



**AGENDA OF THE REGULAR MEETING OF
THE CITY COUNCIL
CITY OF BIRCHWOOD VILLAGE
WASHINGTON COUNTY, MINNESOTA
June 8, 2021
7:00 P.M.**

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

OPEN PUBLIC FORUM

ANNOUNCEMENTS

- A. We are social, follow us on Facebook/Twitter and/or register for the email listserv
- B. Music in the Park concert series begins Sunday, June 13 at 6:00pm in Tighe-Schmitz Park*(p. 3)

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report* (pp. 5-9)

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from May 11, 2021* (pp. 11-16)
- B. Approve Treasurer’s Report* (pp. 17-27)
- C. Approve Scheduling of Parks Capital Improvement Public Hearing for July 13, 2021
- D. Approve Parks Maintenance Plan* (pp. 29-34)

CITY BUSINESS – REGULAR AGENDA

- A. MS4: Storm Water Pollution Prevention Program Review* (pp. 35-42)
 - a. Public Hearing
Time Budget: 5 Minutes
- B. Second Reading Ord. 2021-04-01, Amending City Code Sec. 301.060(B)* (pp. 43-44)
 - a. Public Hearing
 - b. Council Deliberation and Approval
- C. City Treasurer Position* (pp. 45-47)
 - a. Update (Councilmember McCarthy & Mayor Wingfield)
 - b. Council Deliberation
 - c. Approve Resolution 2021-14, Appoint Treasurer

- D. Council Member Reports:
 - a. Mayor Wingfield
 - i. Washington County Historical Society
 - ii. Birchwood Road/Hall Ave Interface
 - iii. Contractor Insurance vs Cash Escrow
 - iv. Sell Trailer
 - b. Councilmember Fleck
 - i. 2021 Deer Hunt

Time Budget: 5 Minutes
 - c. Councilmember McCarthy
 - a. Birch Brine* (pp. 49-50)

Time Budget: 10 Minutes
- E. City Attorney Report
 - a. Rain Garden Maintenance* (pp. 51-54)
 - b. 312 Wildwood Update
 - c. City Right-of-Way Permit
 - d. Uniform Maintenance Code
- F. Old Business
 - a. City Hall Restoration

Time Budget: 10 Minutes

ADJOURN

* Denotes items that have supporting documentation provided

BIRCHWOOD VILLAGE IS PROUD TO PRESENT:

Music in the Park

DATE & TIME:

Sunday, June 13, 2021, 6PM

Sunday, June 20, 2021, 6PM

Sunday, June 27, 2021, 6PM

Sunday, July 4, 2021

Sunday, July 11, 2021, 6PM

Sunday, July 18, 2021, 6PM

Sunday, July 25, 2021, 6PM

Sunday, August 1, 2021, 6PM

Sunday, August 8, 2021, 6PM

Sunday, August 15, 2021, 6PM

Sunday, August 22, 2021, 6PM

Sunday, August 29, 2021, 6PM

WITH PERFORMANCES BY:

Joe Cruz & Jennifer Grimm

Amy and Adams

Legacy

4th OF JULY WEEKEND – NO CONCERT – HAPPY 4th OF JULY!!

Scottie Miller

Jennifer Eckes with

Kevin Werner Hohlstein

Quintessence Winds and the Capitol

City Brass Ensemble

Ensemble Aventura

Generation Rock

NO CONCERT THIS WEEK

Fabulous Fairlanes

Sweet Rhubarb

LOCATION:

Tighe-Schmitz Park

Tighe-Schmitz Park

Tighe-Schmitz Park

Tighe-Schmitz Park

Tighe-Schmitz Park

Tighe-Schmitz Park

Tighe-Schmitz Park

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Tighe-Schmitz Park

Tighe-Schmitz Park

*In case of weather, performances will be held inside the Birchwood Village Hall at the discretion of the musical artist.

MEMORANDUM



TO: Birchwood Village City Council
FROM: Andy Gonyou, City Administrator
SUBJECT: Sheriff Report
DATE: June 2, 2021

Dear Mayor & City Council Members: The following pages are a report of law enforcement incidents and citations for May 2021:

Incident Summary Report PUBLIC

From: 5/1/2021 12:00:00 AM To: 5/31/2021 11:59:59 PM



WASHINGTON COUNTY SHERIFFS OFFICE

BIRCHWOOD VILLAGE - 37

5/1/2021 4:19:03 AM	WC21019571	60XXX -699 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No suspicious/criminal activity observed. Clear.			
5/4/2021 3:59:43 PM	WC21020230	Unknown, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
Comp concerned about wife's lost driver's license; advised him on replacement and ID she should carry until issue.			
5/4/2021 4:43:47 PM	WC21020236	20XXX -255 CEDAR ST, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village for approximately 10 minutes; observed no traffic violations.			
5/5/2021 2:27:51 PM	WC21020356	40XXX -599 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village for approx 12 minutes; no traffic violations observed.			
5/6/2021 1:13:09 AM	WC21020434	1-19 WHITE PINE LN, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No criminal/suspicious activity observed. Clear.			
5/6/2021 1:52:47 AM	WC21020440	18XXX -198 CEDAR ST, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No criminal/suspicious activity observed. Clear.			
5/6/2021 1:54:19 PM	WC21020505	XXX Hall Ave, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
Assisted RP w/ OFP process.			
5/7/2021 3:05:41 AM	WC21020612	60XXX -698 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No suspicious/criminal activity observed. Clear.			
5/7/2021 7:46:42 AM	WC21020622	30XXX -340 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village for approx 10 minutes; no traffic violations observed.			
5/7/2021 9:05:08 AM	WC21020630	XXX Hall Ave, BIRCHWOOD VILLAGE	ALARM-BUSINESS/RES/FIRE/MEDICAL/ETC
Residential alarm; spoke w/house cleaner who accidentally tripped alarm, all secure.			
5/7/2021 1:54:13 PM	WC21020662	XXX Wildwood Ave, BIRCHWOOD VILLAGE	FRAUD/SCAM
Attempted Unemployment fraud, no monetary loss-account frozen. RP provided w/case number			
5/9/2021 4:40:56 AM	WC21020985	50XXX -699 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No suspicious/criminal activity observed. Clear.			
5/10/2021 4:06:15 PM	WC21021226	XXX Hall Ave, BIRCHWOOD VILLAGE	CIVIL MATTER/DISPUTE
Dispatched to civil matter call, See report.			

Incident Summary Report PUBLIC

From: 5/1/2021 12:00:00 AM To: 5/31/2021 11:59:59 PM

5/12/2021 7:35:54 AM	WC21021465	50XXX -698 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village for approximately 10 minute; during this time I observed no traffic violations.			
5/12/2021 6:17:28 PM	WC21021543	XXX Hall Ave, BIRCHWOOD VILLAGE	CITIZEN/PUBLIC ASSIST
Property retrieval; stood by as party picked up personal items. Retrieval concluded without incident.			
5/14/2021 11:04:57 AM	WC21021792	70XXX -715 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village for approximately 10 minutes; no traffic violations observed.			
5/14/2021 12:09:35 PM	WC21021800	XXX Lake Ave, BIRCHWOOD VILLAGE	PUBLIC WORKS CONCERN
PW concern; verified that RP was able to contact PW.			
5/15/2021 10:05:58 AM	WC21021998	50XXX -699 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village, no traffic violations observed.			
5/15/2021 1:55:56 PM	WC21022036	40XXX -498 LAKE AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Tighe Schmitz park.			
5/16/2021 3:01:33 AM	WC21022196	10XXX -190 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No suspicious/criminal activity observed. Clear.			
5/16/2021 7:24:03 AM	WC21022206	50XXX -699 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village, no traffic violations observed.			
5/17/2021 6:33:40 PM	WC21022489	XXX Wildwood Ave, BIRCHWOOD VILLAGE	WELFARE CHECK
Dispatched to a welfare check, see initial report.			
5/18/2021 12:09:03 PM	WC21022605	XXX Hall Ave, BIRCHWOOD VILLAGE	ANIMAL COMPLAINT
Comp advised dog was barking at a residence. Observed dog barking intermittently but did not meet requirement for Birchwood City ordinance violation. Spoke with dog owner who advised this is an on going issue.			
5/18/2021 1:11:58 PM	WC21022615	XXX Wildwood Ave, BIRCHWOOD VILLAGE	CIVIL MATTER/DISPUTE
Caller advised her neighbor conducted a brush fire that lingered. The smolder proceeded into her yard, burning a pile of firewood and grass. Advised her to contact neighbor to discuss reparations.			
5/18/2021 7:09:50 PM	WC21022676	XXX Wildwood Ave, BIRCHWOOD VILLAGE	DRUGS
Dispatched for found drug paraphernalia in yard. See report.			
5/20/2021 10:17:47 AM	WC21022882	10XXX -190 WILDWOOD AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Patrolled area of Birchwood Village no traffic violations observed.			
5/22/2021 1:44:07 AM	WC21023180	XXX LAKE AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL
Directed patrol. No suspicious/criminal activity observed. Clear.			
5/22/2021 10:18:15 AM	WC21023225	30XXX -426 HALL AVE, BIRCHWOOD VILLAGE	DIRECTED PATROL

Incident Summary Report

PUBLIC

From: 5/1/2021 12:00:00 AM To: 5/31/2021 11:59:59 PM

Patrolled area of Birchwood Village, observed no traffic violations.

5/22/2021 5:27:29 PM WC21023316 XXX Wildwood Ave, BIRCHWOOD VILLAGE SUSPICIOUS PERSON/ACTIVITY

I was dispatched a suspicious person call in Birchwood Village on Wildwood Ave. I spoke with the complainant via phone call. Complainant stated that she was on a run in Birchwood Village and an elderly man with short gray hair in a dark red small pickup truck pulled up to her. The male started talking to the complainant about guns. The complainant said it felt weird and she ran off. No crime occurred, complainant just wanted the incident documented. Nothing further.

5/22/2021 10:53:16 PM WC21023373 XXX Lake Ave, BIRCHWOOD VILLAGE NOISE COMPLAINT/DISTURBANCE

Noise complaint. Arrived in area. No loud noise observed. On going issue between caller and resident of above address. Clear

5/23/2021 7:42:31 AM WC21023425 60XXX -699 WILDWOOD AVE, BIRCHWOOD VILLAGE DIRECTED PATROL

Patrolled area of Birchwood Village, no traffic violations observed.

5/23/2021 1:18:23 PM WC21023470 XXX Lake Ave, BIRCHWOOD VILLAGE NEIGHBOR DISPUTE

Complainant wanted to supplement WC21023373 with the following: She felt that being able to hear people on the beach at night time through her open window was disturbing and harassment. Supplement added.

