minnesota municipal corporation located in Washington County, Minnesota, and Cornerstone Construction & Management, Inc., a Minnesota corporation.

It is hereby mutually agreed by the parties, as follows:

1. Parties. The Parties to this Contract are the City of Birchwood Village (hereinafter the City) and Cornerstone Construction & Management, Inc., (hereinafter the Contractor).

2. Services to be Performed by the Contractor. The Contractor shall paint or stain the exterior of the Birchwood city hall, including all siding, trim, soffits, eaves, and the front exterior door. The Contractor shall power wash the entire city hall and scrape all surfaces as necessary before applying any paint or stain and shall apply two coats to all surfaces painted or stained. The Contractor may stain the siding by spraying and backrolling but all trim shall be painted or stained by brush. The color shall be selected by the Contractor to match the existing color to the extent possible. The Contractor shall use a high quality Cabot stain for exterior surfaces, and a high quality exterior paint of its choice for the trim. Further, the Contractor shall replace all siding pieces that the Contractor determines have deteriorated to such an extent that replacement is necessary before painting, not to exceed 100 linear feet of siding. The replacement siding shall be identical in size and quality to the existing siding. The Contractor shall complete the painting by August 31, 2011.

3. Compensation. The City shall pay the Contractor the sum of \$4800 for painting city hall. In addition, the City shall pay the Contractor \$60 per hour per person to replace any siding, not to exceed eight man-hours of labor, and shall pay the cost of the siding replaced, not to exceed the sum of \$800 for materials and labor. The City shall pay the Contractor the sum of \$2400 upon commencement of the painting, and the remaining \$2400 and the costs for any siding replaced within 72 hours of receipt of notice of completion of all services, provided the City is satisfied with the services. The Contractor shall notify the City of completion of the services and the total siding replacement charges. Notice can be given orally or in writing.

4. Other Suppliers; Possible Liens. The parties acknowledge that any person or entity that supplies labor or materials for this project may file a lien against the property if the person or entity has not been paid for its labor or materials. The City has the right to pay directly any person or entity who supplies labor or materials for this project and deduct this amount from the contract price, or withhold the amounts due the Contractor until 120 days after completion of the project unless Contractor provides the City with a lien waiver signed by the person or entity that supplied the labor or materials

5. Guarantee. The Contractor guarantees its work for a period of ten years from completion.

6. Independent contractor. The Contractor shall be deemed an independent contractor for purposes of the services to be provided under this Contract and shall not be entitled to any of the benefits usually accorded regular City employees, including but not limited to severance pay, health insurance benefits, retirement credits, worker's compensation coverage, or any other rights or benefits that accrue to present City employees.

7. Notice to parties. Notices required to be provided pursuant to this Contract shall be given by deposit in the United States Mail, postage prepaid, to the following addresses or by personal service or by e-mail if the parties agree:

<u>The City</u>	<u>The Contractor</u>
City Clerk City of Birchwood Village 207 Birchwood Avenue Birchwood, Minnesota 55110 Phone: 651-426-3403	Don Hauer Cornerstone Construction & Management, Inc. 1185 N. Concord Street South St. Paul, Minnesota 55075 Phone: 651-453-1194

8. Insurance. The Contractor shall maintain general liability insurance at all times while this Contract is in effect and shall provide the City with a copy of the insurance policy upon request of the City.

9. Indemnity. The Contractor agrees to indemnify and otherwise hold the City harmless for any and all responsibility, liability, or obligation resulting from the Contractor's activities under this Contract.

10. Transfer of Rights and Obligations. The Contractor may not transfer its rights or obligations under this Contract without the approval of the City Council.

11. Nondiscrimination. The Contractor agrees that during the term of this Contract, it will not within the State of Minnesota discriminate against any employee or applicant for employment because of race, color, creed, sex, national origin, or ancestry and will include a similar provision in all subcontract(s) entered into for the performance hereof. This paragraph is included in this Contract to comply with provisions of Minnesota Statutes section 181.59.

12. Amendment. This Contract may be amended at any time by agreement of the City and the Contractor. Any amendments shall be in writing to be effective.

13. Effective date. This Contract shall be effective upon the date first stated above.

14. Termination. This Contract shall terminate upon completion of the services and payment by the City, except for the guarantee obligations of the Contractor under paragraph 4.

IN WITNESS WHEREOF, the Parties have caused this Contract to be executed this _____ day of _____, 2011.