5/24/2021 11:07:04 AM WC21023628 40XXX -407 BIRCHWOOD AVE, BIRCHWOOD VILLAGE DIRECTED PATROL

Patrolled area of Birchwood Village, no traffic violations observed.

5/25/2021 4:17:12 PM WC21023878 XXX Hall Ave, BIRCHWOOD VILLAGE CIVIL MATTER/DISPUTE

I was dispatched for property retrieval at residence. I arrived on scene comp was waiting. I spoke to the home owners and they showed me where all the comps belongings were. Comp picked up his property with no issues.

5/26/2021 2:54:00 AM WC21024003 50XXX -699 HALL AVE, BIRCHWOOD VILLAGE DIRECTED PATROL

Directed patrol. No suspicious/criminal activity observed. Clear.

5/29/2021 5:00:07 PM WC21024618 30XXX -340 WILDWOOD AVE, BIRCHWOOD VILLAGE DIRECTED PATROL

Patrolled area of Birchwood Village, no traffic violations observed.

5/30/2021 1:06:31 AM WC21024707 XXX LAKE AVE, BIRCHWOOD VILLAGE DIRECTED PATROL

Directed patrol. No suspicious/criminal activity observed.

TOTAL INCIDENTS: 37

Citations for: Birchwood

5/1/2021 To 5/31/2021

Agcy	Date	Citation Number	Badge	Officer Name	Citation Type	Block	Street Name	Str Sfx	Cross Street Name	Cross St Sfx	City	Literal Description	Statute
WCSO	5/24/2021	820029114401	WC13396	Z. Nelson	Citation	0	WILDWOOD AVE		HALL AVE		Birchwood	MOV-Failure to Signal Turn Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle Motor Vehicle Title - Fail to Transfer Certificate of Title to Dept.w/i Timeframes Specified	169.19.5
WCSO	5/24/2021	820029114401	WC13396	Z. Nelson	Citation	0	WILDWOOD AVE		HALL AVE		Birchwood	MOV-Failure to Signal Turn Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle Motor Vehicle Title - Fail to Transfer Certificate of Title to Dept.w/i Timeframes Specified	169.791.2(a)
WCSO	5/24/2021	820029114401	WC13396	Z. Nelson	Citation	0	WILDWOOD AVE		HALL AVE		Birchwood	MOV-Failure to Signal Turn Traffic Regulation - Driver Must Carry Proof of Insurance when Operating Vehicle Motor Vehicle Title - Fail to Transfer Certificate of Title to Dept.w/i Timeframes Specified	168A.30.2(2)

**MINUTES
OF THE REGULAR MEETING OF THE
CITY OF BIRCHWOOD VILLAGE
VIRTUAL MEETING
May 11, 2021
7:00PM**

CALL TO ORDER

Mayor Wingfield called the meeting to order at 7:01 and stated that the meeting was being held remotely in compliance with Governor Walz's Stay at Home Order, then shared the procedure for public hearing and community comment.

MEMBERS PRESENT: Mayor Mary Wingfield, Councilmembers; Kevin Woolstencroft, John Fleck, Justin McCarthy, Mark Foster

STAFF PRESENT: City Administrator, Andy Gonyou, City Attorney, H Alan Kantrud

PLEDGE OF ALLEGIANCE

APPROVE AGENDA

Mayor Wingfield stated that she would like to add the following:

1. Using the City Engineer to create a priority financial funding with the state legislature
2. In house meetings
3. Entry sign into birchwood
4. Model potentially

Councilmember Fleck would like to add the following:

1. Birch easement
2. Trees

Councilmember McCarthy would like to delete items from original agenda.

1. Salt brine and
2. Grants- These are not ready to discuss now

MOTION MADE BY COUNCILMEMBER MCCARTHY TO APPROVE THE AGENDA AS AMENDED. SECONDED BY COUNCILMEMBER FOSTER. ROLL CALL VOTES: AYES; Foster, McCarthy, Woolstencroft, Fleck, Wingfield. MOTION PASSED.

OPEN PUBLIC FORUM:

1. Barton Winter: (1 Five Oaks La) discussed Husnik property.

ANNOUNCEMENTS

- A. We are social, follow us on Facebook: @Birchwoodcityhall or Twitter: @CityofBirchwood
- B. Newsletter will be going out the end of May.
- C. Signs about lost dog finding its owner.
- D. Nice article about the Village Hall in Pioneer Press on Monday, May 10th.

ADMINISTRATIVE PRESENTATION

- A. Sheriff Report
- B. Planning Commission Meeting Minutes
- C. Subdivision Study Task Force Meeting Minutes from May 5, 2021

CITY BUSINESS – CONSENT AGENDA

- A. Approve Regular Meeting Minutes from April 13, 2021
 1. Councilmember McCarthy requested more information instead of "council deliberation" on page 20 and 21) Mayor Wingfield suggested to table this for next meeting.

B. Approve Treasurer's Report

MOTION MADE BY COUNCILMEMBER MCCARTHY TO APPROVE THE TREASURER'S REPORT. SECONDED BY COUNCILMEMBER FLECK. ROLL CALL: AYES; FLECK, MCCARTHY, FOSTER, WOOLSTENCROFT, WINGFIELD. MOTION PASSED

C. Approve Resolution 2021-13. Approving Coverage for City Workers' Compensation Insurance Policy

1. Councilmember McCarthy questioned about the 3 groups listed and if employees need to be listed also or are they are presumed. City Administrator Gonyou said that the employees are presumed.

MOTION MADE BY COUNCILMEMBER WOOLSTENCROFT TO APPROVE RESOLUTION 2021-13. SECONDED BY COUNCILMEMBER FOSTER. ROLL CALL: AYES; FOSTER, WOOLSTENCROFT, FLECK, MACARTHY, WINGFIELD. MOTION PASSED.

CITY BUSINESS – REGULAR AGENDA

A. Variance Case No. 21-01- VB for 419b Wildwood Avenue

1. Mayor Wingfield mentioned that upon discussing this with City Attorney Kantrud that a report from a Civil Engineer of the property can be improved upon without the request of a variance.
2. Homeowner wanted to raise height along with including a basement. Civil engineer produced alternatives to raise it at least 6" in order to get it out from water coming into house.
3. Mayor Wingfield would like to send back to Planning Commission but questioned the 60 day deadline.

MOTION MADE BY COUNCILMEMBER FLECK TO DENY VARIANCE CASE NO 21-01-VB AND HAVE THE APPLICANT TO MOVE THIS BACK TO THE PLANNING COMMISSION AND PROVIDE THEM WITH THE NECESSARY ENGINEERING AND ARCHITECTUAL RENDERINGS FOR THEM TO ACT. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Discussion from Councilmember McCarthy asking if they are just raising the structure. Questioning what Council is actually asking from her? Does she need that to raise the structure 6"?

Councilmember Fleck explained his understanding from the planning commission that it was not complete.

AMENDED MOTION MADE BY MAYOR WINGFIELD TO DENY THE PERMIT TONIGHT AND WAIVE FURTHER APPLICATION FEE OF \$600 IF THE HOMEOWNER WANTS TO COME FORWARD AND RESUBMIT HER APPLICATION WITH THE PLANNING COMMISSION FOR REVIEW. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Councilmember Fleck voiced concerns that the Planning Commission should really take a good look at what would be going on with not only the house but the lot. Mayor Wingfield suggested that the homeowner contact Jack Kramer the Building Official and Doug Danks the City Planner for their input with the new engineer drawings.

ROLL CALL: AYES; FLECK, MCCARTHY, WOOLSTENCROFT, FOSTER, WINGFIELD. MOTION PASSED.

B. 143 Wildwood Avenue Retaining Wall

1. City Administrator Gonyou gave the city background on Wildwood with the help of City Engineer Thatcher. Work was being done without a permit.
2. City Engineer Thatcher mentioned to the City Council that the city issued a stop work order. Had homeowner put up erosion control on property. Homeowner is working on getting the necessary permits. Thatcher also explained to the council on what the homeowner needed to do and that he would stay on top of this situation.
3. Mayor Wingfield asked about timeline on getting these permits, so it keeps getting resolved. No application has been made yet. City Attorney Kantrud said that there would be a 60-day starting time. But it is up to the council as to how long they want to take as it is a big concern. Needs to be corrected as soon as possible.
4. Homeowner said they are working on the paperwork right now.
5. Mayor Wingfield, talking to the homeowner first about this situation, saying that because this happened in the City of Birchwood and that the city didn't hear about this for a while, Mayor Wingfield said that it was unacceptable, she asked Cam to resign from the White Bear Lake Conservation District Board.

MOTION MADE BY MAYOR WINGFIELD TO HAVE CAM RESIGN FROM THE CONSERVATION DISTRICT IN HIS COMPASITY AS BIRCHWOOD REPRESENTIVE SECONDED BY COUNCILMEMBER FLECK.

1. Cam discussed his reasonings as to what happened. And that it was not intentional.

ROLL CALL: AYES; Wingfield, Fleck, Woolstencroft, Foster, McCarthy. MOTION PASSED.

MOTION MADE BY MAYOR WINGFIELD THAT THE CITY ORDER THE WASHINGTON COUNTY SHERIFF'S OFFICE TO PUT A CITATION ORDER ON THE COMPANY/PERSON FOR VIOLATING CITY CODES THAT ARE APPLICABLE INCLUDING FAILURE IN GETTING A PERMIT FOR A VARIANCE, CONDITIONAL USE PERMIT AND A GRADING PERMIT.

SECONDED BY COUNCILMEMBER FLECK. ROLL CALL: AYES; Fleck, Woolstencroft, Foster, McCarthy, Wingfield. MOTION PASSED.

C. City Hall Improvements Taskforce Update

1. Mayor Wingfield sent out memo to councilmembers, outlining the task force recommendations

- a. Weather tight

- i. replace roof.

- a) Requesting more bids. Put on Monday's May 17th meeting.

- ii. window replacement

- b) 4 big windows, window on side where stairwell is going downstairs along with additional work done around the windows.

MOTION MADE BY COUNCILMEMBER MCCARTHY TO AUTHORIZE MARK JOHNSON OF HISTORIC DESIGN TO RESTORE THE WINDOWS AND TO MAKE STORM WINDOWS. SECONDED BY MAYOR WINGFIELD ROLL CALL: AYES; McCarthy, Fleck, Foster, Woolstencroft, Wingfield. MOTION PASSED.

- c) siding

D. Utility Committee Update

1. How to proceed with meters
2. Covid monies
3. Going to meet at a later date
4. Dakota Supply – 400 meters confirm a certain amount in their technology
 - a Price of \$128,411
 - b Looking at possibly September for installation.

MOTION MADE BY MAYOR WINGFIELD TO ENTER INTO THIS CONTRACT THAT WAS FORWARDED TO US WITH THE TOTAL PRICE OF \$129,000 WITH THE UNDERSTANDING THAT STAFF NEEDS TO VERIFY THE IDEA OF THE SIM CARD AND CUSTOMER PORTAL SHOULD BE INCLUDED. FIGURE MAY CHANGE A LITTLE BUT THE CONTRACT AS PRESENTED BY DAKOTA SUPPLY. SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

MOTION WAS MADE BY COUNCILMEMBER MCCARTHY TO AMEND THE MOTION TO APPROVE IT SUBJECT TO HAVE CITY ATTORNEY KANTRUD AND CITY ENGINEERING THATCHER REVIEW AND APPROVE THE CONTRACT. MAYOR WINGFIELD ACCEPTED THE AMENDMENT TO THE MOTION. SECONDED BY COUNCILMEMBER WOOLSTENCROFT. ROLL CALL: AYES; Woolstencroft, Foster, Fleck, McCarthy, Wingfield. MOTION PASSED.

E. Council Member Reports

1. Mayor Wingfield

- a. Using the City Engineer to create a priority financial funding with the state legislature.

1. Discussion made by council and City Engineer Thatcher

- i. Deadline May 17, 2021

2. Subdivision Task Force asked if he could review the subdivision amendments proposed and City Engineer Thatcher did make those recommendations and now the task force would like to invite him to the meeting, a face-to-face meeting in June and need council's permission to allow City Engineer Thatcher to keep working with them.

MOTION MADE BY MAYOR WINGFIELD TO AUTHORIZE CITY ENGINEER THATCHER TO KEEP WORKING WITH THE SUBDIVISION TASK FORCE AT THE JUNE 12th, 2021, MEETING. SECONDED BY COUNCILMEMBER FLECK. ROLL CALL VOTES: AYES: Fleck, McCarthy, Woolstencroft, Foster, Wingfield. MOTION PASSED.

2. In House Meetings
 - a. Discussion was made by Council and agreed to meet in person.
 - b. Let Public know to distance themselves. Indoor masks are not mandatory. If uncomfortable, one may telephone in.
3. City Motto
 - a. On website it says, "Exceptional Places, Exceptional People."
 - b. Permission to put into newsletter to have residents send in some alternatives then the standard one.
 - c. Councilmember McCarthy suggested making it a contest with Centennial T-shirts as a prize.
3. Entry sign into birchwood
 - a. Only signs located are on Wildwood Ave and Cedar/East County Line
 - b. With doing new signage would like to put up signs on the east side.
 - i. Go out and get bids.
4. Model potentially
 - a) Rain Garden Requirements
 - i. Discussion was made on how to handle the requirements.
 - ii, Ask the watershed district on maintaining the monies.
 - iii. Permit them as Conditional Use Permit
 - a. City Attorney Kantrud to bring back to next meeting.
 - b) Contractor Insurance vs. Contractor Letter of Credit
 - i. Discussion made by Council and decided it was costly.
 - a. City Engineer Thatcher suggested that Contractor Letter of Credit put in Subdivision Code.
 - c) 2040 Comp Plan
 - i. Mayor Wingfield meet with Met Council staff. Getting close to the end.
 - d) Cross referencing Building Code 200 with City Code 300
 - i. Council discussed the interplay of these 2 codes.
 - ii. Need cross reference saying in the beginning of code 200 to say "please be advised that additional permits may be required under code 300". Code modification, not adopting a new code.

MOTION MADE BY MAYOR WINGFIELD TO AUTHORIZE CITY ADMINISTRATOR GONYOU TO PUT IN THAT CAVIOUNT AT THE BEGINNING OF CODE 200 TO SAY, "PLEASE REVIEW CODE 300 REGARDING ADDITIONAL PERMIT REQUIREMENTS FOR ANY PROJECT". SECONDED BY COUNCILMEMBER WOOLSTENCROFT.

Councilmember Fleck brought up the 400 sq feet, also that of the 50cubic yards, saying that's a lot of material without a permit. Councilmember Fleck brought up the 400 sq feet, also that of the 50cubic yards, saying that is a lot of material without a permit. City Engineer Thatcher explained this issue and read Code 301.07, and then read 301.08 Zoning Permit.

2. Councilmember Fleck
 - a. 20 MPH Speed Limit
 - i. Discussed why the speed limit should be lowered.
 - ii. 20 MPH on Hall
 - iii. Contact sheriff for location of traffic wagon
 - iv. write a short inquiry to residents and post it into the newsletter.
 - b. Birch Easement
 - i. walked with resident and got about a 1-1/2' of material in the spill way that feeds into the rain garden at birch. Need to be removed.
 - ii. Invite Rice Creek out and have field trip out there.
 - c Trees
 - i. planted 32 trees at hockey rink.

3. Councilmember McCarthy

a. Kay Beach

- i. Company that is providing the sand is donating the sand to Duffys and in turn Duffys are donating the cost of delivery to the city.
- ii. Would take a little for own beach and some to Kay Beach for the rut.
- iii. Discussion was made on whether to accept or not and issues.
- iv. Possibly review in fall.

F. City Administrator's Report

1. Music in the Park

- a. Thank you to Alan Mitchel for getting the artists.
- b. 10 artists, June 13 thru August 29
- c. No limits on capacity as of May 31, social distancing outdoor events.
- d. Rain outs to move concerts to indoors at City Hall. July 1 would end the mandate of wearing masks indoors.

MOTION MADE BY MAYOR WINGFIELD THAT WE SPLIT THE ARTISTS FEE TO \$50.00 ON A RAIN OUT FOR A SINGLE ARTIST AND \$100.00 FOR A GROUP ARTISTS. SECONDED BY COUNCILMEMBER MCCARTHY. ROLL CALL VOTES: AYES; McCarthy, Wingfield NAYS: Fleck, Foster, Woolstencroft MOTION DID NOT PASS

MOTION MADE BY COUNCILMEMBER FLECK THAT THE ARTISTS GET PAID THE FULL AMOUNT EVEN ON A RAIN DAY. SECONDED BY COUNCILMEMBER MCCARTY. ROLL CALL VOTES: AYES; Fleck, Foster, McCarthy, Woolstencroft, Wingfield. MOTION PASSED

2. Planning Commission Vacancy

- a. Allow the vacancy to be published in the newsletter which goes out the end of the month and accept applications at the end of June.

G. Old Business

1. Lost Lake Court/Birchwood intersection

- a. Councilmember Fleck and Mayor Wingfield going to Mahtomedi meeting.

2. 312 Wildwood Avenue

- a. Regards to the shed, City Attorney Kantrud provided a letter that was sent out and steps to be taken – 14-day deadline given, sent certified mail.
- b. City Maintenance Staff will remove shed if the city has not heard after the 14 days.
- c. Motion needs to be made in courts to assess the property.
- d. Discussion was made about neighbor who claims she lost property.

3. Building Maintenance Ordinance Update

- a. Discussion was made on breaking down the ordinance.
- b. Will bring it up at the July meeting or possibly June meeting.

H. Husnik Property Update (City Attorney Kantrud)

a. Update to Council

- a. Council and City Attorney Kantrud decided to go into closed session to discuss Husnik property.
- b. Mayor Wingfield read the following:

The City of Birchwood is about to conduct a closed meeting of its City Council meeting pursuant to Minnesota Statute 13D.05 Subdivision C to review confidential or protected non-public appraisal data under section 13.44 Subdivision 3 to develop or consider offers or counter offers for the purchase, or sale of real property. The parcel in question is located at 176 Cedar St in full disclosure to the public, the parcel is 3.59 acres of property that was purchased by Husnik Homes who is a real estate developer and who has intern offered to sell a portion of the parcel to the city as in for open space or alternatively to buy down development density. The offer from the developer was to sell the city.

2.6 acres of the parcel as well as a 10-foot pathway to the area from Cedar St for \$500,000 dollars. City Attorney Kantrud has engaged in a professional appraiser and obtained an appraisal for the parcel which will also be discussed in closed session and is considered confidential data pursuant to Minnesota Statue 13.4 Subdivision 3A to which Mayor Wingfield proceeded to read.

The closed portion of this meeting will be preserved for 8 years and made available to the public after all real property discussed at the meeting have been purchased or the city has abandoned the purchase. For the record, the following persons will be in attendance during the closed session and this statement will be available to the public following the adjournment of the overall City Council.

ROLL CALL: AYES; COUNCILMEMBERS; John Fleck, Mark Foster, Justin McCarthy, Kevin Woolstencroft, MAYOR Mary Wingfield, CITY ATTORNEY, H. Alan Kantrud, CITY ADMINISTRATOR/CLERK, Andy Gonyou
Mayor Wingfield then proceeded to close the meeting at 9:30PM.

Council back on air at 10:07

The Findings were made as follows:

Mayor Wingfield and Council met privately to discuss the offer of the Husnik property regarding 2 plus acres of property at the address of 176 cedar St. At this time, the city council has decided to decline the offer of \$500,000 for the purchase of that property, with the knowledge that the city obtained an independent appraisal for the value of that property being \$180,000. Previously, the city had offered Husnik properties value comments with that appraisal in the amount of cash and tax incentive, tax benefits and that offer was declined by Husnik properties. So, the city has evaluated its need for this space in a relation to its financial needs going forward in the coming 5 years and those financial obligations are.:

- . \$200,00 for transitioning the water system, meter readings system.
- . \$500,000 for sewer lift system upgrade at the wildwood lift station.
- . At least 1 million dollars is for the overlay of the existing road for the entire city.
- . Along with the rehabilitation needs of the city hall.

Those expenses come to over 2 million dollars. Knowing that our annual budget and tax assessment for the community is \$500,000 the City Council has decided that it is not fiscally prudent for us to proceed with an offer that was proposed to us of \$500,000 and in light of our appraisal with the purchase price of the entire property was \$500,000 and of course it is a subject to any counter offer the developer may decide or reconsider our offer, but at this time the city council believes it is appropriate to let all know parties know that we need to do address our own concerns and let the parties move forward with their own needs.

The information that we discussed becomes public including the appraisal, we will have a letter drafted by our attorney to send to the developers. We will publish this information in our next newsletter with what we just discussed. We hope the city residents understand, the needs of the greater community will have to be balanced with the needs of the immediate area and we also recognize the value that will be applied from new housing as a benefit to the city. We have to take that into consideration as well.