CITY OF BIRCHWOOD VILLAGE

By: _____
Alan Mitchell
Mayor

Dated: _____

By: _____
Dale Powers,
Clerk

Dated: _____

CORNERSTONE CONSTRUCTION & MANAGEMENT, INC

By: _____

Dated: _____



Memo

TO: Honorable Mayor and City Council Members

FROM: Kristie Elfering, City Engineer

DATE: July 28, 2011

RE: Wildwood Lift Station

As you are all aware, the Wildwood Lift Station required maintenance and parts replacement on July 26th, 2011. The need for the maintenance was discovered by White Bear Lake staff as part of their routine maintenance of the lift station. Gravel entering the sanitary distribution system from some internal point had worn down one of the pumps and a check valve. There was a concern that the pump was no longer functioning adequately and it could result in a sewer back-up and so the work was authorized without a special council session being called. The estimated cost for the labor and parts is \$7,000. The work was undertaken by General Repair and completed on July 28th.

The immediate issue was addressed with the replacement of the one pump and check valve, but the question does remain as to where the gravel is entering the system. A majority of the sanitary sewer mains have been rehabilitated; however there are a few segments that have not been addressed because to date they have been in relatively good condition. The Capital Improvements Plan calls for televising these segments in 2012 to ascertain their current condition and we would recommend that this be included in the budget.

The second opportunity for gravel/debris to be entering the sanitary sewer system is through the sanitary sewer manholes. The manholes have rings near the top of the structure that need to be maintained or gaps form that allow material to pass through. Approximately half of the City's manholes were addressed as part of the 2008 Sanitary Project. We would recommend that the remaining half be addressed in 2012. This includes lining the internal top portion of the structure with a Flex-Seal kit. The estimated cost to address 76 structures is \$30,000.

The Wildwood Lift Station maintenance only addressed one pump. The other pump is experiencing some wear, but it appears that due to the configuration inside the lift station it is not passing as much gravel. The Capital Improvements Plan should include replacement of this pump in 2013 at a cost of \$7,000.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the August 9th, 2011 Council meeting.

SB

ELFERING & ASSOCIATES



Memo

TO: Honorable Mayor and City Council Members
FROM: Kristie Elfering, City Engineer
DATE: August 3, 2011
RE: Hydrant Repair

It has been discussed at previous council meetings that some of the hydrants within the City are in need of repair and/or maintenance. White Bear Lake Public Works crews were going to correct the deficiencies as their schedule allowed, but now find themselves unable to do so. They provided a list to the City of the locations of the hydrants that they found deficient so that the City could contract to correct them. The list contained 24 hydrants that needed some type of repair.

When reviewing the list it was determined that approximately 10 hydrants were noted by White Bear Lake as being unable to turn on. This presented a public safety hazard and so Staff has moved forward with obtaining quotes to complete correction of these hydrants this year. It is proposed to budget to correct the remaining hydrants next year.

We contacted a number of Contractor's to see if they were interested in the work, but a quote was only received from one. Hennen Construction Company submitted a bid in the amount of \$15,000.00. To verify that the bid is competitive even though only one was received we contacted the manufacturer of the hydrant materials. The manufacturer quoted a per hydrant cost of \$965.00. Hennen bid \$675.00 per hydrant; indicating that the bid for the material is competitive. We then compared the hourly rate to address each hydrant with rates received in the past from other contractors and will verify the size of the crew to determine if that is competitive as well.

Based on our findings at this point we would recommend award to Hennen Construction Company in the amount of \$15,000.00. The final dollar amount could vary as each hydrant may not need a full replacement kit or as the hours to correct the issue could vary with each hydrant.

If you have any questions please feel free to contact me at (763) 780-0450 ext. 2. I will also be in attendance at the August 9th, 2011 Council meeting.

Requested contracted services from White Bear Lake for the City of Birchwood Village:

Water Department

- Supply certified water operator
- Testing and sampling of system
- Distribution system maintenance
 - Hydrant flushing
 - Valve exercising and operation
 - Emergency response for watermain breaks.
 - Meter installation
 - Turning on/off outside water fountains (2)
 - Turning on/off curb stops to residential properties as requested

Sanitary Sewer Department

- Lift station routine maintenance and monitoring
- Emergency response to sewer back-ups
- System maintenance
 - Jetting

Parks

- Tree Inspector

Miscellaneous

- Respond and mark utilities in response to Gopher State One locate requests

The City of Birchwood Village is currently contracting with the City of Little Canada to complete the utility billing. The City is satisfied with this service, however in an effort to have all water related services provided by the City of White Bear Lake it is requested that if White Bear Lake could provide this service that an estimate of cost be provided.