MOTION MADE BY COUNCILMEMBER FLECK TO ADJOURN THE MEETING. SECONDED BY MCCARTHY. ROLL CALL AYES: Fleck, McCarthy, Foster, Woolstencroft, Wingfield. MOTION PASSED
MEETING ADJOUNED AT 10:10PM

ATTEST:

Mayor Mary Wingfield

City Administrator/Clerk Andy Gonyou

Cash Control Statement

For the Period : 5/11/2021 To 6/3/2021

<u>Name of Fund</u>	<u>Beginning Balance</u>	<u>Total Receipts</u>	<u>Total Disbursed</u>	<u>Ending Balance</u>
General Fund	\$340,338.77	\$1,738.21	\$26,366.13	\$315,710.85
Road and Bridge	\$0.00	\$0.00	\$0.00	\$0.00
Other Federal Programs	\$0.00	\$0.00	\$0.00	\$0.00
Comp Plan Grant	(\$4,040.00)	\$0.00	\$0.00	(\$4,040.00)
Tree Canopy Care	\$0.00	\$0.00	\$0.00	\$0.00
Special Rev Projects	\$35,725.69	\$0.00	\$0.00	\$35,725.69
Spec Rev - Warm House	\$40.00	\$0.00	\$0.00	\$40.00
REIMBURSED CONTRACTED SERVICES	\$0.00	\$0.00	\$0.00	\$0.00
General Debt Service (Identify) (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Birchwood In Re-hab Bond	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Re-hab Debt	\$2,119.89	\$0.00	\$0.00	\$2,119.89
CAPITAL PROJECT FUNDS (401 through 499)	\$0.00	\$0.00	\$0.00	\$0.00
General Capital Projects	\$0.00	\$0.00	\$0.00	\$0.00
Municipal State Aid Streets - Construction (Inactive)	\$0.00	\$0.00	\$0.00	\$0.00
Capital Project PW	\$123,615.31	\$0.00	\$0.00	\$123,615.31
Water	\$17,955.68	\$0.00	\$4,091.70	\$13,863.98
Sewer	\$139,724.16	\$0.00	\$6,902.42	\$132,821.74
Transit System	\$0.00	\$0.00	\$0.00	\$0.00
Sewer Infrastructure	\$0.00	\$0.00	\$0.00	\$0.00
Water Meter Upgrade Fees	\$43,817.05	\$0.00	\$0.00	\$43,817.05
Engineering Services	\$0.00	\$0.00	\$0.00	\$0.00
Total	\$699,296.55	\$1,738.21	\$37,360.25	\$663,674.51

Fund Name: All Funds

Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-P</u>	<u>Total</u>
05/12/2021	MN Management & Budget	171735122*	Court Fines Apr 2021	(05/12/2021) -	N	Court Fines	100-35101-	\$ 190.00
								\$ 190.00
05/17/2021	Builders and Remodelers, Inc.	171735132*	Permit	(05/17/2021) -	N	Building Permits	100-32211-	\$ 229.68
								\$ 229.68
05/19/2021	W S & D Permit Service, Inc.	171735115*	Permit	(05/19/2021) -	N	Building Permits	100-32211-	\$ 573.43
								\$ 573.43
05/19/2021	Weierke	171735116	Hall Rental	(05/19/2021) -	N	City/Town Hall Rent	100-34101-	\$ 25.00
								\$ 25.00
05/19/2021	Witcher	171735117*	Permit	(05/19/2021) -	N	Building Permits	100-32211-	\$ 422.06
								\$ 422.06
05/19/2021	Barton	171735118	Kayak/Canoe Permit x 2	(05/19/2021) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
05/19/2021	Onischuk	171735119	Kayak/Canoe Permit	(05/19/2021) -	N	Kayak/Canoe Permits	100-32212-	\$ 30.00
								\$ 30.00
05/19/2021	Danus	171735120	Kayk/Canoe Permit x 2	(05/19/2021) -	N	Kayak/Canoe Permits	100-32212-	\$ 60.00
								\$ 60.00
05/19/2021	Dakota Unlimited	171735121*	Permit	(05/19/2021) -	N	Building Permits	100-32211-	\$ 75.04
								\$ 75.04
05/21/2021	Minnesota Rusco	171735130*	Permit	(05/21/2021) -	N	Building Permits	100-32211-	\$ 31.00
								\$ 31.00
05/21/2021	Twin City Fireplace	171735131*	Permit	(05/21/2021) -	N	Building Permits	100-32211-	\$ 42.00
								\$ 42.00

Fund Name: All Funds
June 8, 2021 Regular City Council Meeting
Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Remitter</u>	<u>Receipt #</u>	<u>Description</u>	<u>Deposit ID</u>	<u>Void Account Name</u>	<u>F-A-P</u>	<u>Total</u>
Total for Selected Receipts							<u>\$ 1,738.21</u>

Fund Name: All Funds

Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
05/13/2021	Payroll Period Ending 05/08/2021	31414	Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 538.94
	Total For Check	31414					\$ 538.94
05/13/2021	Payroll Period Ending 05/08/2021	31415	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 917.25
	Total For Check	31415					\$ 917.25
05/13/2021	PERA	EFT051321A	Personnel Retirement - Gonyou	N	Clerk - Treasurer	100-41401-121-	\$ 231.00
	Total For Check	EFT051321A					\$ 231.00
05/13/2021	IRS - US Treasury	EFT051321B	Federal Taxes- Q2 2021 - Apr Payment	N	Clerk - Treasurer	100-41401-100-	\$ 1,649.74
	Total For Check	EFT051321B					\$ 1,649.74
05/25/2021	Payroll Period Ending 05/22/2021	31416	Deputy Clerk	N	Clerk - Treasurer	100-41401-100-	\$ 619.40
	Total For Check	31416					\$ 619.40
05/25/2021	Payroll Period Ending 05/22/2021	31417	Administrator	N	Clerk - Treasurer	100-41401-100-	\$ 917.25
	Total For Check	31417					\$ 917.25
05/25/2021	PERA	EFT052521A*	Personnel Retirement - Gonyou	N	Clerk - Treasurer	100-41401-121-	\$ 231.00
	Total For Check	EFT052521A					\$ 231.00
05/31/2021	Menards - Oakdale	31418*	Parks Supplies	N	Parks	100-45207-400-	\$ 10.99
		31418*				100-45207-400-	\$ 12.10
		31418*				100-45207-400-	\$ 11.10
		31418*				100-45207-400-	\$ 18.06
	Total For Check	31418					\$ 52.25
05/31/2021	KEJ Enterprises	31419*	Removal and Installation of Weight Limit Signs	N	Streets and Road Mntnc	100-43101-314-	\$ 120.00
	Total For Check	31419					\$ 120.00
05/31/2021	USS Minnesota One MT LLC	31420*	Energy Charges - Apr 2021	N	General Government Buildings and Plant	100-41940-380-	\$ 287.37
		31420*			Sewer Utility	605-43190-380-	\$ 520.86
		31420*				605-43190-380-	\$ 107.77
	Total For Check	31420					\$ 916.00

Fund Name: All Funds
 June 8, 2021 Regular City Council Meeting
Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
05/31/2021	R Leeves Productions LLC	31421*	Videography - City Council Meetings	N	Cable Eqpmt and Service	100-41950-314-	\$ 109.08
		31421*				100-41950-314-	\$ 112.75
	Total For Check	31421					\$ 221.83
05/31/2021	MN Department of Health	31422*	Community Water Supply Connection Fee - Q2 2021	N	Water Utility	601-43180-437-	\$ 860.00
	Total For Check	31422					\$ 860.00
05/31/2021	TSE, Inc. Work Account	31423*	Janitorial Services - May 2021	N	General Government Buildings and Plant	100-41940-314-	\$ 25.00
	Total For Check	31423					\$ 25.00
05/31/2021	Toshiba Business Solutions	31424*	Printer Maintenance - 05/09/2021 - 06/08/2021	N	Office Operations Supplies	100-41911-314-	\$ 10.62
	Total For Check	31424					\$ 10.62
05/31/2021	AirFresh Industries, Inc.	31425*	Portable Restroom Rental(2) - May 2021	N	Parks	100-45207-314-	\$ 81.25
		31425*				100-45207-314-	\$ 81.25
	Total For Check	31425					\$ 162.50
05/31/2021	White Bear Rental	31426*	Stump Grinder	N	Parks	100-45207-400-	\$ 205.07
	Total For Check	31426					\$ 205.07
05/31/2021	White Bear Township	31427*	Contracted Services & L/S 2 maintenance	N	Sewer Utility	605-43190-314-	\$ 891.08
	Total For Check	31427					\$ 891.08
05/31/2021	Metropolitan Council - Env. Service	31428*	Wastewater Service - June 2021	N	Sewer Utility	605-43190-217-	\$ 4,988.17
	Total For Check	31428					\$ 4,988.17
05/31/2021	City of Roseville	31429*	IT Services - May 2021	N	General Government Buildings and Plant	100-41940-320-	\$ 692.70
	Total For Check	31429					\$ 692.70
06/02/2021	Payroll Period Ending 05/31/2021	31430	Treasurer	N	Clerk - Treasurer	100-41401-100-	\$ 246.81
	Total For Check	31430					\$ 246.81
06/02/2021	PERA	EFT060221A	Personnel Retirement - Lay	N	Clerk - Treasurer	100-41401-121-	\$ 40.26
	Total For Check	EFT060221A					\$ 40.26

Fund Name: All Funds
 June 8, 2021 Regular City Council Meeting
Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/03/2021	Press Publications	31431*	Legal Notice Publications - May 2021	N	Ordinances and Proceedings	100-41130-351-	\$ 63.59
		31431*				100-41130-351-	\$ 54.51
	Total For Check	31431					\$ 118.10
06/03/2021	Manship Plumbing & Heating Inc	31432*	Standby, Locates, & Water Meters - May 2021	N	Water Utility	601-43180-314-	\$ 600.00
		31432*				601-43180-314-	\$ 240.00
		31432*				601-43180-314-	\$ 240.00
	Total For Check	31432					\$ 1,080.00
06/03/2021	St. Anthony Village	31433*	Utility Billing Services - Q2 2021	N	Financial Administration	601-41501-314-	\$ 2,139.57
	Total For Check	31433					\$ 2,139.57
06/03/2021	Gopher State One Call	31434*	Billable Tickets (23) - May 2021	N	Utility Locates	605-42805-314-	\$ 31.05
	Total For Check	31434					\$ 31.05
06/03/2021	League of MN Cities Insurance Trust	31435*	LMCIT Packaged Liability Premium 06/2021 - 06/2022	N	City Insurance	100-41945-361-	\$ 7,297.00
	Total For Check	31435					\$ 7,297.00
06/03/2021	Thatcher Engineering, Inc	31436*	City Engineer - Permit Work	N	Engineer Service	100-41650-300-	\$ 1,530.00
		31436*				100-41650-300-	\$ 1,445.00
	Total For Check	31436					\$ 2,975.00
06/03/2021	Tennis Sanitation, LLC	31437*	Recycling for Service Period: Mar - Apr 2021	N	Recycle	100-43300-314-	\$ 2,392.00
	Total For Check	31437					\$ 2,392.00
06/03/2021	City of White Bear Lake	31438*	Fire Services - May 2021	N	Fire	100-42201-314-	\$ 2,445.58
	Total For Check	31438					\$ 2,445.58
06/03/2021	H.A. Kantrud, P.A.	31439*	Attorney Services - May 2021	N	Legal Services	100-41601-300-	\$ 1,500.00
	Total For Check	31439					\$ 1,500.00
06/03/2021	Wingfield, Mary	31440*	Reimbursement - Postage + Sign for Pollys Park	N	MISCELLANEOUS	100-49001-430-	\$ 15.00
		31440*			Postage/Postal Permits	605-41430-810-	\$ 308.00
	Total For Check	31440					\$ 323.00
06/03/2021	Fleck, Jon	31441	Reimbursemen - Trees	N	Unallocated Expenditures	100-49201-430-	\$ 1,174.40
	Total For Check	31441					\$ 1,174.40

Fund Name: All Funds
 June 8, 2021 Regular City Council Meeting
Date Range: 05/11/2021 To 06/03/2021

<u>Date</u>	<u>Vendor</u>	<u>Check #</u>	<u>Description</u>	<u>Void</u>	<u>Account Name</u>	<u>F-A-O-P</u>	<u>Total</u>
06/03/2021	Andy Gonyou	31442*	Reimbursemet - Zoom & Office Supplies	N	Office Operations Supplies	100-41911-200-	\$ 41.77
		31442*				100-41911-200-	\$ 16.06
		Total For Check 31442					\$ 57.83
06/03/2021	Xcel Energy	EFT060321A*	Electric for Street Lights: 04/03/2021 - 05/02/2021	N	Street Lighting	100-43160-380-	\$ 1,222.23
		Total For Check EFT060321A					\$ 1,222.23
06/03/2021	Xcel Energy	EFT060321B*	Electric for Tower: 04/19/2021 - 05/18/2021	N	Water Utility	601-43180-381-	\$ 12.13
		Total For Check EFT060321B					\$ 12.13
06/03/2021	Xcel Energy	EFT060321C*	Gas for L/S 3 Generator: 04/19/2021 - 05/18/2021	N	Sewer Utility	605-43190-383-	\$ 26.78
		Total For Check EFT060321C					\$ 26.78
06/03/2021	Xcel Energy	EFT060321D*	Gas for L/S 2 Generator: 04/19/2021 - 05/18/2021	N	Sewer Utility	605-43190-383-	\$ 28.71
		Total For Check EFT060321D					\$ 28.71
Total For Selected Checks							\$ 37,360.25

As on 6/3/2021

Special Rev Projects

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Dock/Lift Permit Fee	0.00	16,500.00	16,500.00
Total Acct 322	0.00	16,500.00	16,500.00
Total Revenues	0.00	16,500.00	16,500.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Transfer To Governmental Fund			
Interfund Transfers	0.00	5,000.00	(5,000.00)
Total Acct 493	0.00	5,000.00	(5,000.00)
Total Other Financing Uses	0.00	5,000.00	(5,000.00)
Beginning Cash Balance		24,225.69	
Total Receipts and Other Financing Sources		16,500.00	
Total Disbursements and Other Financing Uses		5,000.00	
Cash Balance as of 06/03/2021		35,725.69	

As on 6/3/2021

Capital Project PW

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Receipts:			
Total Revenues	0.00	0.00	0.00
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Total Disbursements	0.00	0.00	0.00
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		123,615.31	
Total Receipts and Other Financing Sources		0.00	
Total Disbursements and Other Financing Uses		0.00	
Cash Balance as of 06/03/2021		123,615.31	

As on 6/3/2021

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Water			
Receipts:			
Water Fee	0.00	42,420.74	42,420.74
Penalty - Late Water/Sewer	0.00	487.75	487.75
State and Misc fees	0.00	1,404.80	1,404.80
Total Acct 341	0.00	44,313.29	44,313.29
Delinquent Water/Sewer Fees	0.00	468.51	468.51
Miscellaneous	0.00	5,790.79	5,790.79
Total Acct 361	0.00	6,259.30	6,259.30
Total Revenues	0.00	50,572.59	50,572.59
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Financial Administration			
Contracted Services	0.00	6,213.30	(6,213.30)
Total Acct 415	0.00	6,213.30	(6,213.30)
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	243.26	(243.26)
Newsletter			
Printing and Binding (351 through 359)	0.00	301.20	(301.20)
Total Acct 419	0.00	544.46	(544.46)
Water Utility			
Repair and Maintenance Supplies (221 through 229)	0.00	438.84	(438.84)
Contracted Services	0.00	32,582.05	(32,582.05)
Utility Services: Electric Utilities	0.00	77.41	(77.41)
Fees	0.00	1,720.00	(1,720.00)
Wtr/Swr Emergency			
Repair and Maintenance Supplies (221 through 229)	0.00	800.00	(800.00)
PROFESSIONAL SERVICES (301 through 319)	0.00	1,041.50	(1,041.50)
Contracted Services	0.00	19,983.56	(19,983.56)
Total Acct 431	0.00	56,643.36	(56,643.36)
MISCELLANEOUS			
Miscellaneous (431 through 499)	0.00	8,181.90	(8,181.90)
Total Acct 490	0.00	8,181.90	(8,181.90)
Total Disbursements	0.00	71,583.02	(71,583.02)
Other Financing Uses:			
Transfer To Enterprise Fund			
Interfund Transfers	0.00	35,000.00	(35,000.00)
Total Acct 493	0.00	35,000.00	(35,000.00)
Total Other Financing Uses	0.00	35,000.00	(35,000.00)
Beginning Cash Balance		69,874.41	
Total Receipts and Other Financing Sources		50,572.59	
Total Disbursements and Other Financing Uses		106,583.02	
Cash Balance as of 06/03/2021		13,863.98	

As on 6/3/2021

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Sewer			
Receipts:			
Penalty - Late Water/Sewer	0.00	358.30	358.30
Sewer Fee	0.00	47,349.36	47,349.36
Total Acct 341	0.00	47,707.66	47,707.66
Delinquent Water/Sewer Fees	0.00	468.51	468.51
Total Acct 361	0.00	468.51	468.51
MISCELLANEOUS REVENUES	0.00	10,821.14	10,821.14
Total Acct 362	0.00	10,821.14	10,821.14
Total Revenues	0.00	58,997.31	58,997.31
Other Financing Sources:			
Total Other Financing Sources	0.00	0.00	0.00
Disbursements:			
Postage/Postal Permits			
Refunds and Reimbursements	0.00	484.00	(484.00)
Total Acct 414	0.00	484.00	(484.00)
Office Operations Supplies			
Operating Supplies (211 through 219)	0.00	243.26	(243.26)
Total Acct 419	0.00	243.26	(243.26)
Utility Locates			
Contracted Services	0.00	214.70	(214.70)
Total Acct 428	0.00	214.70	(214.70)
Sewer Utility			
Sewer - Wastewater Charge	0.00	29,929.02	(29,929.02)
Contracted Services	0.00	21,860.04	(21,860.04)
Utility Services (381 through 389)	0.00	3,014.51	(3,014.51)
Utility Services: Gas Utilities	0.00	334.40	(334.40)
Total Acct 431	0.00	55,137.97	(55,137.97)
Unallocated Expenditures			
Miscellaneous (431 through 499)	0.00	300.00	(300.00)
Total Acct 492	0.00	300.00	(300.00)
Total Disbursements	0.00	56,379.93	(56,379.93)
Other Financing Uses:			
Total Other Financing Uses	0.00	0.00	0.00
Beginning Cash Balance		130,204.36	
Total Receipts and Other Financing Sources		58,997.31	
Total Disbursements and Other Financing Uses		56,379.93	
Cash Balance as of 06/03/2021		132,821.74	

PARKS AND OPEN SPACE INVENTORY AND MAINTENANCE PLAN

Drafted by the Birchwood Parks and Natural Resources Committee 2/2019

Updated and Adopted by the Birchwood City Council 2021

The purpose of this document is to inventory assets and outline maintenance needs for Birchwood's parks and open spaces.

INTRODUCTION

There is a total of 13.8 acres of park and public open space land within the boundaries of Birchwood Village. The City's park system contains four dedicated municipal parks (Tighe-Schmitz, Bloomquist Field, Wildwood Park and Polly's Park), six lake easements (Kay, Dellwood, Elm, Birch, Ash and Curt Feistner Reserve) providing access to White Bear Lake; and local trails (Jay, Ash, Bloomquist, Polly's, Birch and Grotto) and a multi-city trail (Lake Links).

GENERAL MANAGEMENT GOALS

The following are natural resource management concerns that affect many public spaces and need to be addressed:

- Buckthorn removal
- Diseased tree treatment and/or removal
- Other invasive species or diseases that affect our natural resources
- When maintenance is needed, replace painted bench boards with brown, treated lumber

PARKS

Tighe-Schmitz

Named for the first female mayor Lucy Tighe and long-time volunteer treasurer Clara Schmitz, Tighe-Schmitz Park (2.50 Acres) is located on the northeastern edge of the City. The park provides a hockey rink, open skating rink, football and soccer practice areas. The multi-purpose hockey rink provides for year-round use including in-line skating and basketball in the off-season. Adjacent to the skating rinks is a warming house. Children's playground equipment, and a picnic shelter complete the area. Adjacent to the picnic area, is a rain garden. Originally, Tighe-Schmitz Park was a wetland and purchased by the city for a wildlife refuge. To make it useable as a park, it has been filled at least twice. In past years, spring thaw and heavy rains caused portions of the park to be underwater and largely unusable for extended periods of time. Recent work done in Hall's Marsh two years ago has helped alleviate that some of the problem.

Amenities:

- Signage
- Playground equipment (built 1996)
- Swings (4)
- Benches
- Picnic Shelter
- Grills
- Picnic tables
- Soccer field
- Hockey arena
 - Rink (built 1997)

- LED lights installed 2019
- Parking lot paved 2020
- Warming house built 2013
- Pleasure skating rink
- Basketball backboards Installed 2018
- Port-a-potty
- Drinking fountain
- Dog waste bag station

Maintenance

Spring/fall

- Clean and inspect playground equipment
- Turn on/off drinking fountain (J Manship does)
- Clean benches

Monthly

- Weed/rake playground

As needed

- Paint port-a-potty surround
- Repair/paint tables, benches, signs
- Trim trees (including the evergreens that grow over the ice rink)
- Repair/paint hockey boards
- Add sand/pea gravel to playground
- Replace soccer/basketball nets
- Reroof shelter
- Fill waste bag station
- Check ball field backstop fence for integrity

Bloomquist Park

Bloomquist Park (1.50 Acres) is located at the intersection of Cedar Street and Birchwood Avenue. It was sold to the city by School District 78 when it abandoned a plan to build a school on the site. Al Bloomquist was our constable of 24 years. He also drove a school bus for a generation of village kids. Fittingly, the park is named after him. Double tennis/pickleball courts are located here, as well as playground equipment and benches.

Amenities:

- Signage
- Playground equipment (built 1996)
- Tennis/Pickleball Courts (2) (build 2010)
- Drinking fountain
- Dog waste bag station
- Fill waste bag station

Maintenance

Spring/fall

- Clean and inspect playground equipment
- Turn on/off drinking fountain (J Manship does)
- Clean benches

- Clear leaves off courts
- Monthly
 - Weed/rake playground
- As needed
 - Repair/Paint sign, benches
 - Trim trees around court fencing
 - Add sand/pea gravel to playground
 - Replace tennis nets

Polly's Park

Polly Shank was the driving force behind our beloved community treasure-- the Fourth of July Parade. Polly was also a fixture in the greater White Bear Lake community, including the White Bear Center for the Arts. The park (1.3 acres) is a wooded area which has some walking paths and serves as a temporary ponding area as part of the Priebe Lake Outfall Pipe system.

Amenities:

- Signage
- Maintenance
 - As needed
 - Trim trees
 - Add pea gravel to path
 - Clean catch basin netting

Wildwood Park

Wildwood Avenue Park (0.60 Acres) is located west of the midpoint of Wildwood Avenue. It is a wide open grassy area between the driving lanes of Wildwood Avenue. The City uses the park for its Fourth of July celebration.

Amenities:

- Signage
- Flag pole
- Bench
- Picnic table
- Faye Wiget memorial
- Maintenance
 - As needed
 - Trim trees
 - Paint benches/tables
 - Replace flag

Beaches/Lake Easements

Lake Easements (1.2 Acres total) were originally created to provide water access for firefighting. The six easements subsequently became public parks and beaches. Kay beach is the city's only designated swimming beach, while the remaining easements (Ash, Birch, Elm, Dellwood) have boat slip rentals

available by residents. Kurt Feistner Preserve easement is not developed. The easements are evenly spaced along Wildwood and Lake Avenue and are City owned and governed.

Amenities:

Curt Feistner Preserve
Signage

Ash Beach
Signage
Kayak racks
Adirondack chairs (2), bench

Birch Beach
Signage
Kayak racks
Rain garden
Swimming beach
Dog waste bag station
Bench, picnic table

Elm Beach
Signage
Kayak racks
Bench

Dellwood Beach
Signage
Kayak racks
Bench, picnic tables
Sandy beach

Kay Beach
Signage
Kayak racks
Swimming beach
Chairs, picnic tables

Maintenance

As needed
Repair/paint tables, benches, signs
Trim trees/brush
Add sand (Kay Beach)
Clean out rain garden (every five to ten years)
Clean up lake debris
Fill waste bag station
Birch rain garden--clean out silt every 5-10 years, last cleaned 2019

TRAILS AND WALKWAYS

Birchwood has several walkways located throughout the village (Ash, Birch, Grotto, Jay, and through Polly's and Bloomquist Parks).

The Lake Links trail, which borders White Bear Lake, runs through Birchwood Village as well. At this time the City is considering an alternative route. In the future, improvements may be needed to ensure the trail is safe for use. Future trail improvements should be considered with Lake Links in mind (ex. We would not want the lake Links trail to run along one side of the road, while a City trail runs along the other side). The trail is currently signed.

Amenities:

Ash Walkway

Signage

Woodchip path

Birch Walkway

Asphalt path

Grotto

Signage

Stairs/railing

Jay Path

Signage

Boundary fencing

Small bridge over drainage ditch

Bloomquist Path

Natural/ and class 5 tread pathway

Polly's Park path

Pea gravel path

Maintenance

Winter: clear snow off pathways

As needed

Replace pathway material

Clean up debris

Trim trees

Clear brush from Owl Street spillway (yearly)

OTHER PUBLIC SPACES

Village Hall Lot

This lot was purchased by the village for construction of a village hall. It was purchased from treasurer Lee Hall for \$661.40 in 1927. The hall was completed in 1932. The lot also houses a bell tower that memorializes the village's civil defense system during World War II. The back half of the lot, which contains part of the old street car right-of-way, is undisturbed and heavily wooded.

Amenities:

- Village Hall
- Bell tower
- Drainage Collection Area behind hall

Maintenance:

- Remove buckthorn
- Monitor runoff to ensure erosion does not undermine the city hall foundation

Hall's Marsh

Hall's Marsh (6.6 Acres) is named for one-time village president and treasurer Lee Hall. It is a dedicated nature preserve and is currently unimproved, although the Priebe Lake Outfall pipe discharges into it on the western end. Jay Path is located adjacent to the marsh on the southwestern edge. The area is generally open space and provides ponding, stormwater management and wildlife habitat.

Amenities: None

Maintenance:

- Remove invasive species (Buckthorn, Wild Garlic Mustard, Yellow Iris)

Lakewood Rearrangement Outlot

Lakewood Rearrangement, Out Lot A (0.2 Acres) is a 20-foot wide strip of land off White Pine Lane. It is the residual of the Birchwood Avenue right of way that was replatted when the current housing area was developed. It is unused and undeveloped at this time.

CONCLUSION

To be good stewards of both the land and taxpayer money, we should emphasize taking care of the spaces and amenities we have. Residents agree. When asked through surveying, the number one concern among residents was maintenance of our parks, trails, and beaches. To maintain our existing parks, trails, and open spaces to the level the community expects, funding levels for maintenance need to be reviewed and evaluated from time to time.

**THE CITY OF BIRCHWOOD VILLAGE
STORM WATER POLLUTION PREVENTION PROGRAM PLAN (SWPPP)**

202.100. ILLICIT DISCHARGE DETECTION AND ELIMINATION: PURPOSE AND OBJECTIVES. The purpose of this Ordinance is to provide for the health, safety and general welfare of the citizens of Birchwood Village through the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by the State and Federal Law. This Ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) MS4 permit process.

The objectives of this Ordinance are:

202.100.1. To regulate the contribution of pollutants to the municipal separate storm sewer system by stormwater discharges by any user.

202.100.1.2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system.

202.100.1.3. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this ordinance.

202.100.2. DEFINITIONS. For the purpose of this ordinance, the following terms shall have the following meanings:

202.100.2.1. Authorized Enforcement Agency: employees or designees of Birchwood Village or the Minnesota Pollution Control Agency (MPCA) as designated to enforce this Ordinance.

202.100.2.2. Best Management Practices (BMP's): Schedule of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best Management Practices also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

202.100.2.3. Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C., 1251 et seq.), and any subsequent amendments thereto.

202.100.2.4. Construction Activity: Activities subject to NPDES Construction Permits. These include construction projects resulting in land disturbance of one acre or more and projects that disturb less than one acre if they are part of a larger common plan of development. Such activities include but are not limited to clearing and grubbing,

grading, excavating, and demolition.

- 202.100.2.5. Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment, when improperly treated, stored, transported, disposed of, or otherwise managed.
- 202.100.2.6. Illicit Connections: An illicit connection is defined as either of the following: Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter a storm drain system including, but not limited to, any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City or, any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.
- 202.100.2.7. MPCA: Minnesota Pollution Control Agency
- 202.100.2.8. National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by the Environmental Protection Agency (EPA) (or by the State of Minnesota under the authority delegated pursuant to 33 U.S.C., 1342(b)) that authorizes the discharge of pollutants to Waters of the State, whether the permit is applicable on an individual, group, or general area-wide-basis.
- 202.100.2.9. Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of storm water.
- 202.100.2.10. Person: Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
- 202.100.2.11. Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquids, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

- 202.100.2.12. Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and boulevards.
- 202.100.2.13. Storm Drainage System: Publicly-owned facilities by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, infiltration, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
- 202.100.2.14. Storm Water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
- 202.100.2.15. Storm Water Pollution Prevention Plan (SWPPP): A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution and contamination at a site and the actions to eliminate or reduce pollutant discharges to Stormwater, Stormwater Conveyance Systems, and/or Receiving Waters to the maximum extent practicable.
- 202.100.2.16. City: Birchwood Village
- 202.100.2.17. Wastewater: Any water or other liquid, other than uncontaminated stormwater, discharged from a property.
- 202.100.2.18. Waters of the State: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of Minnesota or any portion thereof
- 202.100.3. APPLICABILITY. This Ordinance shall apply to all water entering the storm drain system generated on any developed or undeveloped lands unless explicitly exempted by an authorized enforcement agency.
- 202.100.4. RESPONSIBILITY FOR ADMINISTRATION. Birchwood Village shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted or duties imposed upon the MPCA may be delegated in writing by the City Engineer of Birchwood Village to persons or entities acting in the beneficial interest of or in the employ of the City.
- 202.100.5. ULTIMATE RESPONSIBILITY. The standards set forth herein and promulgated pursuant to this Ordinance are minimum standards; therefore this Ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.
- 202.100.6. DISCHARGE PROHIBITIONS.

202.100.6.1. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the municipal storm drain system or Waters of the State any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

202.100.6.1.1. The following discharges are exempt from discharge prohibitions established by this Ordinance: water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater, groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, swimming pools (if dechlorinated-typically less than one PPM Chlorine), fire fighting activities, and any other water source not containing pollutants.

202.100.6.1.2. Discharges specified in writing by the MPCA as being necessary to protect the health and safety.

202.100.6.1.3. Dye testing is an allowable discharge, but requires a verbal notification to the City clerk 48-hours prior to the start of the test.

202.100.6.1.4. The prohibition shall not apply to any non-stormwater discharge permitted under the NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or Federal EPA, provided that the other applicable laws and regulations, and provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

202.100.6.2. Prohibition of Illicit Connections.

202.100.6.2.1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

202.100.6.2.2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

202.100.6.2.3. A person is considered to be in violation of this Ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

202.100.7. SUSPENSION OF MS4 ACCESS.

202.100.7.1. Suspension due to Illicit Discharges in Emergency Situations. Birchwood Village

may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the City may take such steps as deemed necessary to prevent or minimize damage to the MS4 or the Waters of the State, or to minimize danger to persons.

- 202.100.7.2. Suspension due to the Detection of Illicit Discharge. Any person discharging to the MS4 in violation of this Ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access.
- 202.100.7.3. Restoration of Access. A person violates this Ordinance by restoring MS4 access to a premises that had access suspended or terminated pursuant to this Section. Restoration of access may only occur with prior written approval of the City.
- 202.100.8. MONITORING OF DISCHARGES.
- 202.100.8.1. Applicability. This section applies to all facilities that have stormwater discharges associated with industrial activity, or construction activity as defined in this Ordinance.
- 202.100.8.2. If an officer or agent of the City has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City may seek issuance of a search warrant from any court of competent jurisdiction.
- 202.100.9. REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORMWATER POLLUTANTS BY USE OF THE BEST MANAGEMENT PRACTICES. Birchwood Village has adopted requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or Waters of the State. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or Waters of the State through the use of these structural and non-structural best management practices. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural best management practices to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions

of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliant with the provisions of this section. These best management practices shall be part of a stormwater pollution prevention plan (SWPPP) as necessary for compliance with these requirements of the NPDES permit.

202.100.10. WATERCOURSE PROTECTION. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

202.100.11. NOTIFICATION OF SPILLS. Notwithstanding any other requirements of law, as soon as any person responsible for a property has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or Waters of the State, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such a release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. An owner or lessee is responsible for the residential property they own or occupy. For commercial and industrial property, responsible persons include an owner, but not be limited to the tenant, the operator, and an emergency response officer for the facility or operation. In the event of the release of non-hazardous materials, said person shall notify the City in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to Birchwood Village within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

202.100.12. ENFORCEMENT.

202.100.12.1. Whenever Birchwood Village finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City may order compliance by written Notice of Violation to the responsible person. Such a notice may require without limitation:

202.100.12.1.1. The performance of monitoring, analyses, and reporting;

202.100.12.1.2. The elimination of illicit connections or discharges;

- 202.100.12.1.3. The violating discharges, practices, or operations shall cease and desist;
- 202.100.12.1.4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property; and
- 202.100.12.1.5. Payment of a fine to cover administrative and remediation costs; and
- 202.100.12.1.6. The implementation of source control or treatment best management practices; and
- 202.100.12.1.7. The deadline within which to remedy the violation.
- 202.100.12.2. If the abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.
- 202.100.13. APPEAL OF NOTICE OF VIOLATION. Any person receiving a Notice of Violation may appeal the determination of the City. The notice of appeal must be received by the City within 15 days from the date of the Notice of Violation. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice to appeal. The decision of the Board of Supervisors shall be final.
- 202.100.14. ENFORCEMENT MEASURES AFTER APPEAL. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within the deadline extended by the decision of the City Council, then representatives of the City shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be declared unlawful for any person, owner, agent, or person in possession of any premises to refuse to allow the City or designated contractor to enter upon the premises for the purposes set forth above.
- 202.100.15. COST OF ABATEMENT OF THE VIOLATION. Within 30 days after the abatement of the violation, the owner of the property will be notified of the cost of the abatement, including administrative costs and a 25% surcharge, and the deadline to pay the abatement costs. The property owner may file a written protest objecting to the costs and payment terms of the abatement within 15 days. The appeal shall be heard by the City Council within 30 days from the date of the receipt of the notice of appeal. If the amount due is not paid within a timely manner as determined by the decision of the City Council after hearing the appeal, the charges will be filed with Washington County and shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

- 202.100.16. INJUNCTIVE RELIEF. The provisions of this Ordinance are intended to prevent the occurrence of events which would likely create immediate and irreparable harm to public facilities and the public health if they occurred. If a person has violated or continues to violate the provisions of this Ordinance, the authorized enforcement agency may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- 202.100.17. COMPENSATORY ACTION. In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the authorized enforcement agency may impose upon violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, lake and/or creek cleanup, etc.
- 202.100.18. VIOLATIONS DEEMED A PUBLIC NUISANCE. In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.
- 202.100.19. CRIMINAL PROSECUTION. Any person that violates this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, may be subject to the maximum fine and imprisonment allowed by State law. Each day on which such violation exists or continues, shall constitute a separate offense punishable to the maximum extent of the law. The authorized enforcement agency may recover all attorney's fees, court costs, and other expenses associated with the enforcement of this Ordinance, including sampling and monitoring expenses.
- 202.100.20. REMEDIES NOT EXCLUSIVE. The remedies listed in this Ordinance are not exclusive of any other remedies available under any applicable Federal, State, or Local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

ADOPTED BY ORDINANCE 2013-06-01; JUNE 11, 2013

ORDINANCE 2021-04-01

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

**AN ORDINANCE AMENDING PERMIT STANDARDS
IN THE CITY ZONING CODE**

The City Council of the City of Birchwood Village hereby ordains that Chapter 301 (Zoning Code: General Provisions) of the Municipal Code of the City of Birchwood Village is hereby amended to read as follows:

SECTION 301. ZONING CODE: GENERAL PROVISIONS

301.060. PERMIT STANDARDS. For building permits.

- A. The permit holder must otherwise comply with the requirements of Section 203 as it relates to Building Regulations.
- B. Deliveries of equipment and material to the site, work crews on site and construction and demolition activity are prohibited for permitted activity except between the hours of 7:~~3000~~ a.m. and 7:00p.m., Monday through Friday, and 9:00 a.m. and 6:00 p.m. on Saturday. Work is prohibited on Sundays and holidays.
- C. The permit holder must repair any damage to public property, streets, and sidewalks. If damage occurs to the foregoing, it must be repaired within three working days after the damage occurs, unless the permit holder has received written permission from the building official to delay repairs to a later specified date.
- D. The permit holder must maintain a five-foot parking setback from driveways and a 30-foot parking setback from intersections. When parking on a street, a vehicle must be completely located on the street surface, parallel to and within 12 inches of the curb. Vehicles in violation of these requirements may be towed in accordance with Minn. Stats. § 168B.035. On-street parking of equipment other than licensed motor vehicles is prohibited. Stopping, standing or parking a vehicle is prohibited, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:
 1. On a boulevard between the sidewalk and roadway;
 2. Within five feet of the intersection of any public or private driveway or alley with any street or highway;
 3. Where the vehicle will block a fire escape or the exit from any building;
 4. Where temporary signs prohibit parking.

Parking is allowed on local streets if a 12-foot wide area is open for the traveled portion of the road. Off-street and off-site parking for on-site workers is required to the extent practicable.

City Parks and Open Spaces shall not be used for parking vehicles or staging of any materials or equipment.

Any violation shall be prosecuted as a misdemeanor offense.

Police officers, community service officers, and City Staff shall be responsible for enforcing the parking requirements and parking regulations of this section.

- E. The site must be maintained in a neat and orderly condition. Prior to leaving the construction site at the end of each day, the permit holder must remove empty cans, paper, plastic and other material that is not needed for construction from the site or deposit them in a dumpster. The permit holder must sweep streets and boulevard areas and keep adjacent properties clean from waste, materials or refuse resulting from operations on the site. Inoperable equipment and equipment not being used on the site must be removed within 24 hours after it becomes inoperable or is no longer in use. All materials related to the project must be stockpiled in appropriate areas on-site.
- F. Deliveries of materials that need to be unloaded from a truck and transported to the project site will be done so with care and consideration of the pavement surface. Protection from a tractor or forklift consist of plywood or boards laid out to protect the pavement and removed after the load has been transferred. This also applies to trailers parked temporarily on roads or streets to unload equipment.
- G. No building material, temporary sanitary facilities, dumpster or equipment may be placed within street right-of-way, or on a sidewalk. Motor vehicles may not be parked or stopped on a sidewalk. Public sidewalks must be left open and unobstructed at all times.

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

Adopted by the City of Birchwood Village City Council this 11th day of May, 2021

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

MEMORANDUM



TO: Birchwood Village City Council
FROM: Justin McCarthy, Councilmember;
Mary Wingfield, Mayor
SUBJECT: Treasurer Position
DATE: June 2, 2021

Dear Council,

Tobin Lay has resigned his treasurer position, effective May 21, 2021. The City of Birchwood Village would like to thank Tobin for his contributions to the City over the past several years as both treasurer and administrator.

This resignation creates an opening for the Treasurer position. As of this time, Andy Gonyou is serving as Treasurer. Andy is our part-time clerk and adding these duties imposes an extreme burden on his time during certain periods.

We have spoken with Shelly Rueckert, Finance Director for Saint Anthony Village and she has offered to have Saint Anthony Village take over the duties of Treasurer, with her providing these services on behalf of Saint Anthony Village.

As many of you know, the City currently has an agreement with Saint Anthony Village to have Saint Anthony Village assist the City of Birchwood Village with reconciling our books. In addition, Saint Anthony Village processes our water bills. As a result of these agreements, Shelly and her team at Saint Anthony Village have a good understanding of our financials.

Furthermore, the staff at Saint Anthony Village have significant experience in public accounting. Shelly Rueckert has been Finance Director at Saint Anthony Village for about ten years and before that was Finance Director for Little Canada.

We recommend that the Council appoint Shelly Rueckert, acting on behalf of St. Anthony Village as Birchwood Village Treasurer. While we have not yet come to an agreement on compensation, we would make this appointment subject to us coming to a mutually acceptable agreement and contract with Saint Anthony Village. We will have details on the exact cost of this arrangement for the July meeting for Council's approval, but given the burden on Andy, we felt it best to move quickly on this appointment.

Thank you,
Justin McCarthy, City Councilmember
Mary Wingfield, Mayor

RESOLUTION 2021-14

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

**ACCEPTING TOBIN LAY'S RESIGNATION AS TREASURER AND
APPOINTING A NEW TREASURER**

At a regular meeting of the City Council of the City of Birchwood Village held in-person at City Hall on Tuesday, June 8, 2021, with the following members present: Mayor Mary Wingfield, Council Members Jon Fleck, Justin McCarthy, Mark Foster, and Kevin Woolstencroft, and the following absent: none, the Birchwood Village City Council resolved:

WHEREAS, the person acting as the City's Treasurer has resigned and the City of Birchwood Village is currently without a person in that role and,

WHEREAS, the City of Saint Anthony Village's _____, Shelly Rueckert and other representatives of the Finance Department of Saint Anthony Village, have significant public accounting experience and a familiarity with the financial state of the City of Birchwood Village and,

WHEREAS, The City of Birchwood Village has an interest in hiring, as Treasurer, persons with significant financial experience that already have a familiarity with the financials of the City of Birchwood Village, which promotes sound governance and continuity of operations.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Birchwood Village, that the City of Birchwood Village desires to have the duties of Treasurer performed by financial staff of the City of Saint Anthony Village and,

BE IT FURTHER RESOLVED, that the City of Saint Anthony Village is hereby appointed, pending satisfactory contract terms, to perform the duties of Treasurer on behalf of the City of Birchwood Village with Shelly Rueckert, Finance Director of the City of Saint Anthony Village, being nominally responsible for the duties thereof.

Resolution duly seconded and passed this 8th day of June, 2021.

Mary Wingfield, Mayor

Attest:

Andy Gonyou, City Administrator-Clerk

MEMORANDUM



TO: Birchwood Village City Council
FROM: Justin McCarthy, Councilmember
SUBJECT: Birch Brine Application
DATE: June 2, 2021

Dear Council,

In a recent City Council meeting, the effectiveness of the brine anti-icing solution on our roads was debated. I was tasked with discussing the matter with Birch, our winter maintenance contractor.

I had two conversations with Ryan Popp of Birch and he indicated that the primary goal of their application of brine is preventing buildup of compacted snow on the roads and their application criteria is geared toward that goal.

For large and heavy snows, Birch typically does not pre-apply any brine because in that case it would be such a large snow event that the brine would not be effective for such a long time. Birch indicated that the typical use case is to apply brine before nuisance snow events such as 1-2".

Additionally, the timing of the snow is a factor. For example, if the snow was going to be overnight, Birch would be less inclined to brine because they could plow it before significant vehicular traffic. If the snow was going to fall during the day, Birch would be more inclined to brine to prevent the buildup caused by the compaction.

Ryan also said that they change the composition of the brine mix depending on both the air temperature and the road temperature and Birch changes the mix by adding additives the colder it gets.

Ryan admitted that at times it was a manpower issue where Birch just couldn't brine because they didn't have enough staff.

I asked Ryan about his thoughts on the effectiveness and he indicated that the brine on Birchwood roads was not as effective as they saw on some of their customer's parking lots and he attributed that to the shade that we have in Birchwood. He did believe that despite these issues, it did have benefits and reduced compaction and also increased the effectiveness of the salt they put on afterwards. Ryan also indicated that he believed that we achieved a reduction in post-storm salting. While it may not have seemed to be effective, the reduction of the usage of salt and consequential leaching into the environment would be a benefit. According to MnDot pretreating can reduce salt usage by 20-30 percent.

Finally, he indicated that for next year they would make some adjustments to additive levels and look to increase the overall volume of brine used.

After talking with Ryan the first time, I did some research, including reviewing various materials from MN DOT such as <http://www.dot.state.mn.us/maintenance/pdf/research/AntiIcingGuide8Full.pdf> and the MN snow and Ice Control Handbook: <http://www.mnltap.umn.edu/publications/handbooks/documents/snowice.pdf>

Based upon my research, I believe that calibration of equipment, application rate, and temperature are important factors in the success of the brine application. During my second conversation with Ryan I was able to assess Birch's compliance with these factors:

1.) Calibration of equipment: Ryan indicated that they calibrate their equipment yearly and the rate is GPS controlled. This complies with MnDOT guidelines.

2.) Rate of application: They use 50/60 gallons per acre for pre-treat and 80/100 for post treat. They use a $MgCl_2$ solution with additives such as AMP. According to what I was able to determine, this corresponds to 34 gallons per lane mile, which exceeds the application rate of 15-25 gallons/lane mile that MnDOT recommends. However, MnDOT indicates that "these guidelines are a starting point. Reduce or increase rates incrementally based on your experience."

3.) Temperature: Ryan indicated that they won't apply brine below -5 degrees and depending on the temperature they increase the additive. Based upon MnDot guidance, $MgCl_2$ has a practical effective minimum of 0 degrees F. Given that they add additives, I believe that -5 degrees to be approximately accurate.

Conclusion

It appears that Birch mostly complies with MnDot guidelines for application of Brine. While the application rate seems a bit high, I am not convinced that my conversion between gallons/acre to gallons/lane mile is correct. Even if the conversion is correct, MN guidelines state that those rates are a starting point. Given the shade conditions in Birchwood and the hilly terrain, a higher application rate is probably appropriate.

I would recommend that the City instruct Birch to continue anti-icing for the 2021-2022 winter season in Birchwood based upon their plan to increase effectiveness by tweaking their application rates and formulas. Furthermore, while we might not see a difference, the reduction in salt applied afterwards is an unseen benefit.

Thank you,
Justin McCarthy
City Councilmember

MEMORANDUM



TO: Birchwood Village City Council
FROM: Andy Gonyou, City Administrator
SUBJECT: Rain Garden Maintenance
DATE: June 4, 2021

Dear Mayor and Council Members,

The City Attorney has prepared a document (attached) that may be used as a draft for a rain garden maintenance ordinance.

Request/Recommendation

Staff requests Council review the document prepared by the City Attorney and decide if the Council wishes to proceed with the ordinance adoption process, or make alterations.

Thank you,
Andy Gonyou
City Administrator - Clerk

Sec. 306.075. - Rain gardens in road right-of-way.

Purpose: Rain gardens collect stormwater runoff and prevent it from flowing directly into lakes, rivers and wetlands. They allow runoff to soak into the soil so sediments settle and plants absorb nutrients. They help filter out pollutants from water before entering the groundwater and prevent erosion by holding soil in place with their deep roots. They also attract birds and butterflies and require little watering and maintenance once established. It is the policy of the City of Birchwood Village to encourage their creation and responsible operation.

Definitions:

Rain gardens and bio-swales can serve both as landscaping and stormwater management features on a building site, where appropriately designed and sited. A rain garden is a shallow, depressed garden that is designed and positioned on a site to capture stormwater runoff and allow for the infiltration of water back into the ground. Rain garden plants are carefully chosen for their ability to withstand moisture extremes and potentially high concentrations of nutrients and sediments that are often found in stormwater runoff. A well designed and maintained rain garden serves as an attractive component of an overall landscaping plan for a development site.

A bio-swale is a linear, vegetative stormwater runoff conveyance system that is designed to store and infiltrate water from small storm events back into the ground and direct water from heavy rain events to appropriate storm sewer inlets or other management facilities. The flow of water being conveyed through a bio-swale is slowed down, allowing for municipal storm systems to more effectively manage heavier rain events and help reduce the risk of flooding on- or off-site. Water being infiltrated or conveyed via a bio-swale is also filtered by the vegetation within it, generally improving both ground and surface water quality.

(1) Requirements

Detailed plans shall be provided that show all proposed dimensions of the rain garden or bio-swale including length, width, depth, and slope of depression; location of the rain garden or bio-swale on the lot relative to hard-surfaced areas, downspouts, and site topography; characteristics of the soil underlying the rain garden or bio-swale; description of planting media; the species, number, and size at time of installation of all vegetation proposed for the rain garden or bio-swale in the bufferyard; and information on any other materials (e.g., rocks) that will be used to line the rain garden or bio-swale. The soil/planting mix depth should not be less than 1.5 feet deep and typically consist of a mixture of topsoil, sand and compost (i.e. mulch). The topsoil, sand and compost should be uniformly mixed by volume in a 50%, 30%, 20% mixture, respectively. For most areas, slopes should be limited to 3:1, maximum; however, where space is limited, 2:1 side slopes may be acceptable with approval from the City Engineer.

(2) Restrictions

Installation shall not be proposed for any of the following areas of a site:

a.

Areas where there is known soil contamination unless the rain garden or bio-swale is proposed to be constructed with an underdrain;

b.

Areas where the characteristics of the soil would not allow for the proper infiltration of water into the ground; or

c.

Areas where there are expected to be high levels of foot traffic.

(3) Owner Responsibility

The owner of the site shall demonstrate that the rain garden or bio-swale shall be properly maintained; kept free of trash, weeds, debris, and dead or dying plants; any pipes associated with the rain garden or bio-swale will be inspected on an annual basis and kept free of debris; and by the beginning of every spring dead plant materials will be cut back or removed.

(4) BMP credit

Rain gardens and bio-swales may serve as a component of an overall stormwater management plan for a site BMP only if detailed plans, calculations, and specifications are submitted. Detailed plans shall include the location and description of all other stormwater management facilities serving the site, particularly those to which any bio-swale will be directed.

- Sec. 306.0751. - Installation requirements.

Installation. Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan within 365 days of the issuance of an occupancy permit for any building on the subject property, unless a conditional use is approved to allow for greater than 365 days.

(a) Surety.

(1)

If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall sign an instrument agreeing to install the landscaping within the 730-day period and shall furnish to the City an irrevocable letter of credit or other form of security acceptable to the City sufficient to guarantee completion of the work. Such security shall be provided by the property owner at the time that the agreement is signed. It shall be in an amount equal to 110 percent of the estimated actual cost for all of the required elements of the approved site plan and shall specifically guarantee that all such elements shall be made and installed according to the approved site plan. The costs of the work shall be furnished by the property [owner] and shall be verified by the City. The financial security shall remain in force until all of the work has been completed and approved by the City. This agreement shall also contain a statement indicating that the property owner's failure to comply with the requirements of the terms of the agreement will constitute a violation of the chapter and subject the property owner to a fine upon conviction.

(2)

If the required landscaping and bufferyard materials are to be installed during different phases of a subdivision development, the developer may furnish for each phase financial security in an amount sufficient to guarantee completion of the landscaping and bufferyard work performed during a particular phase, unless the land division regulations requires otherwise.

(3)

If the property owner is a governmental unit, it may, in lieu of signing an agreement and furnishing a guarantee and file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this article.

(b) Native plants required

All landscaping and bufferyard areas shall be seeded with lawn or native groundcover unless such vegetation is already fully established.

(c) No obstructions allowed

Under no circumstance shall landscaping or bufferyard materials be selected or located in a manner resulting in the creation of a safety or visibility hazard.

(d) Maintenance Required

Maintenance. The continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials and plants are required. This requirement shall run with the property and shall be binding upon all future property owners. Development of any or all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this section. If the property owner fails to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. A property owner's failure to comply with this requirement shall also be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties.

(e) Right of Entry

City staff or designee has right of entry to all rain gardens in the right-of-way to ensure proper function of the feature.

(f) Civic Liability

The City of Birchwood Village shall have no liability for the rain garden or its associated features.